

**CITY OF SANTA BARBARA  
CITY COUNCIL**

**Helene Schneider**  
*Mayor*  
**Bendy White**  
*Mayor Pro Tempore*  
**Randy Rowse**  
*Ordinance Committee Chair*  
**Gregg Hart**  
*Finance Committee Chair*  
**Jason Dominguez**  
**Frank Hotchkiss**  
**Cathy Murillo**



**Paul Casey**  
*City Administrator*

**Ariel Pierre Calonne**  
*City Attorney*

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

**MAY 17, 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.santabarbaraca.gov/citytv](http://www.santabarbaraca.gov/citytv) for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

## **ORDER OF BUSINESS**

- 12:30 p.m. - Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 12:30 p.m. - Ordinance Committee Meeting, Council Chamber
- 2:00 p.m. - City Council Meeting
- 4:00 p.m. - Interviews for City Advisory Groups (Estimated Time)

### **FINANCE COMMITTEE MEETING - 12:30 P.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)**

**Subject: Finance Committee Review Of The Fiscal Year 2017 Recommended Budget (120.03)**

Recommendation: That the Finance Committee hear a report from staff regarding the following topics:

1. Proposed fee changes by Enterprise Funds (excluding utility rates) which would take effect on July 1, 2016.
2. Funding requests from community organizations.

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

**Subject: Recreational Vehicle Parking Regulations: Amendments To Address The Protection Of Sensitive Land Uses Under Municipal Code Chapter 10.44 (120.03)**

Recommendation: That the Ordinance Committee consider the two proposed forms of Recreational Vehicle Parking Ordinance Amendments and make recommendations to the City Council.

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

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### CEREMONIAL ITEMS

1. **Subject: Proclamation Declaring May 2016 As General Aviation Appreciation Month (120.04)**

### CHANGES TO THE AGENDA

### PUBLIC COMMENT

### CONSENT CALENDAR

### CITY COUNCIL

2. **Subject: Sole Source Purchase Order For B.I.G. Enterprises, Inc., Parking Attendant Kiosk For Stearns Wharf (550.08)**

Recommendation: That Council authorize the General Services Manager to issue a sole source purchase order as authorized by Municipal Code Section 4.52.060 (B) (2) to B.I.G. Enterprises, Inc., for a parking attendant kiosk located on Stearns Wharf, in an amount not to exceed \$43,384.

## CONSENT CALENDAR (CONT'D)

### CITY COUNCIL (CONT'D)

**3. Subject: Introduction Of Ordinance For The Approval Of A Building Encroachment Agreement At 6 State Street And 13 East Cabrillo Boulevard (330.10)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute an Encroachment Agreement to Virginia Castagnola-Hunter, as Trustee of the Virginia Castagnola-Hunter Trust Created u/d/t Dated February 20, 2002; Scott Hollister; George C. Hollister and Cathleen W. Hollister, Trustees of the GCH and CWH Trust; Catherine Wallenfels; Francesca Hunter; and Alexis Hunter Chernow, as Trustee of the Alexis Hunter Chernow Trust Created u/d/t Dated January 15, 2014; for Building Improvements on a Portion of 6 State Street (Santa Barbara County Assessor's Parcel Number 033-111-011) and 13 East Cabrillo Boulevard (Santa Barbara County Assessor's Parcel Number 033-111-012) That Will Encroach Into the Public Flood Control Easement.

**4. Subject: Introduction Of Ordinance To Quitclaim And Release The 1983 Flood Control Easement On 13 East Cabrillo Boulevard (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 Authorizing the City Administrator to Execute a Quitclaim Deed Releasing the 1983 Flood Control Easement on 13 East Cabrillo Boulevard, and to Record Same in the Office of the Santa Barbara County Recorder upon Recordation of the Final Order of Condemnation in Santa Barbara Superior Court Case Number 1469840, City of Santa Barbara v. Virginia Castagnola-Hunter, et al.

**5. Subject: Resolution For Master Agreement With Caltrans For Federally Funded Transportation Projects (670.05)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Public Works Director to Approve and Execute the Master Agreement Administering Agency-State Agreement for Federal Aid Projects, Agreement No. 05 5007F15, with the State of California, Acting By and Through the California Department of Transportation.

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

### CITY COUNCIL (CONT'D)

- 6. Subject: Issuance Of Subpoenas To Assess And Collect Any Transient Occupancy Taxes Owed By Short-Term Rentals And To Investigate The Effects Of Short-Term Rentals In Residential Neighborhoods (640.09)**

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

### SUCCESSOR AGENCY

- 7. Subject: Professional Services Agreement With Rincon Consultants, Inc., To Conduct Phase II Environmental Site Assessment At 125 Calle Cesar Chavez (330.03)**

Recommendation:

- A. That City Council allocate \$37,200 from the General Fund's Appropriated Reserve to the Successor Agency Fund, and increase appropriations and estimated revenues in the Successor Agency Fund, for a Phase II Environmental Site Assessment for 125 Calle Cesar Chavez to be repaid by the Successor Agency in Fiscal Year 2017; and
- B. That the Successor Agency execute a Professional Services Agreement with Rincon Consultants, Inc., in the amount of \$37,200 to conduct a Phase II Environmental Site Assessment at 125 Calle Cesar Chavez.

### NOTICES

8. The City Clerk has on Thursday, May 12, 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.

**This concludes the Consent Calendar.**

## **REPORT FROM THE FINANCE COMMITTEE**

## **REPORT FROM THE ORDINANCE COMMITTEE**

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### CITY ATTORNEY

**9. Subject: Revised Waterfront Hotel Development Agreement And Amendment To Chapter 28.95 Of The Zoning Ordinance (640.10)**

Recommendation: That Council:

- A. Make the California Environmental Quality Act findings specified in the conclusion of this Council Agenda Report;
- B. (Re)-Introduce, and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Development Agreement for the Waterfront Hotel By and Between the City of Santa Barbara and American Tradition, LLC; and
- C. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.95 of Title 28 of the Santa Barbara Municipal Code by Adding a Provision Relating to the Development Agreement Between the City of Santa Barbara and American Tradition, LLC.

### **PUBLIC HEARINGS**

**10. Subject: Renewal Of Levy For Fiscal Year 2017 For The Wildland Fire Suppression Assessment District (290.00)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Continue Vegetation Road Clearance, Implementation of a Defensible Space Inspection and Assistance Program, and Implementation of a Vegetation Management Program Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Approving the Engineer's Report; Confirming Diagram and Assessment; and Ordering Continuation of the Wildland Fire Suppression Assessment District for Fiscal Year 2016-17.

**11. Subject: Designation Of "The Olives" Residence, Our Lady of Sorrows Church, And The Dolores/Notre Dame School As City Landmarks (640.06)**

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating "The Olives" Residence at 2121 Garden Street as a City Landmark;

(Cont'd)

## **PUBLIC HEARINGS (CONT'D)**

### **11. (Cont'd)**

- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Our Lady of Sorrows Church at 33 East Sola Street as a City Landmark; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Dolores/Notre Dame School at 33 East Micheltorena Street as a City Landmark.

## **MAYOR AND COUNCIL REPORTS**

### **12. Subject: Interviews For City Advisory Groups (140.05)**

Recommendation: That Council:

- A. Hold interviews of applicants for various City Advisory Groups; and
- B. Continue interviews of applicants to May 24, 2016, and June 14, 2016.  
(Estimated Time: 4:00 p.m.)

## **COUNCIL AND STAFF COMMUNICATIONS**

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

## **PUBLIC COMMENT (IF NECESSARY)**

## **CLOSED SESSIONS**

### **13. Subject: Conference With Labor Negotiator (440.05)**

Recommendation: That Council hold a closed session pursuant to the authority of Government Code Section 54957.6 to consider instructions to City negotiators Kristine Schmidt, Administrative Services Director, and Bruce Barsook, Liebert Cassidy Whitmore, regarding negotiations with the General Bargaining Unit, Firefighters Association, Police Officers Association, and regarding salaries and fringe benefits for unrepresented management.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

## **CLOSED SESSIONS (CONT'D)**

### **14. Subject: Conference With City Attorney - Anticipated Litigation (160.03)**

Recommendation: That Council hold a closed session to consider initiating litigation pursuant to subsection (d)(4) of Section 54956.9 of the Government Code and take appropriate action as needed (one potential case).

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

### **15. 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 Linda Curtiss v. City of Santa Barbara; SBSC Case No. 15CV00345.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

## **ADJOURNMENT**

CITY OF SANTA BARBARA

**FINANCE COMMITTEE**

MEETING AGENDA

DATE: May 17, 2016

Gregg Hart, Chair

TIME: 12:30 P.M.

Bendy White

PLACE: David Gebhard Public Meeting Room  
630 Garden Street

Jason Dominguez

Paul Casey  
City Administrator

Robert Samario  
Finance Director

**ITEMS TO BE CONSIDERED:**

**1. Subject: Finance Committee Review Of The Fiscal Year 2017 Recommended Budget**

Recommendation: That the Finance Committee hear a report from staff regarding the following topics:

1. Proposed fee changes by Enterprise Funds (excluding utility rates) which would take effect on July 1, 2016.
2. Funding requests from community organizations.



# CITY OF SANTA BARBARA

## FINANCE COMMITTEE AGENDA REPORT

**AGENDA DATE:** May 17, 2016

**TO:** Finance Committee

**FROM:** Administration Division, Finance Department

**SUBJECT:** Finance Committee Review Of The Fiscal Year 2017 Recommended Budget

### RECOMMENDATION:

That the Finance Committee hear a report from staff regarding the following topics:

1. Proposed fee changes by Enterprise Funds (excluding utility rates) which would take effect on July 1, 2016.
2. Funding requests from community organizations.

### DISCUSSION:

On April 26, 2016 the Finance Committee approved a schedule for their review of certain elements of the Fiscal Year 2017 Recommended Budget. The Finance Committee review schedule is included as an attachment to this report.

At this meeting, staff will be discussing proposed changes to fees for services charged by Enterprise Funds (excluding utility rates) and funding requests from community organizations.

- ATTACHMENTS:**
1. Finance Committee Review Schedule
  2. Summary of Funding Requests from Outside Organizations
  3. Letter from Coalition Against Gun Violence
  4. Letter from Visit Santa Barbara
  5. Letter from County of Santa Barbara – 211 Helpline
  6. Letter from Downtown Santa Barbara
  7. Letter from PATH
  8. Letter from Landlord Liaison Partnership
  9. Letter from BEACON

**PREPARED BY:** Robert Samario, Finance Director

**SUBMITTED BY:** Robert Samario, Finance Director

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

**CITY OF SANTA BARBARA**  
**Finance Committee Review Schedule**  
**Mid-Cycle Budget for Fiscal Year 2017**

*Please Note: Meeting dates and times are subject to change on short notice*

Meeting Date and Time	Department
<b>Tuesday, April 26, 2016</b> 12:00 p.m. – 1:45 p.m.	<ul style="list-style-type: none"> <li>➤ Proposed Finance Committee Budget Review Schedule</li> <li>➤ Additional Topics for Review Identified by the Committee</li> <li>➤ March 31<sup>st</sup> Quarterly Investment Report (Non-Budget Item)</li> <li>➤ Streets Fund Budget Considerations (Non-Budget Item)</li> </ul>
<b>Tuesday, May 3, 2016</b> 12:30 p.m. – 1:45 p.m.	<ul style="list-style-type: none"> <li>➤ General Fund non-departmental revenues and assumptions</li> <li>➤ General Fund Multi-Year Forecast</li> </ul>
<b>Tuesday, May 10, 2016</b> 12:00 p.m. – 1:45 p.m.	<ul style="list-style-type: none"> <li>➤ General Fund departmental proposed fee changes</li> <li>➤ General Fund and Streets Unfunded Infrastructure Needs (Non-Budget Item)</li> </ul>
<b>Tuesday, May 17, 2016</b> 12:30 p.m. – 1:45 p.m.	<ul style="list-style-type: none"> <li>➤ Enterprise Fund proposed fee changes (excluding utility rates)</li> <li>➤ Funding Requests from Community Organizations</li> </ul>
<b>Tuesday, May 24, 2016</b> 12:00 p.m. – 1:45 p.m.	<ul style="list-style-type: none"> <li>➤ Follow up on items requested by Finance Committee</li> <li>➤ Staff recommended adjustments to recommended budget</li> <li>➤ Pension Information</li> <li>➤ Finance Committee Decisions for Recommendation to Council</li> <li>➤ FY 2016 Third Quarter Review (Non-Budget Item)</li> </ul>

Note: No Finance Committee meeting on May 31, 2016.

## FY 2017 Funding Requests from Community Organizations

	FY 2017 Request	Request Type
<b>Requests for General Fund Funding</b>		
Coalition Against Gun Violence - 2016 Santa Barbara Gun Buyback	\$ 25,000	one-time
Visit Santa Barbara - ongoing services	150,000	ongoing
County of Santa Barbara - 211 Helpline	22,186	ongoing
Downtown Santa Barbara - in support of Plaza maintenance services	33,700	one-time
PATH (Casa Esperanza) - Request for Ongoing Funding	125,000	ongoing
Landlord Liaison Partnership (Transition House program)	50,000	one-time
<b>Sub-total General Fund Funding Requests</b>	<b>\$ 405,886</b>	

### **Requests for Funding Outside the General Fund**

Beach Erosion Authority, Clean Ocean & Nourishment (BEACON) - 30% increase to annual dues (current dues paid by Waterfront)	4,500	ongoing
<b>Sub-Total Funding Requests Outside the General Fund</b>	<b>\$ 4,500</b>	

<b>TOTAL FUNDING REQUESTS</b>	<b>\$ 410,386</b>
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# COALITION AGAINST GUN VIOLENCE

• A Santa Barbara County Coalition •

January 2016

## Funding Needed for 2016 Santa Barbara Gun Buyback

Dear Mayor Schneider, City Council Members, Paul Casey, Chief Sanchez, and Sergeant Harwood,

The Coalition Against Gun Violence would like to inform you that **we are unable to fund a gun buyback in 2016**. CAGV undertook this task for the past two years but we do not have the fundraising capabilities to continue with this.

The successful buybacks in 2014 and 2015 resulted in the removal of 444 firearms from our communities, any of which could have caused a suicide, homicide, accidental death or injury. CAGV and the SBPD have proven that gun buybacks get results and help educate the community. These events were lauded in the community as great examples of community activists and city police working together to improve our safety. See the KEYT news report [here](#).

Unfortunately CAGV does not have the financial capability to continue funding this event. We would very much like to see this important community service event continue and CAGV would be happy to coordinate and publicize an annual gun buyback for this June. But we cannot provide the funding.

From our experience, the funding required for a gun buyback is approximately \$25,000 (\$5,000 for publicity and \$20,000 for the grocery store gift cards given out in exchange for working firearms). We hope that between the City and the Santa Barbara Police Department, you will be able to provide the necessary funds for this event in 2016.

Please let us know your thoughts on this as soon as possible. We very much hope to assist on another successful gun buyback in 2016.

Sincerely,

*Toni Wellen*, Chair  
Coalition Against Gun Violence



March 10, 2016

Mr. Paul Casey  
City Administrator  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

Dear Paul,

Thank you for your ongoing support of Visit Santa Barbara and the tourism industry. We appreciate and benefit from our partnership.

The role of Visit Santa Barbara has evolved in the last five years. While our primary responsibility is to market Santa Barbara, it is equally important that our customers have a positive experience during their travels here. As such, some of our funding is now spent on events and developing or supporting tourism-related infrastructure. While these activities boost our tourism marketing efforts, they are equally valuable to the community at large. With those goals in mind, we are respectfully requesting an additional \$150,000 in funds for the coming fiscal year, bringing the total to \$1,530,000.

In support of this request we would like to point out the following:

**Proportion of VSB Funding to TOT Collections**

As you are aware, the City of Santa Barbara has been generating significant increases in TOT revenues since 2010. In that year, the funding to Visit Santa Barbara was 10.9% of the total TOT collections. Yet, while TOT revenues climbed, the percentage of our funding proportional to the collections has consistently declined. In the last two years, we have only been receiving 6.6% of the total TOT collections.

**Evolving Role of VSB**

As referenced previously, Visit Santa has frequently been asked to fund programs outside of our traditional advertising campaigns. Here are some examples:

1. **Marketing commitments for airlines servicing Santa Barbara**

We are committing \$25K, this spring and another \$25K next fiscal year to promote the new Dallas service to SB to ensure that it remains successful and long term. Obviously this will benefit the whole community as well as our hospitality industry.

2. **Guaranteed Revenue Funds**

Visit Santa Barbara has stepped up and lead efforts to build an air service revenue guarantee fund, which will be used as a resource to pitch new air service to Santa Barbara. At this time, VSB has committed \$75K.

3. **Research**

Several years ago, Visit Santa Barbara funded a research campaign to demonstrate the benefits of the cruise ship industry. This research has been used by city staff to help communicate the benefits of the cruise ship industry to the local community. We plan to renew that study again this year.

4. **Events**

Visit Santa Barbara has sponsored numerous events in concert with other local organizations, including the Amgen TOC which is well received by the cycling community here and elsewhere.

5. **Visitor Services**

Visit Santa Barbara sponsors a wide range of visitor services programs such as the Downtown Host programs, weekly transportation to the Santa Ynez Valley, Visitor Centers, and our *I Am Santa Barbara* training program.

**Visitor Research**

We would not be submitting a funding increase request unless we knew that our marketing is effective and generates additional tax dollars for the city of Santa Barbara. In 2015, Visit Santa Barbara contracted a research company, Destination Analysts, to develop an understanding of the efficiency of our programs. The research objectives were two fold. First, to evaluate the advertising's reach and second, to calculate the return on investment.

We are happy to report that the results were more impactful than we initially expected them to be:

- \$94.7M in visitor spending was generated by our advertising campaigns
- The ROI per dollar invested was 83.8 : 1
- \$4.4M in taxes were generated by our advertising
- 71.9% report advertising is effective at portraying an attractive destination
- 45% of the advertising respondents were more likely to visit SB in the next 12 months as a result of advertising.

**Competition**

To maintain or even increase business and ultimately TOT and sales tax revenues, we must remain competitive. Currently, our major competitors have larger marketing budgets than we do.

- Palm Springs: \$13.1M (receives \$1.4 from various cities)
- Santa Monica: \$7M (receives \$2.6M from the City of Santa Monica)
- Newport Beach: \$6.9M (receives 18% of the total TOT collections which amounted to \$4.2M this year from the City of Newport Beach)
- Monterey \$6.9 (receives \$2.78M from local jurisdictions)

In closing, our \$1.5B tourism industry is still doing well, but there are always opportunities for improvement and new marketing avenues for us to pursue. Enhancing our marketing efforts now is more important than ever as travel economy trends begin to flatten and numerous new hotels are being developed in our community. Our added efforts today will help to stabilize and hopefully improve Santa Barbara's RevPAR and TOT growth over the upcoming years. We appreciate your consideration of our request and for your continued investment in Santa Barbara's economy.

Best,

Kathy Janega-Dykes  
President & CEO  
Visit Santa Barbara

**SALUD CARBAJAL**  
First District

**JANET WOLF**  
Second District

**DOREEN FARR**  
Third District, Vice Chair

**PETER ADAM**  
Fourth District, Chair

**STEVE LAVAGNINO**  
Fifth District



**COUNTY OF SANTA BARBARA**

**BOARD OF SUPERVISORS**  
County Administration Building  
105 East Anapamu Street  
Santa Barbara, CA 93101  
Telephone: (805) 568-2190  
[www.countyofsb.org](http://www.countyofsb.org)

March 3, 2016

Mayor Helene Schneider  
City of Santa Barbara  
735 Anacapa Street  
Santa Barbara, California 93101

Email: [hschneider@santabarbaraca.gov](mailto:hschneider@santabarbaraca.gov)

Dear Mayor Schneider,

I am writing to update you on the 211 Helpline and to request critical ongoing financial support from the City of Santa Barbara, for Fiscal Year 16-17, in the amount of \$22,186.00.

The 211 Helpline Service provides an easily accessible phone number and website where anyone can obtain free confidential information and referral to health and human services, 24-hours a day, 7-days a week in over 100 languages. Since November 2014, the Community Action Commission (CAC) has operated 211 countywide via a contract with the County of Santa Barbara. Since that time and based on feedback from cities regarding concerns with accurate information and internet accessibility, CAC has addressed all issues raised and has also made many exciting improvements to the 211 Helpline such as:

**Database Enhancement**

- A complete “data scrub” of the database occurred. All information in the management system was vetted for accuracy and comprehension.
- The number of providers in the database was increased by 22% representing 283 agencies and over 2,400 programs countywide.

**Website Development**

- A user friendly website was developed and now updates automatically as changes are made in the 211 information system.
- The website is available in multiple languages through the use of Google translate.
- Three other counties are designing their website after the Santa Barbara County model.
- The website address is [www.211sbco.org](http://www.211sbco.org).

**Service Usage**

- Over 5,200 residents called and received information (Santa Barbara 1,593 or 36.16% of all city calls).
- Over 3,500 people used the website for information countywide.
- 303 residents in crisis called and had a warm transfer call for suicide, mental health, sexual assault, disaster, and non-mental health emergency (211 Call Specialist remained on the line until the caller was connected to the crisis resource).

**Post Emergency Information**

- Provided post emergency information on local incidents to include fire(s), 101 closure, and sand bag distribution.

**Professional Coordination**

- Joined 211 California.
- Joined the National Alliance on Information and Referral Services (AIRS).
- Established the Central Coast Partners (Santa Barbara, Ventura, San Luis Obispo, and Monterey).
- Participated in a data alignment project with several California counties.

**Texting**

- One-way Texting of information provided by the 211 call center will be launched in February 2016.

The 211 Hotline and website is a vital service for our residents. There is no other place where this comprehensive and ever changing information is kept up to date for the benefit of all within our region. It has also provided a venue for people to get the most updated emergency information such as in a recent fire and preparation for El Nino. In addition multiple peace officers have stated that having 211 has made their job in the field easier by streamlining the referral process for people to much needed services.

The following is the budget to maintain the 211 Helpline and website services. Santa Barbara County staff is proposing that the County fund \$147,640 or 71% of the total program costs in fiscal year 16-17. This level of funding will be recommended to the Board of Supervisors in the development of the fiscal year 16-17 proposed budget.

**Revenues**

SB County Human Services	\$ 30,000.00
SB County Alcohol, Drug & Mental Health	\$ 18,400.00
SB County First 5	\$ 28,440.00
SB County Social Services	\$ 11,100.00
SB County Public Health	\$ 10,000.00
SB County General Fund	\$ 49,700.00

**Total Revenues**

\$147,640.00

**Expenses**

Salaries & Benefits	\$ 64,908.00
Operating Costs	\$ 50,612.00
Call Center Sub-Contractor	\$ 75,000.00
Indirect Costs	\$ 18,480.00

**Total Expenses**

\$209,000.00

**Total Shortfall**

\$(61,360.00)

I am requesting that your city contribute a proportional amount of the ongoing remaining \$61,360, I based on the number of serviced calls completed for each city in the year of 2015. The request of the City of Santa Barbara is \$22,186.00. The calculation is based on calls however, 3,500 residents county-wide also used the recently developed 211 website. Attached, you will find statistical information for your City and a summary of the funding request.

Page 3 of 3

Members of County staff and the Community Action Commission welcome the opportunity to provide a presentation to your City Council regarding improvements and advancements in the 211 services locally. I urge you and your fellow councilmembers to fund this critical program in the amount of \$22,186.00 during your upcoming budget deliberations. Please contact Terri Nisich at (805) 568-3400 to answer any questions you may have.

Thank you for your support.

Sincerely,



Doreen Farr

Vice Chair, Santa Barbara County Board of Supervisors

cc: Paul Casey, City Administrator

Attachments:

1. 211 Program Budget
2. Proposed Funding
3. City Statistics

**211 Program Budget**

**Direct Expenses**

Salaries & Benefits

Program Coordinator	\$39,925.00
Program Director	\$ 7,048.00
Administrative Assistant	\$ 579.00
Fringe Benefits @36.5%	<u>\$17,356.00</u>

Total Salaries & Benefits \$64,908.00

Operating Costs

Postage	\$ 100.00
Travel Expenses	\$ 6,200.00
Training	\$ 3,652.00
Telephone	\$ 900.00
Office Supplies	\$ 1,200.00
Equipment Lease	\$ 1,500.00
Reproduction	\$ 4,000.00
Printing	\$ 200.00
Intern Stipends	\$ 5,000.00
Miscellaneous	\$ 500.00
Marketing	\$11,000.00
Office Space Costs	\$ 3,480.00
General Liability Insurance	\$ 180.00
AIRS & 211 Dues	\$ 3,000.00
Website Hosting	\$ 5,200.00
I-Carol Subscription	<u>\$ 4,500.00</u>

Total Operating Costs \$50,612.00

Sub-contractor Costs

Call Center Sub-Contractor	<u>\$75,000.00</u>
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Total Sub-Contractor Costs \$75,000.00

**Total Direct Expenses \$190,520.00**

**Indirect Costs**

*Indirect Cost	<u>\$18,480.00</u>
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**Total Indirect Costs \$ 18,480.00**

**Total 211 Program Costs \$209,000.00**

*\*Federally approved indirect cost rate (overhead) of 9.7%. This includes all the administrative costs such as required insurance coverage, Worker's Compensation insurance, independent annual auditing costs, and fiscal and human resource functions.*

Proposed Funding

2-1-1 I & R 2015	Calls per City				Total	Percent of Calls	Amount Requested	FY14-15 City Contribution	FY15-16 City Contribution
	Jan-March 2015	April-June 2015	July-Sept 2015	Oct-Dec 2015					
Buellton	1	3	6	4	14	0.32%	\$ 195		
Carpinteria	35	23	23	30	111	2.52%	\$ 1,547	\$ 1,200	
Goleta	69	60	84	57	270	6.13%	\$ 3,763		
Guadalupe	7	10	22	11	50	1.14%	\$ 697		
Lompoc	190	139	184	184	697	15.83%	\$ 9,713		
Santa Barbara	483	332	392	385	1593	36.16%	\$ 22,186	\$ 20,000	\$ 16,000
Santa Maria	390	261	499	485	1635	37.13%	\$ 22,785		
Solvang	13	7	8	6	34	0.77%	\$ 474		
*County Only Other Cities/Non Stated	73	285	237	212	807		\$ 147,640		
					5210	100.00%	\$ 209,000	\$ 21,200	\$ 16,000

\* Other Cities/Non Stated numbers are not part of the percentage calculation per city.



A PRIVATE NONPROFIT

# Santa Barbara

## 2015



### Calls and Website Activity

Month	Calls	Sessions (Web)	New Users (Web)
January	165	-	-
February	170	-	-
March	149	-	-
April	99	-	-
May	89	-	-
June	144	-	-
July	111	405	328
August	131	765	637
September	150	571	437
October	132	456	354
November	118	687	509
December	135	705	577
<b>Total:</b>	<b>1,593</b>	<b>3,589</b>	<b>2,842</b>

Note: web sessions are countywide

#### First Time Calling 2-1-1 Santa Barbara\*

First Time Caller 457

#### Calling on the behalf of

83% Calling for self

7% Calling For Family Member

6% Professional calling

4% Calling for a friend /Neighbor

#### Of the 1593 calls, the following were crisis calls

104 Crisis – Mental Health / Suicidal

9 Domestic Violence

5 Medical (Not Mental Health)

4 Crisis- Sexual Assault

4 Disaster



A PRIVATE NONPROFIT

# Santa Barbara

## 2015



### Top 3 Overall City Needs:

Housing

Mental Health / Addictions

Legal Consumer and Public Safety Services \*\*

### Age of person in need\*

3% 18 Years and Younger

13% 19-29

46% 30-54

15% 55-61

23% 62+

### Income (does not account for family size \*)

2% Above Moderate Income (\$55K+)

5% Moderate (\$35 - \$55K)

13% Low Income (\$26K-\$35K)

80% Very low (below \$26K)

### Ethnicity\*

53%Caucasian

33%Hispanic/ Latino

6%African American/ Black

6%Multi Ethnicity

2%Native American

&gt;1% Asian under

### Language\*

92% English

8% Spanish

### Gender\*

70% Female

30%Male

\*Demographics not obtained on all callers as it is voluntary and demographics are not asked on crisis calls.

\*\***Legal, Consumer and Public Safety Definition:** programs that preserve the conditions that enable individuals to live in a safe and peaceful environment through the enforcement of laws that protect life and property; the operation of all aspects of the justice system; and the provision of public safety prevention and rescue programs. Also programs that protect consumers, and issue licenses, certificates and permits for services that affect the community

April 25, 2016

Mr. Paul Casey, City Administrator  
City of Santa Barbara  
Santa Barbara, CA 93101



Dear Paul:

Thank you for your time to meet with us last week to discuss the needed budget for the Plaza Contract for FY2016-17. We have continued to analyze our expenses associated with this Contract for Services, and have come to recognize that we are exceeding the budgeted costs. We have also identified numerous elements of work and services we are providing on a regular basis that are not included in the contract's scope. We are not in a position to subsidize or underwrite these services, in keeping with our non-profit purpose and legal BID requirements. We also do not recommend any significant reduction of maintenance services, as that would negatively impact the customer and visitor experience, and could ultimately negatively impact the businesses' bottom lines.

**Background:** We have worked diligently through the years to hold our expenses in line with approved budgets. Since significant budget reductions were implemented in 2008-2009, we have received an average 2-3% budget increase from the Parks Department annually. However, over time, this modest increase has not kept up with the costs of providing the Plaza services. For your understanding, we made significant accounting changes in mid-2015, including changing from cash to an accrual accounting basis, and aligning our budget with the City's fiscal year. This was done to better understand our costs and to more accurately recognize our revenues and expenses associated with this contract with the City. After submitting an initial proposed budget for FY 2016-17, I was informed by Parks Department staff that the proposed budget would need to remain the same as last year's budget with a 3% increase, for a total of \$655,902.

**Recommendation:** We recommend and request that the City of Santa Barbara provide additional one-time funding of \$33,700 in support of Plaza maintenance services, for a new proposed budget of \$689,602 for FY 2016-2017. This additional one-time funding will allow us to maintain current levels of service, and we propose to use the next six months to re-look at this contract, including evaluating our service levels, direct and indirect cost allocations, and the overall scope of services to better reflect the needs of the district, going forward. Thank you for your serious consideration and on-going support.

Regards,

A handwritten signature in cursive script that reads "Maggie Campbell".

Maggie Campbell  
Executive Director

Cc: Members of the City Council  
Jill Zachary, City of Santa Barbara Parks Department

April 3, 2016

The Honorable Mayor Helene Schneider and  
Santa Barbara City Council Members  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

**CC:** George Buell, Community Development Director  
Paul Casey, City Administrator/Clerk/Treasurer  
Sue Gray, Community Development Business Manager

**RE:** \$125,000 from City of Santa Barbara General Fund to support PATH in the operation of the year round shelter, formerly Casa Esperanza

Dear Mayor Schneider and Council Members:

Thank you for your long-term support of Casa Esperanza Homeless Center – we are grateful that your support has transitioned to PATH since the merger was completed last July.

**We respectfully request \$125,000 from the City of Santa Barbara General Fund to support PATH Santa Barbara** and its life-changing operations that assist our Santa Barbara homeless neighbors to address their barriers, improve their health, secure employment, and ultimately, make it home into permanent housing. We are thankful for discretionary/general funding last year, and are hopeful that it can continue into the 2016/17 Fiscal Year -- as it is imperative to meet our budget needs.

As you are aware, a critical part of our merger with Casa Esperanza was that the operations in Santa Barbara must remain self-funding. However, in the first 7 months of operating the program, PATH has subsidized Casa with \$118,000 of general operating funding not secured in Santa Barbara, due to projected revenues coming in lower than anticipated. Also, through our assessment since assuming day-to-day operations in July 2015, we have identified numerous critical needs that will require both capital and operating funding, which must be addressed to ensure that the program can run safely and effectively. The key needs are as follows:

- **Staffing:** In attempting to balance the budget over the past several years, Casa Esperanza reduced both operational and case management staffing to levels that PATH does not believe are viable to run a program that meets the needs of the most vulnerable members of our community, and actually help them exit into permanent housing (as opposed to cycling in and out of the shelter indefinitely). For the next fiscal year, we intend to add at least one case management position (\$43,750 including benefits), and have already added several part-time and on call positions to ensure that there are at least 2 staff on each shift to monitor and provide services to the residents (\$66,352 total annually). Over the long term, we would like to add several more case management positions as well.
- **Security:** PATH believes that 24/7 professional security services are an absolute necessity at an interim housing site of the size and population such as the Santa Barbara facility. We are retaining a firm that provides such services; it will cost approximately \$175,000 per year, which was previously

not budgeted. This is an expense that we believe is an absolute necessity to ensure the safety of our staff, residents, and neighbors.

- **Professional Cleaning:** Casa Esperanza previously relied on residents to provide daily cleaning of the facility. While PATH believes that chores can help provide residents with meaningful roles and accountability, we do not believe that this is sufficient to maintain the facility, particularly with the high number of medically frail, mobility impaired, or otherwise vulnerable residents who are unable to perform chores. For next year's budget, we have added a full-time Facilities Specialist position (\$38,125 including benefits).
- **Critical Facility Needs:** PATH retained an outside firm to conduct a Physical Needs Assessment (PNA) for the Santa Barbara facility. They estimated that, over the next two years, we need to plan for \$99,518 in capital expenses for the building. Additionally, we identified the following major needs for inside the facility:
  - o Major Appliance Replacements. This includes commercial washers and dryers. Also includes replacing the gas boiler.
  - o General Facility Maintenance. Miscellaneous repairs and maintenance to bathrooms, staff offices, roofing, plumbing, and the residential space.
  - o Kitchen Needs. Replace outdated or broken kitchen equipment and deal with plumbing issues.
  - o Create Additional Office Space. Convert the former family rooms to offices; needed as we continue to add case management staff.
  - o Resident beds. Replace wooden bunk beds that can be susceptible to bed bugs.
  - o Safety and Security. This includes upgrading the surveillance system, updating the fire panel system, and installing fire pipe bracing.
  - o Computers and Technology. Staff are primarily working on old, donated computers that need to be replaced.

All told, these expenses, plus those identified through the PNA, will cost **\$281,468** over the next few years.

- **Winter Shelter Operations:** When the number of residents doubles to 200 individuals on any given night, the staffing ratio also needs to increase. PATH has safety concerns, and does not believe we can continue to operate the Winter Shelter Program at the same staff/client ratio without additional funding to increase staffing. Appropriate staffing levels would cost an additional \$86,048 for the four months of Winter Shelter. Additionally, we have calculated a monthly increase of \$10,000 in operating expenses (supplies, food, utilities, etc.), for a total of \$40,000. Therefore, the cost of operating Winter Shelter is **\$126,048**. With all of the other needed investments and lack of sufficient revenues, we are concerned about our ongoing ability to operate the Winter Shelter component at the current funding level.

PATH will continue to aggressively fundraise to meet these needs. As Casa Esperanza described in last year's General Fund request, PATH has continued with two primary strategies of increasing revenue for the organization: private fundraising and seeking mechanisms for increased cost reimbursements from public funders.

Private fundraising from Santa Barbara has come in lower than was projected in the Fiscal Year 15-16 budget developed by Casa Esperanza prior to the merger. In response, we have restructured our Development Department to appoint our Senior Development Director to lead all fundraising activities in Santa Barbara, and thus anticipate that private revenue will increase in the future. Nonetheless, PATH is a new name in Santa Barbara and we believe that it may take a couple of years to realistically build up to the level at which Casa Esperanza was able to rely on private support for ongoing operations (over half of the annual operating budget).

Because of this, PATH has placed additional emphasis on working to increase public funding mechanisms, including reimbursement rates. We are actively working with the CEO's office and the County Departments that contract for beds at Casa. While they have agreed to pay a higher rate for beds, the total budget that most departments have available remains the same, so PATH will receive the same total dollar amount but will provide fewer beds. Clearly, this does not help the overall operating budget. However, we have been in numerous discussions with the Department of Behavioral Wellness, and because of PATH's significant experience in other communities, they are supporting us in pursuing Medi-Cal certification that will allow us to bill at much higher rates. This is a lengthy process and requires an up-front investment in clinical staffing, but in the long-term, we believe it is a critical step to ensure long-term sustainability of the Santa Barbara program. With this in mind, PATH is recruiting for a Director of Santa Barbara Programs who has the clinical expertise needed to operate such programs.

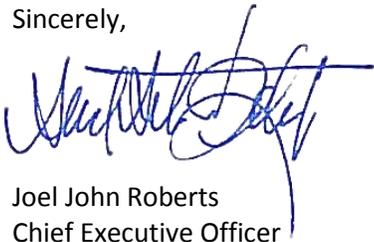
Through these efforts, over time, we are optimistic that we can significantly increase the revenue coming into Santa Barbara programs. However, we believe that in order to maintain an adequate number of non-dedicated beds that are available to the general homeless population of Santa Barbara (as opposed to program beds for specific populations such as those funded by Medi-Cal), an **ongoing** funding commitment will be needed from both the City and the County that is, at a minimum, level with General Fund allocations for the past two years.

PATH is committed to Santa Barbara, and to continuing to improve the operations of programs so that we can work towards ending homelessness in this community. We are truly grateful for the support of the City and County of Santa Barbara, but the success of our programs relies on the not only the continued, but ultimately *increased*, investment of public resources. Without increased public support, we simply will not be able to sustain out current levels of care.

It has also come to our attention that there may have been a sense that the previous requests were short-term or one-time in nature – we do not believe this to be the case. The interim housing programs are a much needed resource to help address homelessness in Santa Barbara, and we urge you to consider adopting the ongoing support of this resource into the City's annual budget.

The City's continuing support from the General Fund for PATH Santa Barbara in the amount of \$125,000 provides critical needed housing and services for this community. Please contact Katie Hill, Chief Operating Officer, at [katieh@epath.org](mailto:katieh@epath.org) or (323)644-2229 if you have any questions or need further information. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joel John Roberts". The signature is stylized and cursive, with a long horizontal line extending from the end.

Joel John Roberts  
Chief Executive Officer  
PATH



**LANDLORD LIAISON**  
PARTNERSHIP

April 21, 2016

Mayor Helene Schneider  
Santa Barbara City Hall  
735 Anacapa Street  
Santa Barbara, CA 93101

**RECEIVED**

APR 25 2016

MAYOR & COUNCIL OFFICE  
SANTA BARBARA

Dear Mayor Schneider,

Per our meeting, this letter requests that the City of Santa Barbara grant the Landlord Liaison Partnership (LLP), a program under the fiscal umbrella of Transition House, \$50,000 from the City of Santa Barbara's fiscal 2017 funds.

As discussed, this request is outside the Human Resources budgeting process and we realize that budgets are tight and other requests are many. However, LLP is truly a TRANSFORMATIVE program for Santa Barbara which will be a big step forward in two areas of dire need: homelessness and affordable housing. LLP is a once in a few decades chance to change the metrics of homelessness in Santa Barbara and LLP's model may also be expandable to much broader affordable housing applications.

#### **Background**

The City of Seattle created LLP in 2009 with the input of area landlords. The program provides landlords with a number of services to minimize the risk of housing a homeless tenant: reimbursement for most potential financial losses, guaranteed case management for tenants for at least a year, 24/7 hotline for landlords, mediation and eviction assistance, etc. LLP staffs a housing specialist that connects social service agency's housing ready clients with landlords and gets them housed.

Seattle has housed over 5,000 homeless people with private landlords in the first five years of the program. Oahu, Hawaii, and Santa Barbara are the first communities to fully replicate Seattle's program. Dozens of other communities have implemented portions of LLP.

A number of local organizations participated in the planning for an LLP program in Santa Barbara: Transition House, New Beginnings, PATH/Casa Esperanza, Salvation Army, the Housing Authority of the City of Santa Barbara, C3H, and Social Venture Partners. The 11,000 member Santa Barbara Rental Property Owners Association also provided input and has subsequently helped promote the program with landlords.

LLP was begun in Santa Barbara in late 2015. In just a few months, working with only three social service agencies initially, LLP has helped house 24 homeless people. Our program focuses on veterans and families but other homeless may also be housed. LLP projects to house 30-50 people in the first year and based on Seattle's results, strives to house homeless 300-500 per year in years four and five.

The potential impact of LLP goes far beyond these numbers. First, the average homeless person in Santa Barbara is homeless for over five years. LLP houses individuals and families deemed housing-ready so that they do not languish in the homeless shelter system, which is more costly to both social service and public agencies than successful housing placements with rental subsidy. Second, LLP houses the homeless in privately owned units, not publicly owned units as is mostly the case today. Private units make up 90% of the apartment units in the county. Finally, the LLP approach breaks down multiple barriers for homeless households seeking to rent in the community and presents a fresh approach to affordable housing solutions.

#### **Use of Funds**

The budget for 2016 is \$158,000 (attached). We have funding to last until later this year. The program needs the funding “runway” to prove just how incredibly impactful it can be. Funds will be used for general operations (primarily staff), case management and risk reduction funds for landlords. Current funders include: Housing Authority of the City of Santa Barbara, Ann Jackson Family Foundation, McCune Foundation, Santa Barbara Foundation, Towbes Foundation, Social Venture Partners, the Housing Authority of the County of Santa Barbara, and individuals donors.

#### **Rationale for Funding**

Albert Einstein said “you can never solve a problem on the level that it was created.” Despite some very good work by a lot of people and organizations, serious issues remain regarding homelessness and affordable housing. Using a housing locator model represents a national best practice for addressing the issue of homelessness.

The Landlord Liaison Partnership is out-of-the-box thinking with enormous impact potential. The odds of success are actually quite high based on Seattle’s experience and our own early results. Think of LLP not as just another funding request but as a “moon shot” opportunity for our community. Through LLP we can help change grim problems into one of our proudest achievements.

Thank you so very much for your consideration of this request. Please let us know if you need additional information.

Sincerely,



Glenn Bacheller, Partner  
Social Venture Partners



Susan O'Higgins, Director  
Landlord Liaison Partnership

Enclosure

# Landlord Liaison Partnership ATTACHMENT 8

## 2016 Budget

REVENUE SOURCES	Budget	YTD 03.31.2016
Housing Authority of City of Santa Barbara	\$35,000	\$ -
Social Venture Partners	\$20,000	\$ -
County of Santa Barbara Housing Authority	\$35,000	\$ 35,000.00
Ann Jackson Family Foundation	\$25,000	\$ -
Foundations/Trusts (SB Foundation)	\$33,600	\$ 25,000.00
Individual Donations	\$10,000	\$ -
<b>TOTAL PROGRAM REVENUE</b>	<b>\$158,600</b>	<b>\$ 60,000.00</b>

EXPENSES	Budget	YTD 03.31.2016
Salaries, Benefits, Payroll Taxes (1.5 FTE)	\$ 90,000.00	\$ 21,592.61
Consultants (case management)	\$ 34,000.00	
Landlord Risk Reduction Fund	\$ 6,000.00	\$ -
Marketing and Outreach (including website)	\$ 15,000.00	\$ 2,486.95
Training/Travel/Mileage	\$ 5,000.00	\$ 2,064.00
Administration	\$ 1,000.00	\$ -
Misc. ( supplies, telephone)	\$ 1,600.00	\$ 834.79
Grantwriting	\$6,000.00	
<b>TOTAL PROGRAM EXPENSES</b>	<b>\$158,600</b>	<b>\$ 26,978.35</b>
Net Income	\$ -	\$ 33,021.65
Retained Earnings from 2015		<b>\$ 71,775.55</b>
<b>TOTAL NET INCOME</b>		<b>\$ 104,797.20</b>

April 14th, 2016

BEACON  
800 South Victoria Avenue  
Ventura, CA 93009 - 1540

Subject: BEACON Membership Dues for Fiscal Year 2016/17

Dear BEACON Member Agencies:

BEACON was established in 1986 as a Joint Powers Agency (JPA) to address coastal concerns and beach preservation issues for the Santa Barbara and Ventura Counties and the coastal cities therein. Since BEACON's inception, it has operated on a shoestring budget funded through the annual membership dues and project specific grant funding when available. This strategy has subsequently maintained BEACON and allowed the successfully delivered of a number of beach nourishment capital projects and studies throughout its jurisdiction.

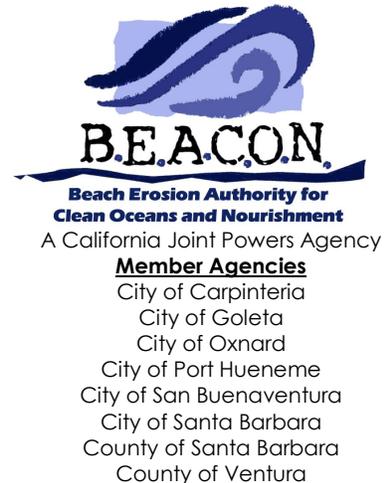
BEACON staff currently consists of:

- Executive Director – unfunded (currently pro-bono).
- Operations Manager/Program Manager – funded: local Consultant.
- Technical Advisor – funded: local Consultant.
- Legal Counsel – funded: Santa Barbara County Counsel's office.
- Financial/Accounting – funded: Ventura County Auditor Controllers Office.
- Administration – funded through reduction in annual dues: City of Ventura.
- Coastal Resilience Planning – funded: Consultant.

The effects of climate change and sea level rise on our coastline are becoming tangible issues for member agencies so BEACON, as a technical and regional planning resource needs to evolve to better serve its membership.

BEACON staff has already begun to increase its focus in this regard, however it requires additional time and technical expertise. The result has been a gradual increase in expenditures while annual revenues have remained the same. This imbalance will result in a 30% deficit in revenues projected for FY 16/17, which has to be made-up through a rapidly diminishing contingency balance. BEACON member agencies should therefore consider a strategy to increase annual membership dues for FY16/17. To this end, the table below reflects the current BEACON annual dues by member agency as well as a 10%, 20% and 30% increase in dues.

As a reminder, the BEACON dues are set in three categories, a County rate, a large city rate for Oxnard, Ventura and Santa Barbara and a small city rate for Carpinteria, Goleta and Port Hueneme. The dues have not been increased since FY 08/09. In addition, in consideration of the economic downturn, the dues were actually decreased for three concurrent years starting FY 09/10 in an amount of up to 15%. The **current** dues were resumed in FY 12/13.



**Santa Barbara Address:**  
105 East Anapamu, Suite 201  
Santa Barbara, CA 93101

**Ventura Address:**  
501 Poli St.  
P.O. Box 99  
Ventura, CA 93001

**Telephone:**  
(805) 662-6890

**Facsimile:**  
(805) 568-2982

**Email:**  
Office@Beacon.ca.gov

**Internet:**  
<http://www.beacon.ca.gov>

<b>BEACON Annual Membership Dues</b>				
Agency	Current Annual Dues	10% Increase	20% Increase	30% Increase
County of Ventura	\$18,000	\$19,800	\$21,600	\$23,400
County of Santa Barbara	\$18,000	\$19,800	\$21,600	\$23,400
City of Santa Barbara	\$15,000	\$16,500	\$18,000	\$19,500
City of Oxnard	\$15,000	\$16,500	\$18,000	\$19,500
City of San Buenaventura	\$10,000*	\$11,000*	\$12,000*	\$13,000*
City of Carpinteria	\$9,000	\$9,900	\$10,800	\$11,700
City of Port Hueneme	\$9,000	\$9,900	\$10,800	\$11,700
City of Goleta	\$9,000	\$9,900	\$10,800	\$11,700
<b>Total</b>	<b>\$103,000</b>	<b>\$113,300</b>	<b>\$123,600</b>	<b>\$133,900</b>

**\* Rate approved by BEACON Board in recognition of administrative resources provided by the City of San Buenaventura.**

As mentioned previously, the Draft BEACON Budget for FY 16/17 depicts a revenue versus expenditures deficit of 30%. This deficit can be attributed to:

- The lack of any dues increase for nine years.
- A deficit in grant funding available for BEACON general overhead.
- Incremental increases in the cost of services over the last nine years.
- The greater relevancy of BEACON in this time of climate change/sea level rise and the resulting need for expanded services to provide coastal resilience planning and additional technical expertise.

Therefore, I strongly urge during annual budget planning that member agencies recommend a 30% increase in the annual dues for BEACON to their councils and boards for FY 16/17. Please free to contact me at (805) 654-2703 or my Program Manager, Gerald Comati at (805) 962-0488 if you have any questions.

Sincerely,

Brian Brennan  
 Executive Director  
 805-654-2703  
 805-746-5999

cc: Janet Wolf, Chair BEACON

CITY OF SANTA BARBARA

**ORDINANCE COMMITTEE MEETING**

MEETING AGENDA

DATE: May 17, 2016  
TIME: 12:30 p.m.  
PLACE: Council Chambers

Randy Rowse, Chair  
Frank Hotchkiss  
Cathy Murillo

Office of the City  
Administrator

Office of the City  
Attorney

Kate Whan  
Administrative Analyst

Ariel Pierre Calonne  
City Attorney

**ITEMS FOR CONSIDERATION**

- 1. Subject: Recreational Vehicle Parking Regulations: Amendments To Address The Protection Of Sensitive Land Uses Under Municipal Code Chapter 10.44**

Recommendation: That the Ordinance Committee consider the two proposed forms of Recreational Vehicle Parking Ordinance Amendments and make recommendations to the City Council.



# CITY OF SANTA BARBARA

## ORDINANCE COMMITTEE AGENDA REPORT

**AGENDA DATE:** May 17, 2016

**TO:** Ordinance Committee

**FROM:** City Attorney's Office

**SUBJECT:** Recreational Vehicle Parking Regulations: Amendments To Address The Protection Of Sensitive Land Uses Under Municipal Code Chapter 10.44

### **RECOMMENDATION:**

That the Ordinance Committee consider the two proposed forms of Recreational Vehicle Parking Ordinance Amendments and make recommendations to the City Council.

### **DISCUSSION:**

On November 24, 2015, Council Members Rowse and Francisco sought and received Council authority (5-2, Mayor Schneider and Council Member Murillo opposed) for the Ordinance Committee to re-examine the City's existing Recreational Vehicle (RV) parking regulations. The November Council memorandum stated that the purpose of this referral was to extend the discretionary authority of the Public Works Director and Police Chief to restrict excessive on-street RV parking in negatively impacted neighborhoods. The memorandum also suggested that the extended authority might cover any "sensitive" land use.

By way of background, Santa Barbara Municipal Code (SBMC) section 10.44.205 authorizes the Public Works Director, with the advice of the Police Chief, to identify and post areas near certain land use types where "excessive" RV parking is incompatible with the public health and safety. Those land use types (i.e., schools, child care, parks, churches, etc.) have been described as "sensitive" because of their unusual and specific characteristics. The Council vigorously debated whether the term "sensitive" was too vague to be used to govern staff's discretion to regulate RV parking. Accordingly, the ultimate direction to staff provided direction to consider alternative regulatory options.

The Committee will recall that in 2015, Council amended SBMC section 10.44.205 in order to define "excessive" as meaning two or more recreational vehicles. Moreover, at the same time Council removed the prohibition on "temporary RV" parking because the code definition had become unacceptably vague under new federal court case law. At that time, we described the extensive history of the City's RV parking regulations. We

will repeat it here for reference because it is clear that the Council's previous policy was intended to limit staff's authority to post restricted RV parking areas as allowed by state law.

### History of the "No RV" Parking Ordinances

Recreational vehicle parking regulation in Santa Barbara has a lengthy and recent history of at least three lawsuits, including a pending case brought by Homes on Wheels.

On November 19, 2002, the City Council adopted Ordinance No. 5263 to, among other things, prohibit overnight parking (2 a.m. to 6 a.m.) of RVs and certain other large vehicles and trailers. Thereafter, in *Homes on Wheels v. City of Santa Barbara* (2004) 119 Cal.App.4<sup>th</sup> 1173, the Court of Appeal upheld (against a preemption argument) Santa Barbara's power under Vehicle Code section 22507 to regulate overnight RV parking. But the Court of Appeal also ruled that the City had failed to provide adequate notice of the RV parking regulations because it had not posted each street where the regulations might be applicable, relying instead on posting just 33 locations that the City Attorney had deemed to be "entrances" to the City.

On January 11, 2007, the City and Homes on Wheels reached a settlement agreement under which the City agreed to amend its overnight RV parking ordinance by making it applicable only in a defined area of the City's waterfront, where "entrance-only" signage would be posted.<sup>1</sup> The City also agreed to expand the Recreational Vehicle Safe Parking Program which was previously set forth in Resolution No. 05-072, adopted August 2, 2005. That program allows supervised overnight RV parking and habitation in certain public and private parking lots.

The City's actions in furtherance of the settlement were reflected in Ordinance No. 5411, adopted on February 6, 2007, and in Resolution No. 07-026, adopted on April 24, 2007 (which repealed and superseded Resolution No. 05-072). Ordinance No. 5411 amended SBMC section 10.44.200 to remove RVs from the citywide 2 a.m. to 6 a.m. large vehicle and trailer parking prohibition. It also implemented the agreed-upon "waterfront" area RV parking restrictions. Resolution No. 07-026 authorized the City Administrator to retain a nonprofit social service organization (New Beginnings Counseling Center -- NBCC) to administer the Recreational Vehicle Accommodation Program (Safe RV Parking Program) and further designated certain public lots for "temporary transitional use for overnight Recreational Vehicle accommodations."

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<sup>1</sup> The affected area is defined in SBMC 10.44.200 to be the area south of the U.S. 101 freeway and between Castillo Street and the eastern boundary of the City at the Andre Clark Bird Refuge and Coast Village Road.

On June 10, 2008, the Council received an update from NBCC on the Safe RV Parking Program. As part of that update, City staff briefed the Council on efforts by the Police, Public Works and the City Attorney's Office to address RV issues in the community. The update noted that "No RV Parking" signs had been posted around Alice Keck Park, Alameda Park, and Ortega Park due to traffic safety concerns. The update concluded by alerting Council that these departments were working on broader solutions to address unwanted RV intrusion into neighborhoods.

On November 11, 2008, the Public Works and Police Departments approached the Ordinance Committee with a new RV parking ordinance. The report noted increasing and significant public nuisance problems associated with RVs, such as lack of proper sanitation or fire safety protection, littering, excessive noise, placement by RV owners of personal belongings outside of RVs, and illegal dumping. The report also noted that there had been an increase in certain criminal activity in those areas outside the waterfront where overnight RV parking was no longer prohibited, while crime in the restricted waterfront areas had decreased. Staff proposed a new ordinance that would give the Public Works Director authority, upon consultation with the Police Chief, to "designate those streets (or portions thereof) as no parking for recreational vehicles where it is necessary to decrease parking by **excessive** numbers of such vehicles." Despite the mention of "excessive" in the staff report, no objective locational or quantitative criteria for restrictions on RVs were proposed in the actual text of the ordinance. The Ordinance Committee generally approved of the concept, but asked to see additional objective criteria for limiting RV parking.

Staff returned to the Ordinance Committee on December 9, 2008, with a revised proposal that limited the Public Works Director's authority to post no RV parking areas by prescribing that there must be an "excessive" number of RVs within 500 feet of certain sensitive land uses before no parking signs could be posted and enforced. The language allowed the Public Works Director, after "advice" from the Police Chief, to post no RV parking zones when there exists:

"an **excessive number** of such vehicles and to provide for the public health and safety, provided that the streets or street block faces so designated are located **within five hundred (500) feet** of at least one of the following land uses:

1. any School or Educational Institution;
2. any Child Care Center, Family Day Care Home, or Group Home;
3. any park, public library, or museum open to the public;
4. any community center or social service center, public or private;
5. any City or nonprofit recreational facility;
6. any Community Care Facility, Skilled Nursing Facility, health care facility, or hospital;

7. any homeless shelter;
8. any church or other religious facility;
9. any designated safe route to schools that would limit the locational and quantitative reach of the new ordinance.”

This language was approved by the Ordinance Committee and forwarded to the full Council. Council adopted the language as SBMC 10.44.205 (Ordinance No. 5475) on December 23, 2008. Since adoption, staff has used the ordinance extensively to post no RV parking zones in response to public complaints.

On August 4, 2011, Homes on Wheels again sued the City, this time alleging that the new (2008) ordinance reflected in SBMC 10.44.205 violated the equal protection, “travel,” and disability rights of certain named plaintiffs who wished to continue residing in RVs on City streets. The Santa Barbara Superior Court ultimately sustained the City’s demurrer to the Second Amended Complaint without leave to amend, thus ruling in the City’s favor. The Court flatly rejected the claim that the ordinance discriminated against the disabled; instead the Court found that the ordinance was neutral in its terms and applied equally to all RVs regardless of the disability status of the driver or occupants. The Court further rejected the notion that state or federal law created an obligation on the part of the City to create areas where disabled RV owners have an unqualified right to park. HoW did not appeal the trial court’s decision.

HoW sued the City a third time in 2015 in an action that duplicated the 2011 case. That suit was also dismissed. HoW appealed the dismissal and the case is now pending before the Court of Appeal.

### The Current Situation and Available Regulatory Options

Staff have engaged in serious discussions and factual analysis to identify two regulatory options. Staff discussions were founded upon a record of widespread and repeated public complaints to staff, generally from persons living in residential areas, about the nuisance and safety concerns they feel are posed by long-term RV parking adjacent to their stationary homes. These concerns include problems with litter, sewage disposal, and noise. Public concerns also arise due to the large size of many RVs, with attendant impacts on motor vehicle, bicycle and pedestrian safety. Some members of the public also articulate a generalized and unsubstantiated fear related to the transient nature of some RV dwellers.

Staff’s factual analysis focused upon the size and character of RVs, rather than the status of RV dwellers. With respect to size, RVs are often very large in relation to city streets and other vehicles. This poses line of sight and street width challenges, especially on Santa Barbara’s historic and narrow streets in older neighborhoods. With respect to the character, the troublesome characteristics of RVs arise from the fact that they are intended to be at least temporary dwelling spaces. City streets are not

designed or intended for human occupancy, even temporary in nature; there are no human sanitation facilities, there is no access to utilities, there is no private open space, and there is no access to garbage removal or postal services. The Committee should weigh and evaluate these facts in order to identify the health, safety and general welfare concerns which might support new regulations.

#### Option One: Add Locational Traffic Safety as a Criterion for No RV Parking Posting

The first approach identified by staff builds upon the existing street location identification system established in SBMC section 10.44.205. Quite simply, in addition to the categorical list of sensitive land uses, Council could add authority for the Public Works Director to post no RV parking signs in areas where it is necessary or desirable for traffic safety reasons. The specific language, set forth in Attachment 1 to this Report, provides, in pertinent part, that:

. . .the Public Works Director may designate those streets or portions of streets (including specific block faces) within the City where it is necessary to prohibit or restrict the stopping, standing, or parking of Recreational Vehicles in order to avoid the impairment or potential impairment of the safety of travel and passage by motor vehicles, bicycles or pedestrians. These streets or portions of streets (including block faces) may include, but are not limited to, those areas with narrow travel lanes or where sight distances may be impaired by large vehicles or other obstructions.

While the safety impairment determination requires judgment and discretion, it is quite specific in identifying the purpose and objective of no RV parking areas. We believe it is a reasonable and rationale standard for the exercise of staff discretion. Sign posting would be required in prohibited areas.

#### Option Two: Prohibit Oversized Vehicles

The second approach identified by staff would create a citywide ban on all oversized vehicle parking, subject to a series of special circumstance exemptions. This approach is used in many cities. The proposed size criteria provide:

“Oversized vehicle” means any vehicle, as that word is defined in state Vehicle Code Section 670, or a combination of connected vehicles, which exceeds twenty-five (25') feet in length, or eighty (80") inches in width, or eighty-two (82") inches in height, exclusive of such projecting lights or devices as are expressly allowed pursuant to the state Vehicle Code as it now exists or hereafter may be amended. Oversized vehicle shall not mean or include a pickup truck, which is less than twenty-five (25') feet in length and eighty-two (82") inches in height.

Staff believes these size criteria would encompass many RVs. Sign posting would be required.

An oversize vehicle prohibition would require several exceptions in order to be workable and practical. The staff proposal includes the following exceptions:

- Any oversized vehicle actively engaged in the loading or unloading of persons, materials, supplies or goods, in the delivery of goods, wares, merchandise, or other materials, or in the course of construction or other work at an adjacent residence or business;
- Any oversized vehicle to which a person is actively engaged in making temporary or emergency repairs;
- Any vehicle belonging to federal, state, or local government authorities, or a public utility, and any emergency vehicles as defined by state Vehicle Code Section 165;
- Any oversized vehicle properly displaying valid disabled placard or license plates issued by a governmental entity; or
- Any oversized vehicle that has been issued and is displaying a permit issued by the City.

The last exception category, i.e., oversized vehicles with City permits, would require funding for the Public Works Department to issue and administer issuance of City permits. Cost recovery would be provided through the imposition of a fee for a permit. Permits would be allowed for short-term periods (5 days at a time, not to exceed 10 days in any 90 day period). Permits would be available to residents, their visitors, and commercial enterprises providing services at the site.

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

The oversized vehicle ordinance approach would require Council to adopt cost recovery fees to cover the cost of issuing and managing a permit system. Each ordinance approach would create some financial impact through the sign posting requirements.

**ATTACHMENT(S):** 1. Traffic Safety Ordinance Option  
2. Oversized Vehicle Ordinance Option

**PREPARED BY:** Ariel Pierre Calonne, City Attorney

**SUBMITTED BY:** Ariel Pierre Calonne, City Attorney

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

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

**AN ORDINANCE OF THE COUNCIL OF THE CITY  
OF SANTA BARBARA AMENDING SECTION  
10.44.205 OF THE SANTA BARBARA MUNICIPAL  
CODE WITH RESPECT TO RECREATIONAL  
VEHICLE PARKING**

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

SECTION 1. Section 10.44.205 of Chapter 10.44 of Title 10 of the Santa  
Barbara Municipal Code is amended to read as follows:

**10.44.205 Public Works Director Authority to Regulate Parking of Recreational  
Vehicles.**

A. RECREATIONAL VEHICLES. For the purposes of this section, the term  
“Recreational Vehicle” shall be as defined in Section 18010 of the state Health and  
Safety Code, as it is presently enacted or hereafter amended.

B. AUTHORITY OF PUBLIC WORKS DIRECTOR – PARKING OF  
RECREATIONAL VEHICLES NEAR DESIGNATED LAND USES. In accordance with  
the authority provided by state Vehicle Code Section 22507, the Public Works Director,  
upon the advice of the Chief of Police, may designate those streets or portions of  
streets (including specific block faces) within the City where it is necessary to prohibit or  
restrict the stopping, standing, or parking of Recreational Vehicles in order to decrease  
parking by an Excessive number of such vehicles and to provide for the public health  
and safety, provided that the streets or street block faces so designated are located  
within five hundred (500) feet of at least one of the following land uses:

1. any School or Educational Institution, provided further that the Public Works Director shall post all of the streets or portions of streets in the City within five hundred (500) feet of any School or Educational Institution to prohibit stopping, standing or parking a Recreational Vehicle;

2. any Child Care Center, Family Day Care Home, or Group Home;

3. any park, public library, or museum open to the public;

4. any community center or social service center, public or private;

5. any City or nonprofit recreational facility;

6. any Community Care Facility, Skilled Nursing Facility, health care facility, or hospital;

7. any homeless shelter;

8. any church or other religious facility;

9. any designated safe route to schools.

C. AUTHORITY OF PUBLIC WORKS DIRECTOR – PARKING OF RECREATIONAL VEHICLES IN AREAS WHERE MOTOR VEHICLE, BICYCLE, OR PEDESTRIAN SAFETY MAY BE IMPAIRED. In accordance with the authority provided by state Vehicle Code Section 22507, the Public Works Director may designate those streets or portions of streets (including specific block faces) within the City where it is necessary to prohibit or restrict the stopping, standing, or parking of Recreational Vehicles in order to avoid the impairment or potential impairment of the safety of travel and passage by motor vehicles, bicycles or pedestrians. These streets or portions of streets (including block faces) may include, but are not limited to, those areas with

narrow travel lanes or where sight distances may be impaired by large vehicles or other obstructions.

DG. NOTICE OF RESTRICTIONS. When signed or marked in accordance with state Vehicle Code requirements, no person shall stop, stand, or park a Recreational Vehicle in or on any street, portion of street or block face so designated generally (where designated) or in violation of any hourly restrictions so signed or marked.

ED. MEASUREMENT OF DISTANCE. For the purposes of this Section, distance shall be measured in a straight line, without regard to intervening structures or objects, and shall be based on property lines or street right-of-way lines.

EE. DEFINITIONS. Capitalized terms used herein shall be construed and applied as defined by Title 28 of the Santa Barbara Municipal Code. The term “Excessive” shall mean two or more vehicles.

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

**AN ORDINANCE OF THE COUNCIL OF THE  
CITY OF SANTA BARBARA AMENDING THE  
MUNICIPAL CODE BY ADDING SECTION  
10.44.220 WITH RESPECT TO OVERSIZED  
VEHICLE PARKING**

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  
amending by adding Section 10.44.220 which read as follows:

**10.44.220 Restriction of Oversized Vehicle Parking.**

A. DEFINITIONS. "Oversized vehicle" means any vehicle, as that word is  
defined in state Vehicle Code Section 670, or a combination of connected vehicles,  
which exceeds twenty-five (25') feet in length, or eighty (80") inches in width, or eighty-  
two (82") inches in height, exclusive of such projecting lights or devices as are expressly  
allowed pursuant to the state Vehicle Code as it now exists or hereafter may be  
amended. Oversized vehicle shall not mean or include a pickup truck, which is less  
than twenty-five (25') feet in length and eighty-two (82") inches in height.

B. RESTRICTION ON OVERSIZED VEHICLE PARKING. No person shall  
park or leave standing any oversized vehicle on any streets or portions of streets,  
except as provided in Subsection C. of this section.

C. EXCEPTIONS. This section shall not apply to:

1. Any oversized vehicle actively engaged in the loading or unloading of  
persons, materials, supplies or goods, in the delivery of goods, wares, merchandise, or

other materials, or in the course of construction or other work at an adjacent residence or business;

2. Any oversized vehicle to which a person is actively engaged in making temporary or emergency repairs;

3. Any vehicle belonging to federal, state, or local government authorities, or a public utility, and any emergency vehicles as defined by state Vehicle Code Section 165;

4. Any oversized vehicle properly displaying valid disabled placard or license plates issued by a governmental entity; or

5. Any oversized vehicle that has been issued and is displaying a permit issued pursuant to subsection D.

D. PERMITS. An oversized vehicle may be parked on a highway in a residential area or a commercial area if an oversized vehicle parking permit is issued by the City pursuant to the following:

1. Purpose. The purpose of authorizing the issuance of oversized vehicle parking permits is to allow a resident, out-of-town visitor, or commercial enterprise to park on a highway adjacent to the residence where he or she lives, is visiting, or conducting business, respectively, for a designated time period.

2. Issuance of Permits. Oversized vehicle parking permits shall be issued by the Public Works Director, or his or her designee.

3. Requirements for Oversized Vehicle Parking Permits. Any City resident, out-of-town visitor to a resident, or commercial enterprise operating within the City may

obtain an oversized vehicle parking permit authorizing the resident, visitor or commercial enterprise to park an oversized vehicle on streets or portions of streets (including specific block faces) adjacent to a specified residence where he or she lives, is a guest, or a location where the enterprise is conducting business, respectively.

4. Application Forms--Fees. Each applicant desiring an oversized vehicle parking permit shall file with the Public Works Director a completed City application form and pay an application fee approved by City Council Resolution.

5. Description of Permits. Oversized vehicle parking shall be issued on a form approved by the Public Works Director, and shall include the license plate number of the oversized vehicle to which it relates, the address or location the vehicle is approved to park, and the dates of issuance and expiration of the permit.

6. Display. All permits shall be placed at the lower driver's side of the windshield of the oversized vehicle to which it relates, so it is clearly visible from the exterior of the oversized vehicle.

7. Oversized Vehicle Permit--Duration-- Renewal. An oversized vehicle parking permit shall be valid for a period not to exceed five (5) consecutive calendar days. A resident may apply for and be granted an extension if the resident or commercial enterprise still qualifies under the conditions set forth herein. In no event shall oversized vehicle parking permits be issued to a specific residence for a total period in excess of ten (10) days within any consecutive ninety (90) day period.

E. NOTICE OF RESTRICTIONS. When signed or marked in accordance with state Vehicle Code requirements, no person shall stop, stand, or park an oversized

vehicle in or on any street, portion of street or block face so designated generally  
(where designated).



## PROCLAMATION

### GENERAL AVIATION APPRECIATION MONTH

May 2016

*WHEREAS, the City of Santa Barbara, California has a significant interest in the continued vitality of general aviation, aircraft manufacturing, aviation educational institutions, aviation organizations and community airports; and*

*WHEREAS, general aviation and the Santa Barbara Municipal Airport have an immense economic impact on the City of Santa Barbara, and general aviation in California contributes over \$30.2 billion to the state's total economic impact; and*

*WHEREAS, California is home to 215 public-use general aviation airports serving 56,841 FAA certified pilots and 29,211 FAA registered aircraft, and home to 631 repair stations, 505 heliports, 66 FAA-approved pilot schools, 12,033 flight students and 9,452 flight instructors; and*

*WHEREAS, general aviation it improves overall quality of life by supporting emergency medical and healthcare services, law enforcement, firefighting and disaster relief, and by transporting business travelers to their destinations quickly and safely; and*

*WHEREAS, the nation's aviation infrastructure represents an important public benefit, and Congressional oversight should be in place to ensure stable funding of this system;*

**NOW, THEREFORE, I, HELENE SCHNEIDER, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California, do hereby proclaim general aviation a vital strategic resource to the City of Santa Barbara and declare MAY as **GENERAL AVIATION APPRECIATION MONTH.****

*IN IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 17<sup>th</sup> day of May 2016.*

**HELENE SCHNEIDER**

Mayor





# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 17, 2016

**TO:** Mayor and Councilmembers

**FROM:** Facilities Division, Waterfront Department

**SUBJECT:** Sole Source Purchase Order For B.I.G. Enterprises, Inc., Parking Attendant Kiosk For Stearns Wharf

### RECOMMENDATION:

That Council authorize the General Services Manager to issue a sole source purchase order as authorized by Municipal Code Section 4.52.060 (B) (2) to B.I.G. Enterprises, Inc., for a parking attendant kiosk located on Stearns Wharf, in an amount not to exceed \$43,384.

### DISCUSSION:

The Waterfront Department operates eight parking lots with a total of approximately 2,580 parking stalls. Three of the parking lots - Stearns Wharf, Leadbetter, and Harbor Main - have staffed kiosks. The Harbor Main parking lot is staffed twenty-four hours a day and 365 days a year. Stearns Wharf and Leadbetter kiosks are staffed during the day year around.

The parking attendant kiosk located at the foot of Stearns Wharf was installed in 1986. With approximately 250,000 vehicles accessing the wharf every year, the parking attendant kiosk plays a vital role for revenue collection, traffic control, and information for visitors. The existing kiosk is small and only accommodates one employee comfortably and is not considered accessible per the Americans with Disabilities Act (ADA). The kiosk leaks to the extent it does not provide adequate shelter for staff during inclement weather and has limited space for the parking revenue control equipment. The kiosk has exceeded its useful life and is in need of replacement.

In reviewing options for replacing the kiosk, Department staff consulted with Downtown Parking. Downtown Parking recently replaced a kiosk at Lot 4 using a pre-fabricated structure from B.I.G. Industries, Inc. (B.I.G.), a company that offers a variety of pre-fabricated facilities commonly used in parking lots and similar venues. Waterfront staff selected three different styles for consideration by the Architectural Board of Review (ABR). ABR and staff worked together and selected the Santa Monica style kiosk with colors matching the Sea Center to maintain architectural consistency on Stearns Wharf.

Council Agenda Report

Sole Source Purchase Order For B.I.G. Enterprises, Inc. Parking Attendant Kiosk For Stearns Wharf

May 17, 2016

Page 2

The Santa Monica style kiosk is larger than the existing kiosk and will accommodate staff and equipment necessary to manage parking on Stearns Wharf. The kiosk will remain in the same general location at the foot of Stearns Wharf and has been designed to be ADA compliant. ABR approved the Stearns Wharf kiosk on January 14, 2016. The project also falls under the purview of the Coastal Commission and was approved on April 15, 2016.

B.I.G. is located in El Monte, California. They design and fabricate the Santa Monica style kiosk and is the sole supplier. Based on staff research, their pre-fabricated kiosks are considerably less expensive than custom kiosks. ABR and Coastal Commission approvals commit the Waterfront to the Santa Monica style kiosk fabricated solely by B.I.G. The total cost of the kiosk installed on Stearns Wharf is \$39,440. Staff recommends adding a 10% contingency to the purchase order for a total cost of \$43,384.

Funding for the purchase of the Stearns Wharf Parking Attendant kiosk equipment is included in the Waterfront Department Capital Budget.

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

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 17, 2016

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Introduction Of Ordinance For The Approval Of A Building Encroachment Agreement At 6 State Street And 13 East Cabrillo Boulevard

### **RECOMMENDATION:**

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute an Encroachment Agreement to Virginia Castagnola-Hunter, as Trustee of the Virginia Castagnola-Hunter Trust Created u/d/t Dated February 20, 2002; Scott Hollister; George C. Hollister and Cathleen W. Hollister, Trustees of the GCH and CWH Trust; Catherine Wallenfels; Francesca Hunter; and Alexis Hunter Chernow, as Trustee of the Alexis Hunter Chernow Trust Created u/d/t Dated January 15, 2014, for Building Improvements on a Portion of 6 State Street (Santa Barbara County Assessor's Parcel Number 033-111-011) and 13 East Cabrillo Boulevard (Santa Barbara County Assessor's Parcel Number 033-111-012) That Will Encroach Into the Public Flood Control Easement.

### **BACKGROUND:**

As part of the Cabrillo Boulevard Bridge Replacement Project (Project), the City acquired public flood control easements over a portion of 6 State Street and 13 (aka 15) East Cabrillo Boulevard (Real Property). The City's Project caused a portion of the existing building on the Real Property to be demolished and require reconstruction.

The redevelopment of the Real Property was approved by the Planning Commission on September 2, 2010, and received a Coastal Development Permit, which included some encroachments into flood control easements.

### **DISCUSSION:**

The owners of the Real Property have received a building permit to reconstruct the existing building as a two-story building. A portion of the second-story roof and faux balcony encroach two feet into the public flood control easement (Attachment 1). Additionally, there is a two-foot wide stormwater retention trench that falls entirely within the flood control easement (Attachment 2). Over a portion of the easterly side of 6 State

Street, a portion of the second-story balcony overhangs the flood control easement by approximately three feet and a portion of the roof extends into the flood control easement by approximately three feet (Attachment 3).

An Encroachment Agreement (Agreement) has been approved as to form by the City Attorney and executed by the property owners. The terms of the Agreement will run with the property and provide constructive notice to all future interested parties concerning the encroachments allowed by the City, including the property owners or their successors. The Agreement states that the property owners are responsible for maintenance and liability of the encroachments. In addition, the Agreement will allow for the partial or entire removal of the encroaching building improvements, and partial or full termination of the Agreement should the encroachments conflict with work required by the City, or its assignee. It is anticipated that these improvements encroaching into the easement will be long term and that future conflict is unlikely to occur.

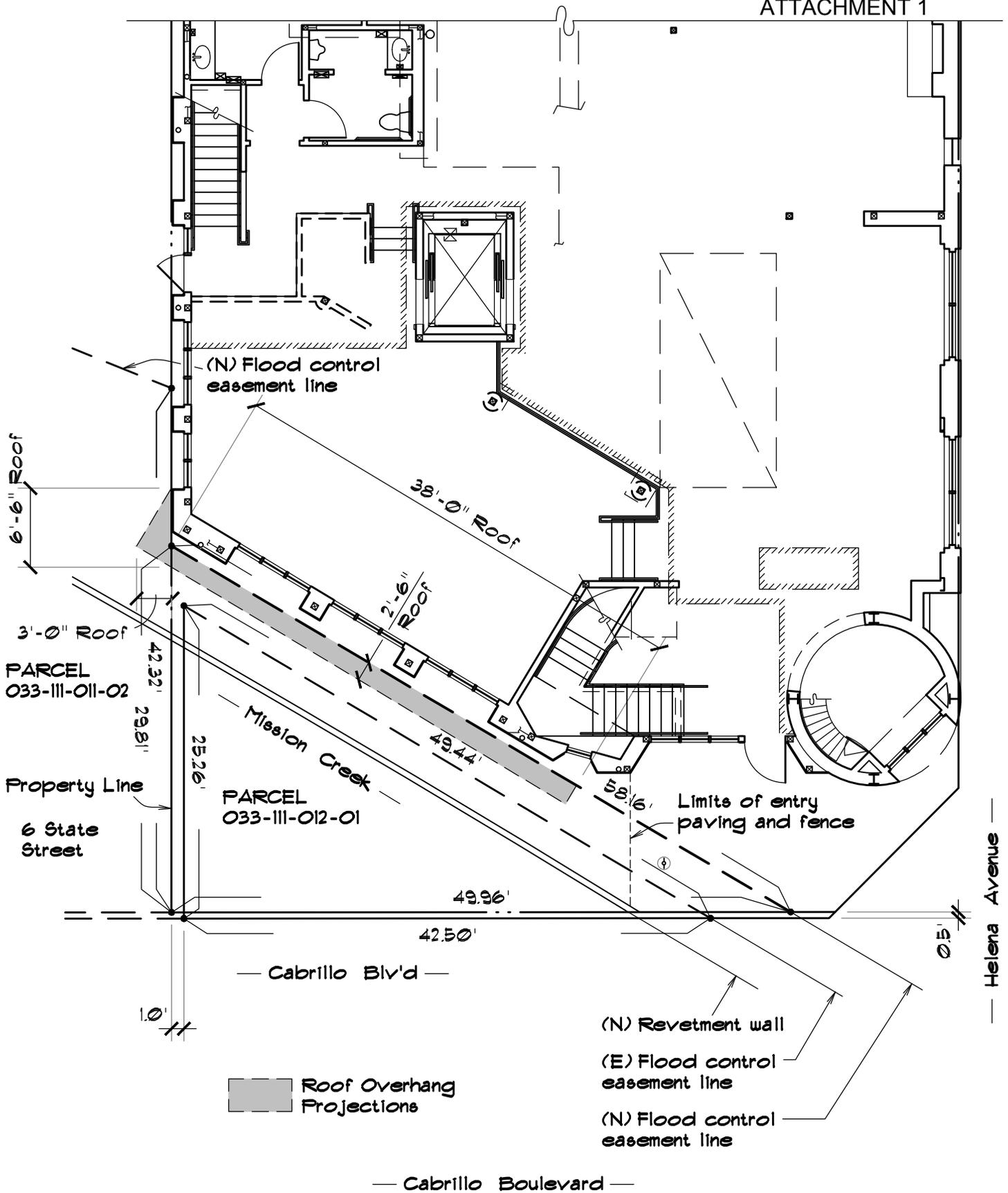
Since the encroachments and the related Agreement are anticipated to exceed a five-year period, the adoption of an Ordinance is necessary. Council approval of this Ordinance will authorize the City Administrator to execute this Agreement. If approved, the Agreement will be recorded in the Official Records of Santa Barbara County.

- ATTACHMENT(S):**
1. Encroachment Exhibit, *“Roof Elements Projecting Into Flood Control Easement”*
  2. Encroachment Exhibit, *“Stormwater Retention Trench Projecting Into Flood Control Easement”*
  3. Encroachment Exhibit, *“Balcony Elements Projecting Into Flood Control Easement”*

**PREPARED BY:** Adam Hendel, Acting Principal Civil Engineer/MAW/kts

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

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



## Roof Elements Projecting Into Flood Control Easement

### Castagnola @ Cabrillo

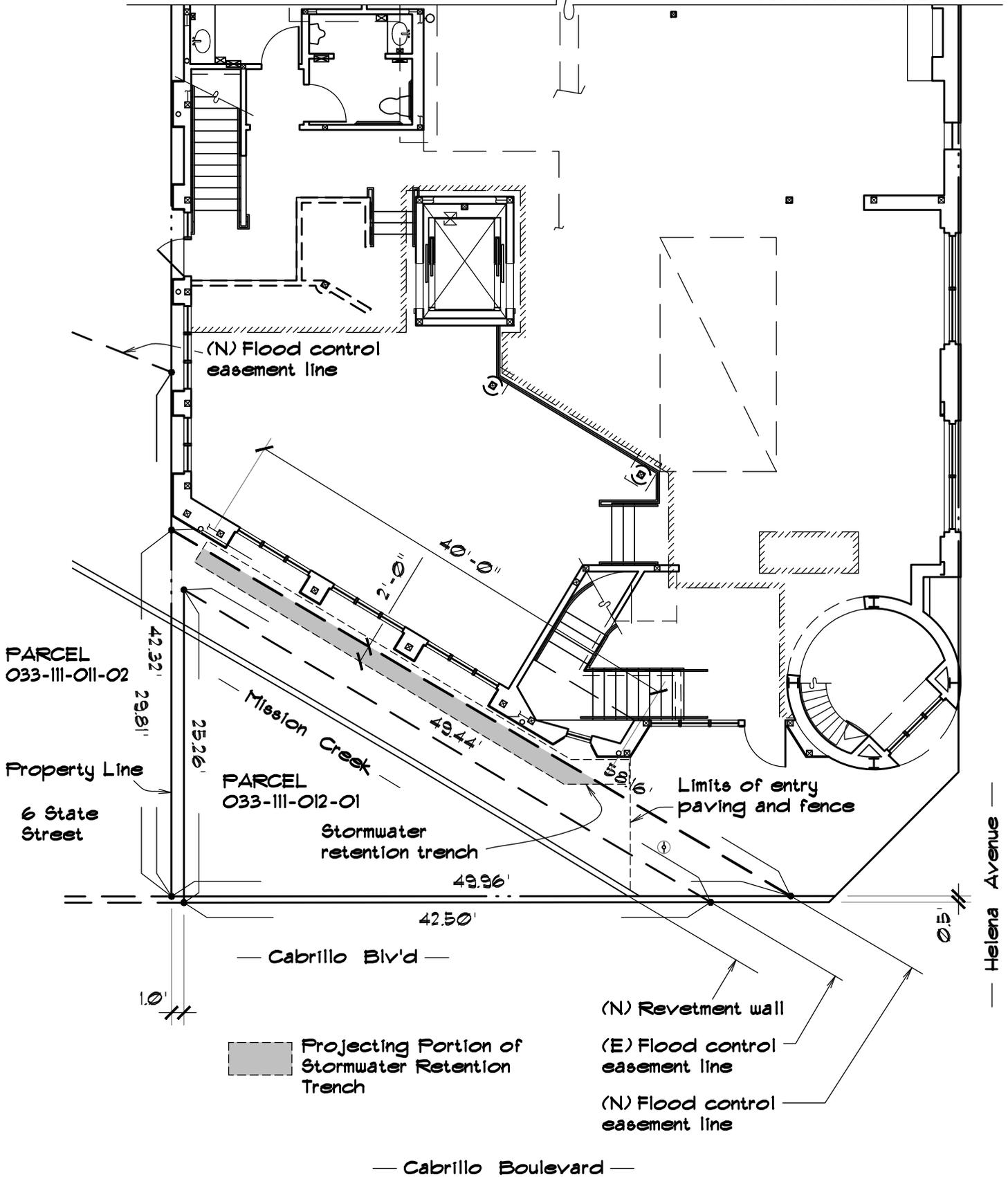
15 East Cabrillo Bl'vd, Santa Barbara, CA 93101



Feb 29, 2016 - 3:09pm  
1502ar01bldg.dwg



3/32" = 1'



# Stormwater Retention Trench Projecting Into Flood Control Easement

## Castagnola @ Cabrillo

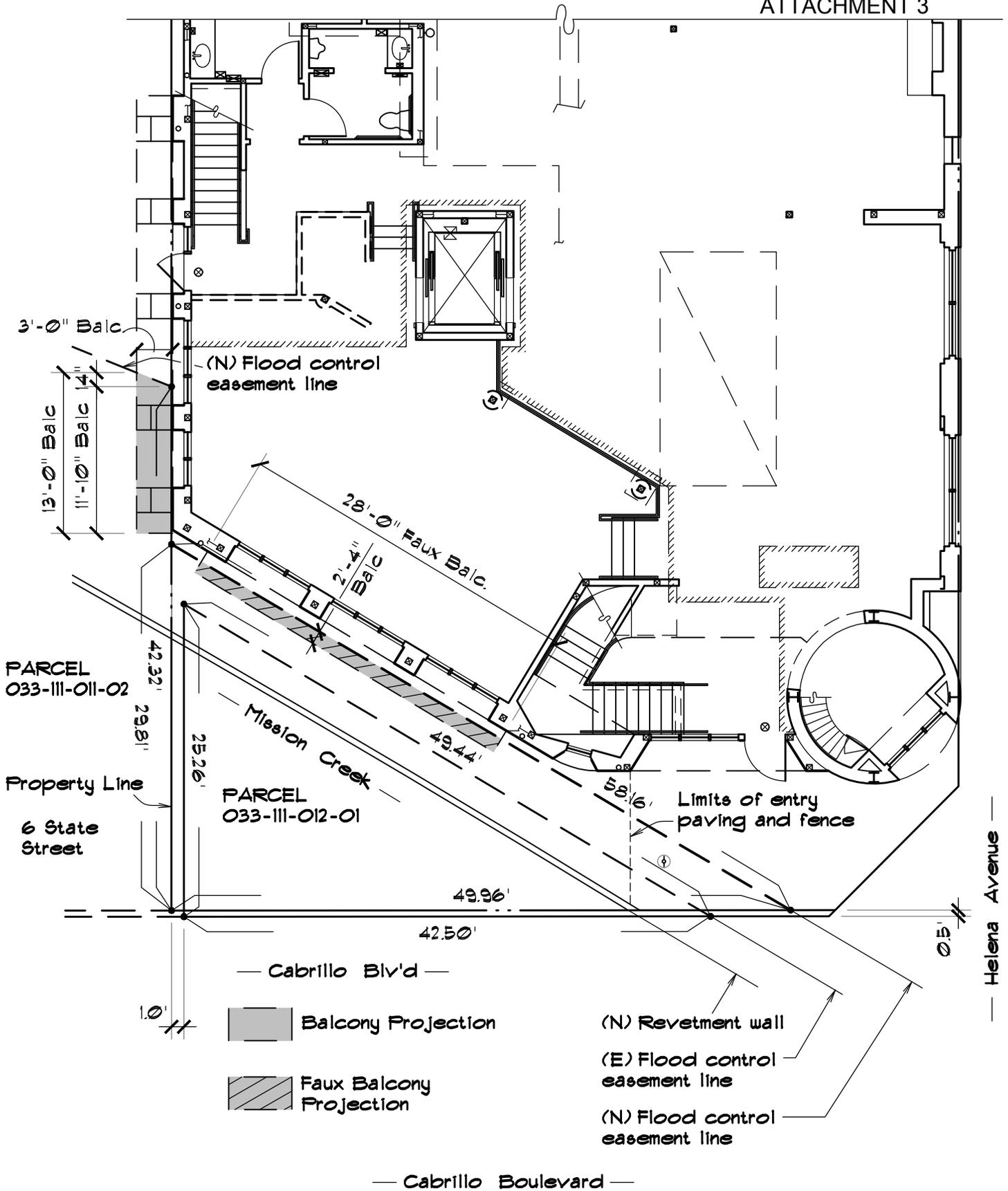
15 East Cabrillo Bl'v'd, Santa Barbara, CA 93101



Feb 29, 2016 - 3:09pm  
1502ar01bldg.dwg



3/32" = 1'



## Balcony Elements Projecting Into Flood Control Easement

**Castagnola @ Cabrillo**

15 East Cabrillo Blvd, Santa Barbara, CA 93101



Feb 29, 2016 - 3:10pm  
1502ar01bldg.dwg



3/32" = 1'

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN ENCROACHMENT AGREEMENT TO VIRGINIA CASTAGNOLA-HUNTER, AS TRUSTEE OF THE VIRGINIA CASTAGNOLA-HUNTER TRUST CREATED U/D/T DATED FEBRUARY 20, 2002; SCOTT HOLLISTER; GEORGE C. HOLLISTER AND CATHLEEN W. HOLLISTER, TRUSTEES OF THE GCH AND CWH TRUST; CATHERINE WALLENFELS; FRANCESCA HUNTER; AND ALEXIS HUNTER CHERNOW, AS TRUSTEE OF THE ALEXIS HUNTER CHERNOW TRUST CREATED U/D/T DATED JANUARY 15, 2014, FOR BUILDING IMPROVEMENTS ON A PORTION OF 6 STATE STREET (SANTA BARBARA COUNTY ASSESSOR'S PARCEL NUMBER 033-111-011) AND 13 EAST CABRILLO BOULEVARD (SANTA BARBARA COUNTY ASSESSOR'S PARCEL NUMBER 033-111-012) THAT WILL ENCROACH INTO THE PUBLIC FLOOD CONTROL EASEMENT

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

SECTION 1. That the Encroachment Agreement, approved as to form by the City Attorney, to Virginia Castagnola-Hunter, as trustee of the Virginia Castagnola-Hunter Trust created u/d/t dated February 20, 2002; Scott Hollister; George C. Hollister and Cathleen W. Hollister, Trustees of the GCH and CWH Trust; Catherine Wallenfels; Francesca Hunter; and Alexis Hunter Chernow, as Trustee of the Alexis Hunter Chernow Trust created u/d/t dated January 15, 2014 (hereinafter collectively referred to as "Owners"), for a portion of the property known as 6 State Street, Santa Barbara County Assessor's Parcel Number 033-111-011, and 13 (aka 15) East Cabrillo Boulevard, Santa Barbara County Assessor's Parcel Number 033-111-012 (hereinafter collectively referred to as "Real Property"), for building improvements that will encroach into the public flood control easement, is approved pursuant to the City Charter, and the City Administrator is authorized to execute the same.

SECTION 2. Said encroachments shall include a new roof overhang, a faux balcony, a real balcony, and a stormwater retention trench within City's public flood control easement within a portion of 6 State Street and 13 (aka 15) East Cabrillo Boulevard (as is illustrated in Council Report Attachments 1 through 3).

SECTION 3. That this Ordinance shall be subject to a thirty-day referendum from the date of its adoption.

SECTION 4. That upon the effective date of this Ordinance, the City Clerk is authorized to record the Encroachment Agreement in the Official Records, in the Office of the County Recorder, Santa Barbara County.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 17, 2016

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Introduction Of Ordinance To Quitclaim And Release The 1983 Flood Control Easement On 13 East Cabrillo Boulevard

### RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the City Administrator to Execute a Quitclaim Deed Releasing the 1983 Flood Control Easement on 13 East Cabrillo Boulevard, and to Record Same in the Office of the Santa Barbara County Recorder Upon Recordation of the Final Order of Condemnation in Santa Barbara Superior Court Case Number 1469840, *City of Santa Barbara v. Virginia Castagnola-Hunter, et al.*

### BACKGROUND:

In 1983, the City acquired a public flood control easement over the southwesterly portion of 13 (aka 15) East Cabrillo Boulevard (Assessor Parcel Number 033-111-012) by a Grant Deed, Instrument Number 83-7191 (hereinafter referred to as "1983 Easement Deed"), for the purposes of maintaining a portion of Lower Mission Creek.

### DISCUSSION:

As part of the Cabrillo Boulevard Bridge Replacement Project, the City acquired a larger flood control easement that encompasses all of the area of the 1983 Easement Deed, plus an additional 208 square feet. The new flood control easement has a total area of 745 square feet and includes all of the recently constructed Mission Creek wall, creek restoration plantings, and accommodates an eight-foot setback from the front of the wall to the adjacent private development. The attached exhibit identifies the 1983 Easement Deed and new Easement Deed.

The City acquired the new flood control easement through condemnation in Santa Barbara Superior Court Case No. 1469840, *City of Santa Barbara v. Virginia Castagnola-Hunter, et al.* The Stipulated Judgment will be filed with the County of Santa Barbara, and the City will receive title to the new flood control easement when the Final Order for Condemnation

Council Agenda Report

Introduction Of Ordinance To Quitclaim And Release The 1983 Flood Control Easement  
On 13 East Cabrillo Boulevard

May 17, 2016

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is recorded in the County Recorder's Office. City staff recommends that the Quitclaim Deed be executed and recorded when the Final Order for Condemnation is recorded in order to release its interest in the 1983 Easement Deed, as it will be superseded by the new Easement Deed.

The Quitclaim Deed to Virginia Castagnola Hunter, as trustee of the Virginia Castagnola-Hunter Trust created u/d/t, dated February 20, 2002; Scott Hollister; George C. Hollister and Cathleen W. Hollister, Trustees of the GCH and CWH Trust; Catherine Wallenfels; Francesca Hunter; and Alexis Hunter Chernow, as Trustee of the Alexis Hunter Chernow Trust, created u/d/t, dated January 15, 2014, as heirs, successors and assigns to George V. Castagnola and Rena G. Castagnola, Husband and Wife, will release the City's easement rights conveyed by the 1983 Easement Deed.

**ATTACHMENT:** New Flood Control Easement Deed Map

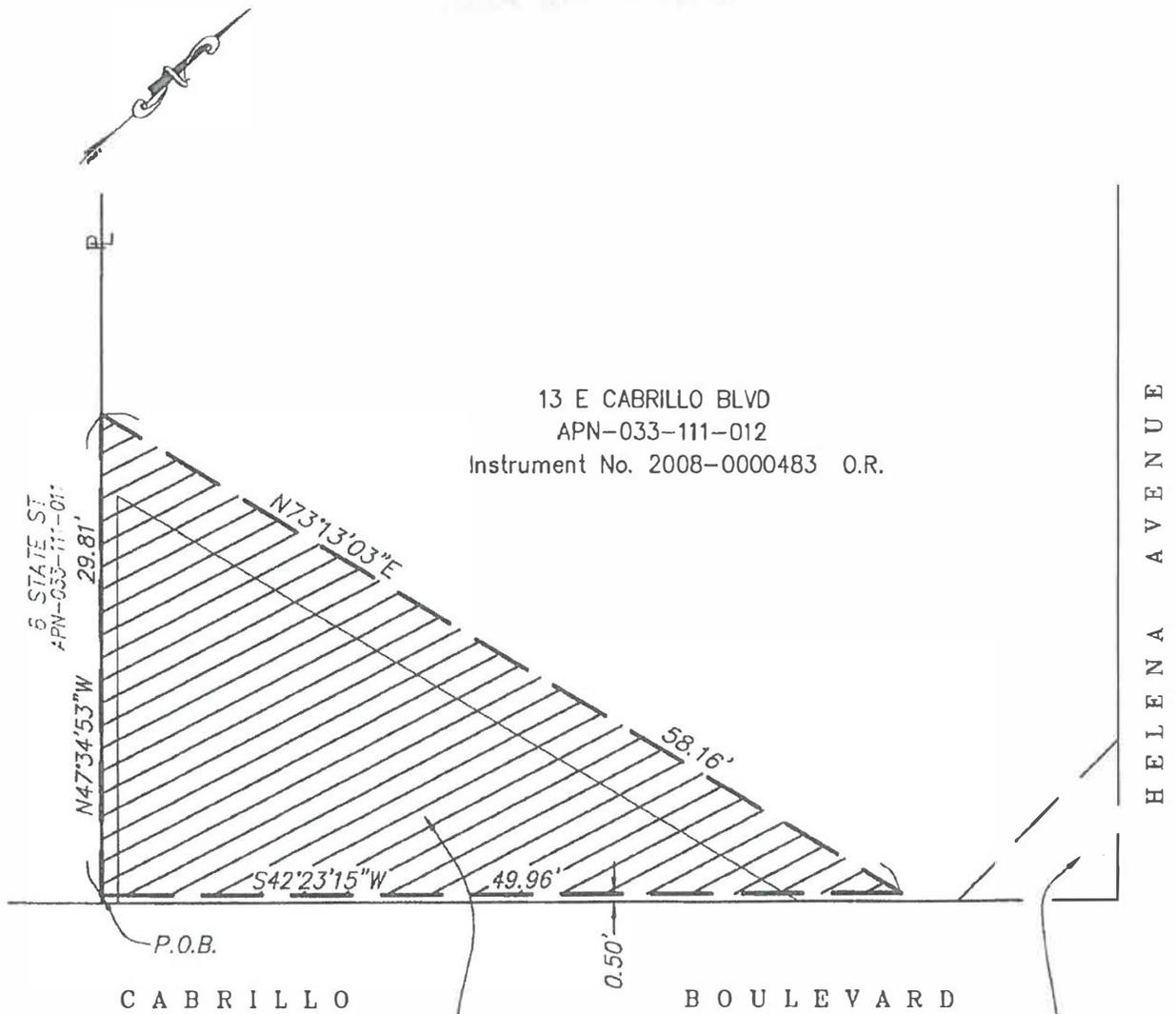
**PREPARED BY:** Adam Hendel, Acting Principal Civil Engineer/MAW/kts

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

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

Parcel 033-111-012-01

13 E CABRILLO BLVD  
APN-033-111-012  
Instrument No. 2008-0000483 O.R.



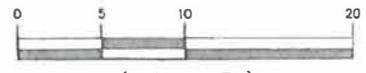
P.O.B.

Flood Control Easement  
per Inst. No. 83-7191, O.R.

Easement to  
City of Santa Barbara  
per Inst. No. 97-40081, O.R.



GRAPHIC SCALE



( IN FEET )  
1 inch = 10 ft.

**MNS** ENGINEERS • SURVEYORS • CONSTRUCTION MANAGERS  
 ENGINEERS INC  
 Quality Infrastructure Services  
 201 N. CALLE CESAR CHAVEZ, SUITE 300, SANTA BARBARA, CA 93103  
 TELEPHONE (805) 692-6921 FAX (805) 692-6931  
 10-00105\_845 • 100105\_EXB.dwg • 07/12 • SS • E-FILE

RPD

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A QUITCLAIM DEED RELEASING THE 1983 FLOOD CONTROL EASEMENT ON 13 EAST CABRILLO BOULEVARD, AND TO RECORD SAME IN THE OFFICE OF THE SANTA BARBARA COUNTY RECORDER UPON RECORDATION OF THE FINAL ORDER OF CONDEMNATION IN SANTA BARBARA SUPERIOR COURT CASE NUMBER 1469840, CITY OF SANTA BARBARA V. VIRGINIA CASTAGNOLA-HUNTER, ET AL

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

SECTION 1. Approve and authorize the City Administrator to execute the Quitclaim Deed, approved as to form by the City Attorney, to Virginia Castagnola Hunter, as trustee of the Virginia Castagnola-Hunter Trust, created u/d/t dated February 20, 2002; Scott Hollister; George C. Hollister and Cathleen W. Hollister, Trustees of the GCH and CWH Trust; Catherine Wallenfels; Francesca Hunter; and Alexis Hunter Chernow, as Trustee of the Alexis Hunter Chernow Trust, created u/d/t dated January 15, 2014, as heirs, successors and assigns to George V. Castagnola and Rena G. Castagnola, Husband And Wife, releasing an easement at 13 (a.k.a. 15) East Cabrillo Boulevard.

SECTION 2. The City will acquire a new flood control easement under the condemnation case Santa Barbara Superior Court Case No. 1469840, *City of Santa Barbara v. Virginia Castagnola-Hunter, et al.*, that encompasses the entire public flood control easement lying over the same southwesterly portion of 13 (aka 15) East Cabrillo Boulevard (Assessor Parcel Number 033-111-012), that was granted to the City by grant deed recorded February 14, 1983, Instrument Number 83-7191 (hereinafter referred to as the "1983 Easement Deed").

SECTION 3. Upon recordation of the Final Order for Condemnation in Santa Barbara Superior Court Case No. 1469840, the City will receive title to the new 745 square foot flood control easement, and will no longer need the 1983 Easement Deed.

SECTION 4. That this Ordinance shall be subject to a thirty-day referendum from the date of its adoption.

SECTION 5. That upon the effective date of this Ordinance, and upon recordation of the Final Order of Condemnation in Santa Barbara Superior Court Case No. 1469840, the City Clerk is authorized to record the Quitclaim Deed in the Official Records, in the Office of the County Recorder, Santa Barbara County.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 17, 2016

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Resolution For Master Agreement With Caltrans For Federally Funded Transportation Projects

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Public Works Director to Approve and Execute the Master Agreement Administering Agency-State Agreement for Federal Aid Projects, Agreement No. 05-5007F15, with the State of California, Acting By and Through the California Department of Transportation.

### **DISCUSSION:**

The California Department of Transportation (Caltrans) has requested that the City execute an agreement (Master Agreement) which governs the receipt of certain funds provided under various Federal Aid transportation programs. The City is required to execute the Master Agreement with Caltrans in order to receive these funds. The new Master Agreement updates and modifies the existing Master Agreement and establishes applicable terms and conditions for receiving these funds and for subsequent operation and maintenance of constructed improvements.

The Federal Aid program includes the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, and subsequent Transportation Authorization Bills to fund transportation projects. The City receives grant funds from these sources to fund bridge projects, safety improvement projects, alternative transportation projects, and other miscellaneous projects.

The proposed Resolution will supersede the portions of Resolution No. 08-092 and approved City Agreement No. 22,903 that reference Master Agreements for Federal Aid Projects. The proposed Resolution will provide authorization for the Public Works Director to execute the new Master Agreement and to deliver it to Caltrans. The proposed Resolution also provides for management of the program by the Public Works Director, on

Council Agenda Report

Resolution For Master Agreement With Caltrans For Federally Funded Transportation  
Projects

May 17, 2016

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behalf of the City, as set forth in the proposed new Master Agreement. Fully executed copies will be returned by Caltrans to the City Clerk after final execution.

**PREPARED BY:** Brian D'Amour, City Engineer/tb

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

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

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE PUBLIC WORKS DIRECTOR TO APPROVE AND EXECUTE THE MASTER AGREEMENT ADMINISTERING AGENCY STATE AGREEMENT FOR FEDERAL AID PROJECTS, AGREEMENT NO. 05 5007F15, WITH THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION.

WHEREAS, the United States Congress has enacted the Intermodal Surface Transportation Efficiency Act of 1991 and subsequent Transportation Authorization Bills to fund transportation programs;

WHEREAS, the Legislature of the State of California has enacted legislation by which certain Federal Aid funds may be made available for use on local transportation related projects of public entities qualified to act as recipients of these Federal Aid funds in accordance with the intent of Federal law;

WHEREAS, before Federal funds will be made available for a specific program project, administering agency public entities and the State of California are required to enter into an agreement to establish terms and conditions applicable to the administering agency when receiving Federal funds for a designated project facility and to the subsequent operation and maintenance of that completed facility;

WHEREAS, the City of Santa Barbara and the State of California, acting by and through the California Department of Transportation (Caltrans), previously entered into a Master Agreement Administering Agency-State Agreement for Federal Aid Projects, Agreement No. 05-5007R, approved on September 9, 2008, as set forth in Resolution No. 08-092 of the Council of the City of Santa Barbara, filed as City Agreement No. 22,903;

WHEREAS, the City of Santa Barbara and Caltrans wish to update and modify the Master Agreement Administering Agency-State Agreement for Federal Aid Projects, Agreement No. 05-5007R, approved as City Agreement No. 22,903; and

WHEREAS, this Resolution will provide authorization by the Council of the City of Santa Barbara for the Public Works Director of the City of Santa Barbara to execute and deliver to Caltrans for follow-up execution the proposed, updated, and modified Master Agreement Administering Agency-State Agreement for Federal Aid Projects, Agreement No. 05-5007F15.

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

SECTION 1. The Public Works Director of the City of Santa Barbara is hereby authorized by the Council of the City of Santa Barbara to execute and deliver to Caltrans for follow up execution the proposed updated and modified Master Agreement Administering Agency-State Agreement for Federal Aid Projects, Agreement No. 05-5007F15.

SECTION 2. The authority for management of the programs on behalf of the City of Santa Barbara, as set forth in the Master Agreement Administering Agency-State Agreement for Federal Aid Projects, Agreement No. 05-5007F15, is delegated to the Public Works Director of the City of Santa Barbara.

SECTION 3. This Resolution supersedes portions of Resolution No. 08-092, adopted on September 9, 2008, which authorized the Public Works Director to approve and execute Master Agreement Administering Agency-State Agreement for Federal Aid Projects, Agreement No. 05-5007R, approved as City Agreement No. 22,903.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 17, 2016

**TO:** Mayor and Councilmembers

**FROM:** City Attorney's Office

**SUBJECT:** Issuance Of Subpoenas To Assess And Collect Any Transient Occupancy Taxes Owed By Short-Term Rentals And To Investigate The Effects Of Short-Term Rentals In Residential Neighborhoods

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Issuance of Subpoenas for Certain Documents Related to Short-Term Rentals in the City.

### **DISCUSSION:**

Santa Barbara Municipal Code ("SBMC") Chapter 4.08 authorizes the City to collect TOT when a hotel, motel, or residential home is occupied for thirty consecutive days or less. If an owner or operator fails to remit TOT as required, the City may impose penalties and interest on the amount owed. The failure for owners and operators to remit the TOT that is owed results in a loss of funds due to the City and is unfair to those owners and operators who collect and remit the TOT due.

The majority of short term rentals are advertised on the internet. These subpoenas will greatly aid in investigating and obtaining compliance with SBMC Chapter 4.08. The subpoenas will assist in the assessment and collection of Transient Occupancy Taxes ("TOT") for the transient rental of Real Property. In addition, the subpoenas will gather information that would allow the City to study and investigate the effects of short-term rentals on the City's housing market and affordable housing stock as well as the impact they have on the character of existing residential neighborhoods.

The City will use these subpoenas to determine the extent of noncompliance with SBMC Chapter 4.08 and the details of the TOT revenue it has not collected. It is anticipated that these subpoenas will reveal significant TOT revenue that has not been collected. Also, because these subpoenas are being served on internet companies across the nation, their personal appearance at a regularly scheduled council meeting is

Council Agenda Report

Issuance Of Subpoenas To Assess And Collect Any Transient Occupancy Taxes Owed By Short-Term Rentals And To Investigate The Effects Of Short-Term Rentals In Residential Neighborhoods

May 17, 2016

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not being requested. Instead, the City is requesting these companies to just produce the requested documents by June 28, 2016.

In addition, these subpoenas can be used to investigate the nature and extent of short term rentals in the City and its effects on the City's housing market and affordable housing stock as well as the impact they have on the character of existing residential neighborhoods and what impacts they have to adjacent properties.

The City Council has the authority to issue a subpoena under Santa Barbara City Charter section 509. Per the language in the City Charter, subpoenas are issued in the name of the City and attested by the City Clerk.

The City Council also has the authority to issue subpoenas requiring the attendance of witnesses or production of documents pursuant to Government Code section 37104. If the subpoenaed party does not comply with the subpoena, Government Code section 37106 provides a remedy whereby the Mayor reports the noncompliance to the Santa Barbara Superior Court. A judge can then issue an Order to Show Cause (OSC) to the subpoenaed party to appear in court and explain the reasons for noncompliance.

The punishment for disobedience of this subpoena is the same as if the contempt had been committed in a civil trial in superior court, namely when a subpoenaed party has disobeyed a duly served subpoena, that person has committed contempt. (Code Civ. Proc. § 1209(a) (10)). The court may then punish the subpoenaed party for criminal contempt by imposing a fine not exceeding \$1,000 or imprisonment not exceeding five days, or both. (Code Civ. Proc., § 1218).

**ATTACHMENT(S):** Sample Draft of Legislative Subpoena

**PREPARED BY:** Ariel Pierre Calonne, City Attorney  
John S. Doimas, Deputy City Attorney

**SUBMITTED BY:** Ariel Pierre Calonne, City Attorney

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

CITY OF SANTA BARBARA SHORT-TERM RENTALS REVIEW AND AUDIT OF TRANSIENT OCCUPANCY TAXES AND INVESTIGATION INTO THE EFFECTS OF SHORT-TERM RENTALS ON THE CITY'S HOUSING MARKET AND THEIR IMPACTS IN RESIDENTIAL NEIGHBORHOODS

LEGISLATIVE SUBPOENA  
(Government Code §§ 37104 *et seq.*)  
(SB City Charter §509)

Date: June 28, 2016  
Time: 2:00 p.m.  
Place: City Hall  
City of Santa Barbara  
735 Anacapa Street  
Santa Barbara, CA 93101

**TO:** Custodian of Records for **Company Name**  
c/o XXX (agent for service of process for XXX, Inc.)  
address  
city, state, zip

**FROM:** CITY OF SANTA BARBARA, CALIFORNIA

1. On May 17, 2016, the Santa Barbara City Council adopted Resolution No. \_\_\_\_\_ authorizing the issuance of this subpoena. A copy of Resolution No. \_\_\_\_\_ is attached hereto and incorporated by this reference.
2. **YOU ARE ORDERED by the City Council of the City of Santa Barbara to produce documents described in Exhibit "1" by June 28, 2016. You are required to deliver true, complete, legible, and durable copies of the requested Documents described in Exhibit "1" to:**

John S. Doimas  
Deputy City Attorney  
City of Santa Barbara  
735 Anacapa Street  
Santa Barbara, California 93101

3. All documents produced to the City shall be accompanied by a declaration or affidavit warranting to their accuracy and completeness sufficient to meet the requirements of Code of Civil Procedure section 2020.430. The City will pay all reasonable documented costs associated with photocopying the requested documents. If costs exceed \$50.00 please contact John Doimas at (805) 564- 5326 before copying.
4. This subpoena is issued pursuant to California Government Code section 31704 *et seq.* and Santa Barbara City Charter section 509 and authorized, at a regularly noticed meeting of the City of Santa Barbara City Council.

5. Disobedience of this subpoena will be referred to the Superior Court for enforcement and is punishable as contempt to California Government Code section 37104 *et seq.* and as otherwise provided by law. Should you have any questions regarding this subpoena please contact:

Ariel Pierre Calonne (State Bar No. 110268)  
City Attorney  
John S. Doimas (State Bar No. 282346)  
Deputy City Attorney  
City Attorney's Office  
740 State Street, Suite 201  
Santa Barbara, California 93101  
(805) 564-5326

Date issued: May 17, 2016

City Council, City of Santa Barbara

Attest:

By: \_\_\_\_\_  
Helene Schneider  
Mayor, City of Santa Barbara

By: \_\_\_\_\_  
Susan Gorman  
City Clerk, City of Santa Barbara

APPROVED AS TO FORM:

By: \_\_\_\_\_  
John S. Doimas  
Deputy City Attorney

## EXHIBIT 1

### **DEFINITIONS**

“DOCUMENT” or “DOCUMENTS” means all writings, originals and duplicates as defined in California EVIDENCE Code sections 250, 255, and 260;

### **REQUESTED DOCUMENTS**

Request # 1: Produce any and all DOCUMENTS, sufficient to identify all persons that through any website owned or controlled by **Company Name** who advertised, have rented, or offered to rent any HOTEL for a period of 30 consecutive days or less for dwelling, use, lodging or sleeping purposes in the City of Santa Barbara, California during the period from January 1, 2013, through the present.

“HOTEL” is defined as a building, group of buildings or a portion of a building which is designed for or occupied as the temporary abiding place of individuals for less than thirty (30) consecutive days including, but not limited to establishments held out to the public as auto courts, bed and breakfast inns, hostels, inns, motels, motor lodges, time share projects, tourist courts, and other similar uses.

Request #2: DOCUMENTS sufficient to provide the following information for each person identified in response to Request #1:

- a. The name, physical address, email address, and any other contact information for each person.
- b. The url for each website which the person used to list a HOTEL.
- c. The address of the person’s HOTEL that has been rented, or offered to rent, for dwelling, use, lodging or sleeping purposes in the City of Santa Barbara through any website or property owned or controlled by **Company Name** during the period from January 1, 2013, through the present (“PROPERTY” means the HOTEL(S) rented as described in this paragraph by the person).

- d. The dates and duration of stay for each time the PROPERTY was rented since January 1, 2013, to present.
- e. The rate charged and funds collected for each time the PROPERTY was rented since January 1, 2013, to present.
- f. The method of payment, including name of institution and type of account, for each time the PROPERTY was rented since January 1, 2013, to present.
- g. The total gross revenue generated by the person renting the PROPERTY as a result of that renting since January 1, 2013, to present.

Request # 3: If DOCUMENTS do not exist sufficient to provide all of the information requested, the city requests that you produce electronically stored information that is sufficient to provide all of the information requested. This information must be provided in pdf, Microsoft Word or Microsoft Excel Format. If production in this manner is not feasible then it must be produced in a different format agreed to by the City.

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA AUTHORIZING THE ISSUANCE OF  
SUBPOENAS FOR CERTAIN DOCUMENTS RELATED  
TO SHORT-TERM RENTALS IN THE CITY

WHEREAS, Government Code section 37104 authorizes the City Council to issue subpoenas requiring the attendance of witnesses or the production of books or other documents for evidence or testimony in any action or proceeding pending before it;

WHEREAS, Santa Barbara City Charter section 509 provides that in any proceeding or investigation before the City Council, the Council shall have the power to issue subpoenas “to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it,” and that “disobedience of such subpoenas, or the refusal to testify (under other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable;”

WHEREAS, short-term rentals, which pursuant to the Santa Barbara Municipal Code (“SBMC”) include the rental of residential units for periods of thirty (30) consecutive days or less in those zoning districts which do not permit or otherwise allow hotels, motels, or bed and breakfasts, present a significant burden impacting the City’s ability to provide housing for its residents;

WHEREAS, all residential short-term rental operators are subject to the City’s Transient Occupancy Tax ordinance (“TOT”) codified in Santa Barbara Municipal Code section 4.08.030;

WHEREAS, subpoenas serves a lawful legislative purpose by allowing the City Council to facilitate and conduct TOT reviews and audits;

WHEREAS, subpoenas serve a lawful legislative purpose by allowing the City Council investigate the effects of short-term rentals on the City’s housing market and the City’s affordable housing stock; and

WHEREAS, subpoenas serve a lawful legislative purpose by allowing the City Council to study the effects that short-term rentals have on the existing character of City neighborhoods and to determine any impacts they have had to adjacent properties and neighborhoods.

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

SECTION 1. The above listed-recitals are hereby declared to be true and correct and adopted as findings of City Council of the City of Santa Barbara; and

SECTION 2. That subpoenas similar to the subpoena attached as Exhibit A, are hereby issued, and the Mayor is authorized to sign each subpoena commanding the subpoenaed party to appear before the City Council at a specified City Council meeting to produce the requested records, or alternatively to make arrangements with the City for production of said records prior to that time; and

SECTION 3. City staff is directed to have the subpoenas served in accordance with all legal requirements for service of subpoenas; and

SECTION 4. If a subpoenaed party fails to comply with the subpoena authorized by this resolution, the Mayor is authorized to submit a report of noncompliance to the Santa Barbara Superior Court.



# CITY OF SANTA BARBARA

## JOINT COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AGENDA REPORT

**AGENDA DATE:** May 17, 2016

**TO:** Mayor and Councilmembers  
Chair and Board Members

**FROM:** City Administrator's Office

**SUBJECT:** Professional Services Agreement With Rincon Consultants, Inc., To Conduct Phase II Environmental Site Assessment At 125 Calle Cesar Chavez

### RECOMMENDATIONS:

- A. That City Council allocate \$37,200 from the General Fund's Appropriated Reserve to the Successor Agency Fund, and increase appropriations and estimated revenues in the Successor Agency Fund, for a Phase II Environmental Site Assessment for 125 Calle Cesar Chavez to be repaid by the Successor Agency in Fiscal Year 2017; and,
- B. That the Successor Agency execute a Professional Services Agreement with Rincon Consultants, Inc., in the amount of \$37,200 to conduct a Phase II Environmental Site Assessment at 125 Calle Cesar Chavez.

### DISCUSSION:

On May 15, 2015, the State of California's Department of Finance ordered the Successor Agency to the Redevelopment Agency of the City of Santa Barbara to sell the property known as 125 Calle Cesar Chavez. In accordance with the direction given by the Department of Finance to the Successor Agency, the property will be sold through an auction process. Staff has retained the services of a real estate professional to assist staff with the sales process.

Staff is requesting that a Phase II Environmental Site Assessment (Phase II) be conducted for the site. A Phase II report identifies potential or existing environmental contamination in the soil and/or groundwater for a specific site. The Phase II will commence with a basic site reconnaissance and a review of historical documents and former uses at the site. A series of soil and groundwater borings will then be performed

Joint Council and Successor Agency to the Redevelopment Agency Agenda Report  
Professional Services Agreement With Rincon Consultants, Inc., To Conduct Phase II  
Environmental Site Assessment At 125 Calle Cesar Chavez

May 17, 2016

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to determine the possibility of any contamination at the site as well as give an indication of what type of remediation, if any, would likely be required depending on the type of future development being proposed. The availability of this information, along with zoning data, General Plan information, and a title report, will provide potential bidders with the latest information regarding the site. Providing all information about the property should result in a more qualified and fiscally responsible pool of potential bidders for the property. This will likely lead to a shorter negotiation period and escrow timeline thus resulting in a more efficient sales process.

Rincon Consulting Inc. (Rincon) is a locally-based consulting company comprised of environmental scientists, planners, and engineers that have been in business since 1994. Rincon has worked on a multitude of City projects and programs over the years including having previously conducted a limited soil and groundwater assessment for the Calle Cesar Chavez property. Rincon has consulted with Santa Barbara County's Environmental Health Services Division regarding the site, are familiar with the site's historic uses and soil and groundwater conditions in the surrounding area all of which will help them to develop a precise and efficient work plan for the Phase II activities.

In addition to being made part of the package, the results of the Phase II will also be forwarded to Santa Barbara County's Environmental Health Services Division for their records.

The total funding request of \$37,200 includes a 10% contingency in case any unforeseen costs that arise. Funding is proposed to come from the City's General Fund Appropriated Reserve account which currently has a balance of approximately \$114,000. The total cost will be included in the Successor Agency's next Recognized Obligation Payment schedule and will be repaid to the City upon receipt of those funds from the State of California, likely in the fall of 2016.

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

**PREPARED BY:** Brian J. Bosse, Waterfront Business Manager

**SUBMITTED BY:** Paul Casey, City Administrator

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 17, 2016

**TO:** Mayor and Councilmembers

**FROM:** City Attorney's Office

**SUBJECT:** Revised Waterfront Hotel Development Agreement And Amendment To Chapter 28.95 Of The Zoning Ordinance

**RECOMMENDATION:** That Council:

- A. Make the California Environmental Quality Act findings specified in the conclusion of this Council Agenda Report;
- B. (Re)-Introduce, and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Development Agreement for the Waterfront Hotel By and Between the City of Santa Barbara and American Tradition, LLC; and
- C. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.95 of Title 28 of the Santa Barbara Municipal Code by Adding a Provision Relating to the Development Agreement Between the City of Santa Barbara and American Tradition, LLC.

### **DISCUSSION:**

On April 19, 2016, the City Council introduced the two above-referenced ordinances for first reading. Council voted 5-2 (Dominguez and Murillo NOE, Rowse absent) on Item B. (the Development Agreement, reduced to a five year term) and 5-2 (Dominguez and Murillo NOE, Rowse absent) on Item C, (the TEDR Amendment). The Development Agreement ordinance requires four votes for passage and adoption. The TEDR Amendment requires five votes for final adoption pursuant to City Charter section 1507. On April 26, 2016, this office requested the Council to delay second reading of both ordinances due to certain legal concerns. We have, in conjunction with the Parker family, revised the proposed Development Agreement to address our legal concerns.

Our principal Development Agreement concern had to do with the legal remedies available if the Agreement is not complied with by either party. Recent case law has made it clear that a developer can obtain money damages from the City if the City does not comply with a development agreement. While there is little risk that this City Council

would fail to comply with the Agreement, there is an unknown risk that the voters through the initiative process or a future Council might enact restrictions that would make it difficult or impossible for the City to comply with the Agreement. Accordingly, we have added language, highlighted in revised Section 25, which precludes money damages as an enforcement remedy. The developer or the City may enforce the Agreement by requiring the other party to fulfill the promises exchanged in the Agreement, but money damages are not available. We believe the revised language better protects the City from unexpected liability risks.

We also had concerns with language in Sections 2 and 10.1 which appeared to acknowledge the indefinite existence of a vested right to develop the previously approved 150 room hotel. The intent of the parties was to protect the right to develop the 150 room hotel only during the five year term of the Development Agreement. Accordingly, we have added language to Recital P., and Sections 2 and 10.1, which limits the City's acknowledgement of the right to develop the 150 room hotel to the term of the Development Agreement. If, after the Development Agreement expires, the 150 room hotel has not been developed, any right to do so will also expire.

Finally, we had concerns that the Transfer of Existing Development Rights provisions in Section 11 were not sufficiently linked to Council's approval of the companion ordinance amending Chapter 28.95. We have revised the Agreement to add a Section 11.3 which states that if, for any reason, the Chapter 28.95 amendments do not become effective, the TEDR provisions of the Development Agreement do not become effective either.

Because of the changes to the Development Agreement, we advise reintroduction and subsequent adoption of the Development Agreement ordinance. The TEDR Amendment is ready for adoption via second reading by title only.

### CEQA Findings

Staff recommends approval of the Development Agreement, which would allow for completion of the Specific Plan, as well as a revised project that could involve a reduced footprint and building mass on the site. In order to approve a Development Agreement, the City Council must find it to be consistent with the General Plan and Specific Plan, among other findings.

Staff has prepared an Addendum to the Waterfront Park and Hotel and Youth Hostel Project EIR as the environmental document for this project which was included as Attachment 5 to the April 19, 2016 Council Agenda Report. Staff recommends that Council make the following California Environmental Quality Act (CEQA) findings:

1. The City Council has reviewed and considered the Addendum, dated January 14, 2016, to the Certified Final Project Environmental Impact Report (EIR) SCH#92091038 along with the Certified EIR and earlier EIR Addenda of June 1995, November 1996, and August 2007, which together constitute environmental

analysis for the current project under California Environmental Quality Act (CEQA) provisions; and

2. The City Council finds that the EIR Addendum dated January 14, 2016 has been completed in compliance with CEQA and reflects the Council's independent judgment and analysis.

**PREPARED BY:** Ariel Pierre Calonne, City Attorney

**SUBMITTED BY:** Ariel Pierre Calonne, City Attorney

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



**MEMORANDUM  
OFFICE OF THE CITY ATTORNEY**

---

DATE: May 17, 2016

TO: Mayor and City Council  
FROM: Ariel Pierre Calonne, City Attorney

SUBJECT: Correction to Agenda Item 9 Council Agenda Report relating to the April 19, 2016 Waterfront Hotel Development Agreement Vote

The above-referenced Council Agenda Report incorrectly reports the Council's April 19, 2017 action as follows:

On April 19, 2016, the City Council introduced the two above-referenced ordinances for first reading. Council voted 4-2 (Dominguez and Murillo NO, Rowse absent) on Item B. (the Development Agreement, reduced to a five year term) and 4-2 (Dominguez and Murillo NO, Rowse absent) on Item C, (the TEDR Amendment).

I am informed by the City Clerk Services Manager that the actual vote took place in a single motion approving both Items B. and C. by a vote of 4-2, with Council Members Dominguez and Murillo voting NO, and Council Member Rowse absent.

APC/apc

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A DEVELOPMENT AGREEMENT FOR THE WATERFRONT HOTEL BY AND BETWEEN THE CITY OF SANTA BARBARA AND AMERICAN TRADITION, LLC

WHEREAS, Government Code Sections 65864-65869.5 authorize local agencies to enter into a binding Development Agreement (as such agreements are defined by Government Code §§65864-65869.5) with a property owner for the development of property in order to give assurances to the property owner and the City that, once approved under the applicable planning and zoning codes, a development project can proceed in accordance with existing land development policies, rules and regulations.

WHEREAS, Government Code Section 65869 specifically provides that a statutory development agreement need not be approved by the state Coastal Commission for any development project located in an area for which a local coastal program is required so long as the required local coastal program has been certified pursuant to the Coastal Act by the Coastal Commission prior to the date the development agreement is approved by the local agency.

WHEREAS, the City of Santa Barbara's Local Coastal Program was certified by the state Coastal Commission November 12, 1986 and has been duly amended from time to time since then.

WHEREAS, under the Santa Barbara City Charter, the City exercises control over municipal affairs, including the land development process, and has authority to enter into development agreements for purposes consistent with the public health, safety and general welfare.

WHEREAS, the recitals of the attached Development Agreement between the City of Santa Barbara and American Tradition, a California general partnership, hereinafter referred to as the "Parker Family," are a complete and accurate recitation of the review conducted for and consideration given the Project (as defined in the Development Agreement) and such recitals are incorporated herein by this reference as though fully set forth herein.

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

SECTION 1. The City Council finds and determines with respect to the Project as follows:

- A. CEQA FINDINGS. The following environmental findings and determinations are made pursuant to and in accordance with the California Environmental Quality Act (Public Resources Code, Division 13):
  - 1. The City Council has reviewed and considered the Addendum, dated January 14, 2016, to the Certified Final Project Environmental Impact Report (EIR) SCH#92091038 along with the Certified EIR and earlier EIR Addenda of June 1995, November 1996, and August 2007, which together constitute environmental analysis for the current project under California Environmental Quality Act (CEQA) provisions; and
  - 2. The City Council finds that the EIR Addendum dated January 14, 2016 has been completed in compliance with CEQA and reflects the Council's independent judgment and analysis.
- B. DEVELOPMENT AGREEMENT FINDINGS. The following findings are made pursuant to and in accordance with City Council Resolution No. 89-120:
  - 1. The Development Agreement is consistent with the General Plan and Specific Plan, as well as the Local Coastal Plan and Zoning Ordinance. The Agreement allows continued development of the site with a project (hotel and parking) that is compatible with the vision of the Waterfront area described in the General Plan, is consistent with the visitor-serving uses allowed in the Specific Plan for Parcel B, is consistent with the Local Coastal Plan designation of Hotel-Related Commerce and is consistent with the Hotel & Related Commercial/ Park Plaza Specific Plan/ Coastal Overlay (HRC-2/SP-1/S-D-3) zoning designation. The Development Agreement is also consistent with policies of the General Plan related to circulation, safety and environmental resources, and Local Coastal Plan policies related to locating new development, visitor-serving commercial uses, recreation, shoreline access, hazards, water and marine environments, visual quality, cultural resources and public services. Additional information is provided in Section VIII of the December 21, 2015 Planning Commission Staff Report.
  - 2. The Development Agreement is in substantial conformance with public necessity, convenience, and general welfare and good zoning practices because it will provide additional time for the applicant to develop a hotel in this location, which City plans and policies identify as a desired land use for the site, or will allow the opportunity for a revised hotel to be considered by the City, taking into consideration the significant public improvements that have been made in furtherance of the goals of the Specific Plan and the prior Development Agreement, including the approved project permit conditions of approval, and;

3. The Development Agreement provides assurances to the developer of the right to develop a hotel in accordance with the terms of the Development Agreement and that adequate consideration is provided by the City that early completion of the public improvements, including the park and circulation improvements provided for more orderly and timely mitigation of traffic and air quality impacts.

## SECTION 2. DEVELOPMENT AGREEMENT

The City Council of the City of Santa Barbara hereby adopts the Development Agreement included as Exhibit A.

Exhibit A – Development Agreement

**RECORDING REQUESTED BY:**

**AND WHEN RECORDED RETURN TO:**

City Clerk  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

NO DOCUMENTARY TRANSFER TAX  
NO FEE PER GOVERNMENT CODE § 6103

APN:

**DEVELOPMENT AGREEMENT  
BY AND BETWEEN  
THE CITY OF SANTA BARBARA  
AND  
AMERICAN TRADITION, LLC**

**THIS DEVELOPMENT AGREEMENT** (the “Agreement”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, (the “Effective Date”) by and between the **CITY OF SANTA BARBARA**, a political subdivision of the State of California (the “City”) and **AMERICAN TRADITION, LLC**, a California limited liability company, (formerly American Tradition G.P., a California general partnership, the “Parker Family”), pursuant to the authority of Sections 65864- 65869.5 of the Government Code of the State of California and City Council Resolution No. 89-120. Except as otherwise defined herein, the capitalized terms used throughout this Agreement are defined in Paragraph-Section 27, below.

RECITALS

A. WHEREAS, Fess E. Parker, Jr. and members of the Fess E. Parker, Jr. family (hereinafter referred to as “Fess Parker” or the “Parkers”) acquired ownership of a large portion of the City’s waterfront in the late 1970s, including approximately 33 acres of undeveloped waterfront property; and

B. WHEREAS, beginning in the late 1970s, the City and Fess Parker began working to revitalize the waterfront area and the properties controlled by the Parkers along Cabrillo Boulevard. The City’s and the Parkers’ plans for the waterfront came to include a conference center hotel, a waterfront public park, significant public open space, a hostel, and a waterfront hotel; and

C. WHEREAS, in July of 1981, the City Council adopted Specific Plan No. 1 Park Plaza (the “Park Plaza Specific Plan”) to govern the land use and development of a portion of this area; and

D. WHEREAS, in accordance with the Park Plaza Specific Plan, the Parkers constructed a 360-room hotel and conference center (“Fess Parker Hotel”) on what is referred to as Parcel A of the Park Plaza Specific Plan; and

E. WHEREAS, in conjunction with developing the Fess Parker Hotel, the Parkers constructed and donated to the City a public parking lot containing 17 parking spaces located on the west side of South Milpas Street between the railroad tracks and Calle Puerto Vallarta, and provided public open space in front of the Fess Parker Hotel and along Cabrillo Boulevard; and

F. WHEREAS, after the development of the Fess Parker Hotel, the City of Santa Barbara Redevelopment Agency (the “RDA”) and the Parkers agreed to jointly pursue a public/private partnership for development of a public park and a hotel on the remaining waterfront property owned by the Parker Family. This partnership contemplated the Parkers donating approximately five acres of their waterfront property (the “Park Parcel”) to the RDA for the RDA to complete development of a public park, and development by the Parkers of a waterfront hotel on approximately three acres of their retained property (referred to as Parcel B of the Park Plaza Specific Plan), plus development by the Parkers of a hostel on other property to be acquired in the waterfront area; and

G. WHEREAS, in furtherance of the joint public/private partnership between the RDA and the Parkers, the City adopted certain amendments to the Park Plaza Specific Plan on March 22, 1994 (the “Amended Specific Plan”). The Amended Specific Plan provided the necessary zoning and land use regulations to construct what is now known as Chase Palm Park and a waterfront hotel on the Parkers’ retained acreage (Parcel B); and

H. WHEREAS, funding sources became available to the RDA to construct Chase Palm Park before the Parker Family could construct the waterfront hotel; therefore, at the City’s request, the Parker Family agreed to donate the Park Parcel to the RDA before developing the waterfront hotel, and to undertake numerous obligations, including without limitation annual monetary contributions for maintenance of Chase Palm Park and the obligation to double the maintenance contribution once the waterfront hotel opened; and

I. WHEREAS, in conjunction with donating the Park Parcel, the City and the Parker Family entered into that certain Development Agreement, dated August 2, 1996 (“Development Agreement No. 1”), which was approved by the Santa Barbara City Council through its adoption of Ordinance No. 4920 on August 15, 1995; and

J. WHEREAS, in conjunction with approving Development Agreement No.1, on August 15, 1995 the Santa Barbara City Council considered an addendum dated June 8, 1995 to the certified Final Environmental Impact Report (ENV 92-0107; SCH92091038) (“FEIR”) together with the certified FEIR, made environmental findings pursuant to the California Environmental Quality Act (CEQA), and approved associated revisions to the Development Plan, Coastal Development Permit, Modification, and other land use permits; and

K. WHEREAS, on May 28, 1998, with the addition of the park area north of Cabrillo Boulevard jointly developed by the City, RDA and the Parker Family, Chase Palm Park became the City’s largest waterfront park; and

L. WHEREAS, as contemplated in the Amended Specific Plan, Development Agreement No. 1 approved with certain conditions the development of a 150-room waterfront luxury hotel on the Parker's retained property; and

M. WHEREAS, as a condition of approval for the new waterfront hotel, the Parker Family agreed to construct a separate 100-bed hostel to provide lower-cost visitor accommodations in the waterfront area (the "Hostel"); and

N. WHEREAS, the Hostel was constructed and on August 12, 2014 a Final Certificate of Occupancy for the completed Hostel, located at 12 East Montecito Street, was issued by the City; and

O. WHEREAS, in accordance with Development Agreement No. 1, the Parker Family secured the Hotel Building Permits and Public Works Permits, as defined below, to develop the 150-room waterfront luxury hotel; and

P. WHEREAS, prior to the expiration of Development Agreement No. 1, the Parker Family vested its rights to develop and construct the Hotel as evidenced by the issuance of the Hotel Building Permits and Public Works Permits and the Parker Family having performed substantial work and having incurred substantial liabilities in good faith reliance on the Hotel Building Permits and Public Works Permits, which as of the Effective Date remain valid. The Parker Family has not abandoned, terminated or foregone any vested rights in the Hotel or the Development Approvals, as those terms are defined below, and does not intend to do so, except as may be expressly stated herein in Sections 2 and 10.1; and

Q. WHEREAS, since the execution of Development Agreement No. 1, the Parker Family has expended substantial financial resources and incurred substantial liabilities to develop the Hotel, to fund the maintenance and operation of Chase Palm Park, to make public improvements necessary to develop the Hotel Parcel, and to complete the Hostel. However, due to the global economic and financial crisis beginning in 2008, the Parker Family has been unable to complete the Hotel within the originally anticipated timeframe; and

R. WHEREAS, on August 30, 2007, the City of Santa Barbara Planning Commission adopted Resolution No. 032-07 approving a Coastal Development Permit and a Conditional Use Permit ("Parking Lot Parcel Approvals") and considering the certified FEIR together with the FEIR Addendum dated August 15, 2007 and making CEQA environmental findings, to allow the construction of a 106 stall parking lot with a 100 square foot unenclosed kiosk to provide part of the Hotel's required parking at 103 South Calle Cesar Chavez (APN 017-113-020), which property is not subject to the Amended Specific Plan (the "Parking Lot Parcel") but is a component of the overall development of the Hotel ;and

S. WHEREAS, on July 2, 2008 the City issued a building permit (BLD2007-02954) to develop a parking lot and kiosk on the Parking Lot Parcel in conjunction with the Hotel; and

T. WHEREAS, on May 23, 2008 the Parker Family applied to merge ten parcels into one parcel at 103 South Calle Cesar Chavez (APN 017-113-020), and on December 3, 2010 a Certificate of Voluntary Merger was recorded in the Santa Barbara County Clerk-Recorder's office as Instrument No. 2010-0069204 of Official Records; and

U. WHEREAS, in a letter dated November 5, 2010, the City set forth the process by which it would determine at a future date the square footage of allowed commercial development on the Parking Lot Parcel, taking into consideration the development potential of the ten lots comprising the newly created Parking Lot Parcel prior to 1989; and

V. WHEREAS, the City and the Parker Family wish to complete development of the waterfront area in accordance with the Amended Specific Plan; and

W. WHEREAS, development of the Hotel Parcel is the final component of the Amended Specific Plan yet to be completed; and

X. WHEREAS, the ongoing development of the Hotel has provided, and will further provide, significant public benefits, including without limitation:

- a. Dedicated land to enlarge Chase Palm Park;
- b. The contribution of \$124,014.00 for the installation of the traffic signal at the U.S. 101 / Cabrillo Boulevard intersection;
- c. The contribution of \$413,300.00 for the cost of the Calle Cesar Chavez expansion project;
- d. The construction of a 100-bed hostel, which provides visitor accommodations in the waterfront area;
- e. The annual expenditure by the Parker Family of \$62,500, which totals more than \$1,125,000.00 paid to date, to assist in the operation and maintenance of Chase Palm Park until such time the Hotel is constructed;
- f. An increase in the amount of annual funds contributed by the Parker Family towards the cost of operating and maintaining Chase Palm Park for thirty five years from completion of the Hotel;
- g. The development and operation of a hotel on the City waterfront on a vacant parcel; and
- h. Restoration of the El Estero drainage area through the Parking Lot Parcel with native habitat and the remediation and removal of hazardous materials in the area.

Y. WHEREAS, the City and the Parker Family agree that the overall design and concept of the Hotel may need to be revised to better meet the marketplace for waterfront hotels, which has changed since the Hotel was originally approved; and

Z. WHEREAS, a redesigned hotel may be in the best interest of both the City and the Parker Family as it may have fewer impacts on traffic and public views, and may create more open space on Parcel B while continuing to provide a hotel on the City's waterfront; and

AA. WHEREAS, to the extent a revised hotel may result in a reduction in the total number of hotel rooms originally approved by the City on the Hotel Parcel, the Parker Family and the City confirm the Parker Family's ability to transfer some or all of the unused development rights from the Hotel Parcel to another property or properties within the City subject to certain conditions set forth herein; and

BB. WHEREAS, after conducting duly noticed public hearings on January 7 and March 10, 2016, the City Planning Commission reviewed, considered, and recommended to City Council adoption of this Agreement and consideration of an Addendum dated January 14, 2016 to the certified FEIR together with the certified FEIR and earlier FEIR Addenda of November 7, 1996 and August 15, 2007, and adoption of CEQA environmental findings in accordance with CEQA; and

CC. WHEREAS, after conducting a duly noticed public hearing on April 19, 2016 and after independent review and consideration, the City Council (i) adopted Ordinance No. \_\_\_\_\_ (hereinafter the "Enacting Ordinance") authorizing execution of this Agreement; (ii) considered the certified FEIR together with FEIR Addenda dated June 8, 1995, November 7, 1996, August 15, 2007 and an FEIR Addendum dated January 14, 2016 and made required environmental findings pursuant to CEQA; and (iii) found that the provisions of this Agreement provide public benefits to persons residing or owning property in the City of Santa Barbara beyond the exactions for public benefits required or allowed to be required in the normal development review and approval process under federal, state, and local law; and (iv) approved the execution and recording of this Agreement; and

DD. WHEREAS, in consideration of the public improvements and significant public benefits provided by the Parker Family pursuant to this Agreement, the City intends to grant the Parker Family certain vested rights to proceed with the development of the Hotel Parcel and Parking Lot Parcel, pursuant to this Agreement; and

EE. WHEREAS, the Parker Family would not enter into this Agreement, or agree to provide the public benefits, public improvements and financial contributions described in this Agreement without the assurances of the City that the Hotel Parcel and Parking Lot Parcel can be developed as provided for herein; and

FF. WHEREAS, on December 29, 2011 the California Supreme Court upheld AB 1 X 26 and required the dissolution of all redevelopment agencies in California, including the RDA; the City has succeeded to all of the RDA's rights and obligations pertaining to the agreements with the Parker Family relating to Chase Palm Park, the Hotel, and Hotel Parcel; and

GG. WHEREAS, the City finds that this Agreement is consistent with the City of Santa Barbara's General Plan, the Amended Specific Plan, the City of Santa Barbara Zoning Ordinance and the City's Local Coastal Plan, and that the City has completed all necessary proceedings in accordance with the City's rules and regulations for approval of this Agreement.

**NOW, THEREFORE,** with reference to the foregoing recitals and in consideration of the mutual promises, obligations and covenants herein contained, which are incorporated herein

by reference and hereafter made part of this Agreement, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the City and the Parker Family agree as follows:

1. Incorporation of Recitals. The foregoing recitals are hereby incorporated herein as if set forth in full.

2. Purpose. The purpose of this Agreement is: a) to confirm the existing right of the Parker Family to complete the Hotel on the Hotel Parcel and the associated improvements on the Parking Lot Parcel ~~within a defined time period~~ for the Term of this Agreement (subject only to the receipt of new Building and Public Works Permits from the City and in compliance with the Conditions of Approval described in City Ordinance 4920 and City Resolution No. 032-07 ); b) to confirm the right of the Parker Family alternatively to propose and apply for permits for a revised hotel design on the Hotel Parcel and the Parking Lot Parcel through new Discretionary Permits, subject to Existing City Laws; and c) to define the process by which the Parker Family may transfer some or all of the unused approved commercial square footage and/or hotel rooms from the Hotel Parcel to another property or properties within the City.

3. Property Description and Binding Covenants. The Hotel Parcel is that real property described in Exhibit A. The Parking Lot Parcel is that real property described in Exhibit B. Upon execution of this Agreement by the parties and recordation of this Agreement, the provisions of this Agreement shall constitute covenants which shall run with the Hotel Parcel and the Parking Lot Parcel and the benefits and burdens hereof shall bind and inure to all successors in interest and assigns of the parties hereto. This Agreement shall be recorded against the Hotel Parcel and the Parking Lot Parcel as required by California Government Code Section 65868.5.

4. Term. The term of this Agreement shall commence upon the effective date of the Enacting Ordinance (“Effective Date”). The term of this Agreement shall extend for a period of five (5) years after the Effective Date (“Term”), unless said Term is terminated, modified or extended by circumstances set forth in this Agreement or by mutual consent of the parties hereto.

4.1. Tolling and Extension During Legal Challenge or Moratoria. In the event this Agreement, any of the land use entitlements related to the Hotel Parcel or the Parking Lot Parcel, the Environmental Document, or any subsequent approvals or permits required to implement the land use entitlements for the Hotel Parcel, the Parking Lot Parcel or this Agreement are subjected to legal challenge and the Parker Family is unable to proceed with development of the Hotel Parcel or Parking Lot Parcel due to such legal challenge (or the Parker Family provides written notice to the City that it is electing not to proceed with development of the Hotel Parcel or Parking Lot Parcel until such legal challenge is resolved to the Parker Family’s satisfaction), the Term of this Agreement and timing for obligations imposed by this Agreement shall be extended and tolled during such legal challenge until the entry of a final order or judgment upholding this Agreement, the Environmental Document, or the land use entitlements, approvals, or permits related to this Agreement, or the litigation is dismissed by stipulation of the parties; provided, however, that notwithstanding the foregoing, the Parker Family shall have the right to elect, in the Parker Family’s sole and absolute discretion, to proceed with development of the Hotel Parcel or the Parking Lot Parcel at any point by providing the City written notice that it is

electing to proceed, in which event the tolling of the Term of this Agreement shall cease as of the date of such notice. Similarly, if the Parker Family is unable to develop the Hotel Parcel or the Parking Lot Parcel due to the imposition by the City or other public agency of a development moratoria for a public health and safety reason unrelated to the performance of the Parker Family's obligations under this Agreement (including without limitation, moratoria imposed due to the unavailability of water or sewer to serve the Hotel Parcel), then the Term of this Agreement and the timing for obligations imposed pursuant to this Agreement shall be extended and tolled for the period of time that such moratoria prevents development of the Hotel Parcel or the Parking Lot Parcel.

5. Amendment to Agreement. This Agreement may be amended from time to time by mutual written consent of the parties in accordance with applicable laws governing development agreements. The parties acknowledge that under the City Zoning Ordinance and applicable rules, regulations and policies of the City, the Community Development Director or his or her designee has the discretion to approve alterations or revisions to any approved land use entitlement for the Hotel Parcel or the Parking Lot Parcel that are in substantial conformance with the Hotel and Parking Lot Parcel Approvals depicted in the plans approved by building permits (BLD2007-01318 and BLD2007-02954). Accordingly, any alteration or revision to an entitlement or approval that is determined by the City Community Development Director to be in substantial conformance with the approved land use entitlements and relates to the Hotel Parcel or the Parking Lot Parcel shall not constitute nor require an amendment to this Agreement to be effective.

6. Permitted Uses. The permitted uses of the Hotel Parcel, the intensity and density of use, the maximum height of structures, the location of public improvements and other terms and conditions of development applicable to the Hotel Parcel shall be those set forth in the Amended Specific Plan and Existing City Laws, as defined below, Ordinance 4920, and this Agreement. The permitted uses of the Parking Lot Parcel, the intensity and density of use, the maximum height of structures, the location of public improvements and other terms and conditions of development applicable to the Parking Lot Parcel shall be those set forth in the Existing City Laws, the Parking Lot Parcel Approvals, and this Agreement.

7. Vested Entitlements. Subject to the provisions and conditions of this Agreement, the City hereby agrees that the City is granting, and grants herewith, a fully vested entitlement and right to develop the Hotel Parcel and Parking Lot Parcel in accordance with the terms and conditions of this Agreement. The Parker Family's vested right to proceed with the development of the Hotel Parcel and Parking Lot Parcel may be subject to a subsequent approval process as set forth in this Agreement; provided that any conditions, terms, restrictions and requirements for such subsequent actions shall not prevent development of the Hotel Parcel or the Parking Lot Parcel for the uses set forth in the Amended Specific Plan, the Hotel and Parking Lot Parcel Approvals and Existing City Law, or reduce the intensity or density of development, or limit the rate or timing of development set forth in the Amended Specific Plan, the Hotel and Parking Lot Parcel Approvals, Existing City Laws and this Agreement, unless so requested by the Parker Family and so long as the Parker Family is not in default under this Agreement.

7.1 Conflicting Ordinances or Moratoria. Except as provided in this Agreement and subject to applicable law relating to the vesting provisions of development agreements, so long as this Agreement remains in full force and effect, no future resolution, rule, ordinance or legislation adopted by the City or by initiative (whether initiated by the City Council or by voter petition, other than a referendum that specifically overturns the City's approval of this Agreement) shall directly or indirectly limit the rate, timing, sequencing or otherwise impede development of the Hotel Parcel or the Parking Lot Parcel from occurring in accordance with this Agreement. To the extent any future rules, ordinances, regulations or policies applicable to development of the Hotel Parcel or the Parking Lot Parcel are not inconsistent with the Amended Specific Plan, Existing City Laws, or this Agreement, such rules, ordinances, regulations and policies shall be applicable.

7.2 Authority of City. This Agreement shall not be construed to limit the authority or obligation of the City to hold necessary public hearings, or to limit the discretion of the City with regard to applicable laws that would require the exercise of discretion by the City, provided that subsequent discretionary actions shall not prevent or delay development of the Hotel Parcel and the Parking Lot Parcel for the uses and the density and intensity of development as provided by the Amended Specific Plan, the Hotel and Parking Lot Parcel Approvals, Existing City Laws and this Agreement.

8. Application and Project Development Fees; Credit for Development Mitigation Fees. The Parker Family shall pay those application, processing, inspection and plan check fees as may be required by the City under the then-current regulations for processing applications and requests for any subsequent entitlements for the Hotel Parcel or Parking Lot Parcel, including without limitation any New Development Proposal, as defined below. Consistent with the terms of this Agreement, the City shall have the right to impose and the Parker Family shall pay such development fees, impact fees and other such fees levied or collected by the City to offset or mitigate the impacts of development of the Hotel Parcel and the Parking Lot Parcel pursuant to any subsequent entitlements, including without limitation any New Development Proposal, and which will be used to pay for public utilities and improvements attributable to the Hotel Parcel or the Parking Lot Parcel as have been adopted by the City as of the Effective Date of this Agreement ("Development Mitigation Fees"). Notwithstanding the foregoing, the Parker Family shall receive a credit against any and all Development Mitigation Fees, including without limitation any Development Mitigation Fees imposed on or attributable to any subsequent entitlements, including without limitation, any New Development Proposal, as defined below, for those certain impact fees, mitigation fees, public improvements, and public dedications set forth in Sections 8.3-8.7, below. Unless otherwise specifically provided in this Agreement, any Development Mitigation Fees shall be paid at the time of issuance of building permit.

8.1 Adjustment to Development Mitigation Fees. The City may adjust the Development Mitigation Fees from time-to-time and all such adjustments shall be done in accordance with City policy regarding the assumptions and methodology governing adjustments of City fees generally and in accordance with the Mitigation Fee Act (California Government Code Section 66000 *et seq.*, as may be amended or revised) or other applicable law. In the event the Development Mitigation Fees are reduced or eliminated prior to the time in which the Parker

Family is obligated to pay such Development Mitigation Fee, the Parker Family shall be entitled to receive the benefit of such reduction.

8.2 New Development Mitigation Fees. In the event that after the Effective Date of the Agreement the City adopts a new development mitigation fee in accordance with the Mitigation Fee Act (“New Development Mitigation Fee”) and the New Development Mitigation Fee is applicable on a city-wide basis and includes the Hotel Parcel or the Parking Lot Parcel, development of the Hotel Parcel or the Parking Lot Parcel will be subject to the New Development Mitigation Fee.

8.3. Provision of a Hostel. The City hereby acknowledges and agrees that the Parker Family has fully satisfied the requirements of the Amended Specific Plan, Existing City Laws and any additional requirements or mitigation measures that may be applicable to any development of the Hotel Parcel or the Parking Lot Parcel pursuant to this Agreement, including without limitation any development pursuant to a New Development Proposal, related to the accommodation or construction of a hostel by and through development of the Hostel at 12 E. Montecito Street. The City shall not require as a condition of approval or otherwise for development of the Hotel Parcel or the Parking Lot Parcel any additional fees, dedications or expenditures by the Parker Family related to the accommodation or construction of a hostel or affordable or lower-cost visitor accommodations.

8.4. Dedication of Parks and Open Space and Park Maintenance Funding. The City hereby acknowledges and agrees that the Parker Family’s dedication of the 4.9 acre Park Parcel, annual payment of \$62,500 for park maintenance fees (\$1,125,000.00 to date), and agreement to pay additional annual maintenance fees for thirty five years from completion of the Hotel fully satisfies the City’s development mitigation requirements for providing parks and recreation facilities as they relate to development of the Hotel Parcel and the Parking Lot Parcel under this Agreement, including without limitation any development pursuant to a New Development Proposal. The City shall not require as a condition of approval or otherwise for development of the Hotel Parcel or the Parking Lot Parcel pursuant to this Agreement any additional fees, dedications or expenditures by the Parker Family related to parks, open space, or public recreation facilities, except as required by the Development Approvals. Notwithstanding the foregoing, prior to, and throughout construction of the Hotel, the Parker Family shall maintain temporary construction fencing surrounding the Hotel Parcel in good order, with a uniform green color (Malaga Green), and keep the project site secure. Until the commencement of construction of the Hotel, all trees identified in the April 12, 2013 City Parks and Recreation Department memorandum shall be maintained by the Parker Family and subject to periodic inspection by Parks and Recreation staff.

8.5. Traffic Impact Fees. The City hereby acknowledges and agrees that in furtherance of the development of the Hotel Parcel, the Parker Family has contributed \$124,014.00 for the installation of the traffic signal at U.S. 101 / Cabrillo Boulevard intersection and \$413,300.00 for the cost of the Calle Cesar Chavez expansion project. The Parker Family shall be credited for said improvements and the contribution of said funds against any Development Mitigation Fee or New Development Mitigation Fee related to traffic and circulation impacts imposed for development of the Hotel Parcel or the Parking Lot Parcel

pursuant to this Agreement, including without limitation any development pursuant to a New Development Proposal.

8.6 School Mitigation Fee. The City hereby acknowledges and agrees that in furtherance of the development of the Hotel Parcel, the Parker Family has contributed \$47,190.00 in school mitigation fees. The Parker Family shall be credited for said fee against any Development Mitigation Fee or New Development Mitigation Fee related to school impacts imposed for the development of the Hotel Parcel or the Parking Lot Parcel pursuant to this Agreement, including without limitation any development pursuant to a New Development Proposal. Final determinations as to any school mitigation fees shall be made by the Santa Barbara School District.

8.7. Public Works Fees. The City hereby acknowledges and agrees that in furtherance of the development of the Hotel Parcel and Parking Lot Parcel, the Parker Family has paid Water and Sewer Buy-in Fees, as well as Water and Sewer Tap Fees, to the Public Works Department under the permits PBW2008-00729 and PBW2008-00975. The Parker Family shall be credited for said fee, in the dollar amount paid, against any Water or Sewer Buy-in Fees and/or Water and Sewer Tap Fees related to the supply, purveyance or distribution of water or sewer services imposed for the development of the Hotel Parcel or the Parking Lot Parcel pursuant to this Agreement, including without limitation any development pursuant to a New Development Proposal. The applicant shall be responsible for paying all applicable fees, minus the credit described above, per the City's current Fee Resolution at the time of Public Works Permit application(s).

9. Applications for Approvals and Entitlements.

9.1 Actions by the City. City agrees it will accept, in good faith, for processing, review and action all applications for development permits or other land use entitlements for use of the Hotel Parcel or the Parking Lot Parcel, including without limitation any New Development Proposal, in accordance with this Agreement, the Amended Specific Plan, and Existing City Laws. Accordingly, to the extent that the applications and submittals are in conformity with the Amended Specific Plan, Existing City Laws and this Agreement, the City agrees to accept, review and take action on all subsequent applications and submittals made to the City by the Parker Family for developing the Hotel Parcel or the Parking Lot Parcel.

10. Continuing Development of Hotel. The City approves, affirms, and consents to the continuing development of the Hotel Parcel and the Parking Lot Parcel and to the construction of a hotel and any other works of improvement (including right-of-way and parking improvements) permitted by the Amended Specific Plan, the Hotel and Parking Lot Parcel Approvals subject to required Conditions of Approval, Existing City Laws and subject to the terms and conditions of this Agreement at any time during the Term, subject only to the following conditions:

10.1. Expiration of Hotel Building Permits; Development Pursuant to Existing Development Approvals; Substantial Conformance Determination. Upon the expiration of all appeal periods, including but not limited to any appeal to the California Coastal Commission, and statutes of limitation to bring a legal challenge against the City or the Parker Family related

to this Agreement or the validity of this Agreement, and the resolution of such appeal or legal challenge in favor of upholding the validity of this Agreement without amendment or revision (“Appeal Period”), the Hotel Building Permits and Public Works Permits shall expire and until such Appeal Period has expired the Hotel Building Permits and Public Works Permits shall remain valid. If the Parker Family, in its sole and absolute discretion, elects to construct the Hotel and associated improvements on the Hotel Parcel and the Parking Lot Parcel pursuant to the Development Approvals, Conditions of Approval and Parking Lot Parcel Approvals, the Parker Family shall comply with the Development Approvals, Conditions of Approval and Parking Lot Parcel Approvals and shall apply for and obtain new building permits and public works permits for the Hotel (“New Building Permits and New Public Works Permits”). An application for New Building Permits or New Public Works Permits shall be reviewed and considered for approval in accordance with the version of the California Building Code, as duly adopted and amended by the City, in effect at the time the application for New Building Permits or New Public Works Permits is submitted. Because the Hotel and the associated improvements on the Hotel Parcel were designed and approved prior to the adoption of the City’s Storm Water Management Ordinance (Chapter 22.87 of the Santa Barbara Municipal Code), it is not possible to construct the Hotel, as approved by the Building Permits and Public Works Permits, in a manner that strictly complies with the detention requirements of the City’s Storm Water Management Ordinance; however, the Hotel will comply with all treatment requirements of the City’s Storm Water Management Ordinance, including without limitation the Storm Water Management Plan Tier 3 treatment requirements. Therefore, with the sole exception of the detention requirements, any application for New Building Permits and New Public Works Permits that relates to the Hotel and the associated improvements on the Hotel Parcel shall comply with all provisions of the City’s Storm Water Management Ordinance.

The continuing right to develop the Hotel Parcel and the Parking Lot Parcel is contained within this Agreement. With the exception of the New Building Permits and New Public Works Permits, the City shall not require any additional dedications, public improvements, or the payment of any additional fees or costs, other than those fees charged by the City to obtain the New Building Permits and New Public Works Permits. The Parker Family shall have four (4) years from the Effective Date of this Agreement to submit an application to the City for the New Building Permits and New Public Works Permits and shall obtain the New Building Permits and New Public Works Permits ~~within five (5) years of the Effective Date~~ during the Term of this Agreement, which time periods shall be extended as set forth in Sections 4.1 and 18 of this Agreement. Upon receipt of any application for the New Building Permits and Public Works Permits, the City shall diligently process said application and the time periods set forth in this Section 10.1 shall be extended by any unreasonable delay by the City in the processing or review of said application. If the Parker Family does not obtain the New Building Permits and Public Works Permits ~~within five (5) years of the Effective Date~~ during the Term of this Agreement (as may be extended pursuant to this Agreement), the Parker Family shall be deemed to have terminated its vested rights to develop or ’s ability to construct the Hotel pursuant to the Development Approvals, Conditions of Approval and Parking Lot Approvals ~~shall expire~~.

Nothing herein shall prevent the Parker Family from requesting the Hotel, the Parking Lot Parcel Approvals, or the Development Approvals be revised pursuant to the City’s “Substantial Conformance Determination” process, as set forth in the City Planning Commission

Guidelines adopted by the City Council on July 15, 1997 (“SCD Guidelines”). Any request by the Parker Family for a Substantial Conformance Determination shall be processed by the City in conformance with the SCD Guidelines as a Level 4 proposal with a hearing before the Planning Commission and shall be considered in relationship to the Hotel and Parking Lot Parcel Approvals depicted in the plans approved by building permits (BLD2007-01318 and BLD2007-02954). The parties hereby agree and acknowledge that for purposes of applying the SCD Guidelines to any request by the Parker Family for a substantial conformance determination regarding a proposed revision to the Hotel and the Parking Lot Parcel Approvals, a determination of “substantial conformance” shall be made in consideration of (A) whether the proposed revision results in a cumulative or overall increase to any of the following: (i) the total number of guest rooms on the Hotel Parcel, (ii) the total square footage of guest rooms on the Hotel Parcel, (iii) the square footage of total development on the Hotel Parcel and Parking Lot Parcel, (iv) the visual, traffic or circulation impacts of the Hotel, (v) the total building footprint of the Hotel and related improvements on the Hotel Parcel and the Parking Lot Parcel, and (vi) the overall height of the Hotel and related improvements on the Hotel Parcel and the Parking Lot Parcel; and (B) whether the proposed revisions conform with the Amended Specific Plan and do not require new or additional environmental review under the California Environmental Quality Act, other than an addendum to the FEIR. Nothing in this Section 10.1 shall in any way require or commit the City to approve a Substantial Conformance Determination request at any time in the future. Any revision of the Hotel or related improvements on the Hotel Parcel or the Parking Lot Parcel submitted for consideration pursuant to the Substantial Conformance Determination process shall comply with all aspects of the City’s Storm Water Management Ordinance.

10.2 Development Pursuant to New Development Proposal. Alternatively, the Parker Family, in its sole and absolute discretion, may pursue an alternative development of the Hotel Parcel subject to the terms and conditions of this Agreement (“New Development Proposal”). Any application for a New Development Proposal submitted to the City during the Term of this Agreement shall be subject only to the Amended Specific Plan, Existing City Laws and this Agreement. For purposes of clarity, any application for a New Development Proposal shall comply with all aspects of the City’s Storm Water Management Ordinance.

10.3 Development of Parking Lot Parcel. The Parking Lot Parcel Approvals shall remain in full force and effect for the Term of this Agreement. In the event the Parker Family, in its sole and absolute discretion, elects to pursue an alternative development on the Parking Lot Parcel, such development shall comply with Existing City Laws and this Agreement.

11. Transfer of Existing Development Rights. The City hereby affirms the Parker Family’s existing vested right to develop a total 142,647 square feet of commercial square footage on the Hotel Parcel (“Approved Square Footage”), which includes One Hundred Fifty (150) Hotel Rooms within 59,575 square feet of floor area (“Approved Hotel Rooms”) and 83,072 square feet of non-room floor area (“Approved Non-room Square Footage”) as set forth in the Development Approvals and the Hotel Building Permits. In the event the Parker Family elects, in its sole discretion, to develop a hotel on the Hotel Parcel that reduces the overall number of Approved Hotel Rooms and/or Approved Non-room Square Footage on the Hotel Parcel, the Parker Family may submit an application to the City to transfer some or all of the undeveloped Approved Hotel Rooms and/or Approved Non-room Square Footage from the Hotel Parcel to

one or more receiving sites, which transfer of development rights shall be subject to the terms and conditions of this [Paragraph-Section 11](#).

In calculating the amount of undeveloped Approved Hotel Rooms and/or Approved Non-room square footage available for transfer from the Hotel Parcel, the Approved Project shall be treated as if it were constructed in accordance with the Hotel Building Permits.

Upon the Effective Date, the Parker Family shall have the right to transfer up to seventy (70) Approved Hotel Rooms and up to 39,044 square feet of Approved Non-room Square Footage (collectively, "Initial TEDR") from the Hotel Parcel to one or more receiving sites, pursuant to this Agreement. Prior to the transfer of any Approved Hotel Rooms or Approved Non-room Square Footage in excess of the Initial TEDR from the Hotel Parcel to one or more receiving sites, the Parker Family shall first obtain building permits from the City for development of a hotel on the Hotel Parcel.

To the extent this [Paragraph-Section 11](#) conflicts with Existing City Laws, including but not limited to Chapter 28.95 of the Santa Barbara Municipal Code and its implementing procedures and guidelines, for purposes of this Agreement, the terms of this [Paragraph-Section 11](#) shall control. During the term of this Agreement, any transfer of Approved Hotel Rooms from the Hotel Parcel shall be subject to this [Paragraph-Section 11](#) and shall not be subject to any future ordinance or regulation adopted by the City that is intended to regulate the transfer of existing development rights, unless the Parker Family elects to rely on the City laws in effect at the time of a proposed transfer, as identified in Section 11.2 below.

The Parker Family's ability to transfer undeveloped Approved Hotel Rooms from the Hotel Parcel to one or more receiving sites on a "room for room" basis, shall expressly survive termination or expiration of this Agreement. In addition, the Approved Hotel Rooms and the Approved Non-room Square Footage shall be treated as Approved Floor Area for purposes of Section 28.95.020.2 of the Santa Barbara Municipal Code (notwithstanding any expiration of the Parker Family's ability to construct the Hotel pursuant to Section 10.1 or the termination of this Agreement). However, but for the right to transfer undeveloped Approved Hotel Rooms on a room for room basis (as opposed to a square footage basis) and the recognition of the Approved Hotel Rooms and Approved Non-room Square Footage as Approved Floor Area, any application for the transfer of undeveloped Approved Hotel Rooms or Approved Non-room Square Footage that is submitted after the termination or expiration of this Agreement shall be processed in accordance with the City laws in effect as of the time such an application is submitted.

11.1 Process for Transfer of Existing Development Rights. If the Parker Family submits an application to the City to transfer any Approved Hotel Rooms or Approved Non-room Square Footage from the Hotel Parcel to another parcel, the following terms and conditions shall apply:

1. The Parker Family's transferable development rights in the Approved Hotel Rooms shall be available for transfer on a "room for room" basis or measured by square feet of floor area, which for purposes of this [Paragraph-Section 11.1](#) is deemed to be 397 square feet per Approved Hotel Room.

2. The City hereby acknowledges and agrees that any transfer of Approved Rooms or Approved Non-room Square Footage from the Hotel Parcel does not require an allocation from the allowable square footage specified in subsection A of Section 28.85.010 of the Santa Barbara Municipal Code.

3. In its review of any application to transfer development rights from the Hotel Parcel to the Fess Parker Hotel Parcel, the City shall take into consideration and give appropriate credit to the Parker Family for those fees, dedications and public improvements made by the Parker Family in satisfaction of its obligations under Development Agreement No. 1, including without limitation its provision of lower-cost visitor accommodations through development of the Hostel, provision of parks and open space through the dedication of the Park Parcel and ongoing annual payments to the City of park maintenance fees, and the provision of traffic and circulation improvements through the payment of fees for the installation of the traffic signal at U.S. 101 / Cabrillo Boulevard and expansion of Calle Cesar Chavez.

4. Given the physical proximity of the Hotel Parcel to the Fess Parker Hotel Parcel and the similarity of uses at the properties, the City shall use, where appropriate, all applicable reports, environmental documents, studies and other documents prepared by or on behalf of the Parker Family for the development of the Hotel Parcel in its review of any proposed development on the Fess Parker Hotel Parcel resulting from a transfer of development rights from the Hotel Parcel to the Fess Parker Hotel Parcel. Notwithstanding the foregoing, the City may request additional information or studies with respect to any proposed development of the Fess Parker Hotel Parcel resulting from a transfer of development rights from the Hotel Parcel to the Fess Parker Hotel Parcel and any proposed transfer of development rights from the Hotel Parcel to the Fess Parker Hotel Parcel shall be considered a new development proposal on the Fess Parker Hotel Parcel and shall require a separate development plan application and the requisite environmental review and approvals from the City at such time as the Parker Family may request such transfer.

5. Except as otherwise expressly stated herein, any application for a transfer of Approved Rooms or Approved Non-room Square Footage from the Hotel Parcel shall be processed by the City in accordance with Existing City Laws (including, but not limited to, the City's Traffic Management Strategy and Chapters 28.85 and 28.95 of the Santa Barbara Municipal Code), the Amended Specific Plan and this Agreement.

11.2 Transfer of Existing Development Rights Under Future Regulations. Notwithstanding any provision herein, the Parker Family may elect, in its sole discretion, to process any request for a transfer of existing development rights from the Hotel Parcel in accordance with any City laws relating to the transfer of existing development rights in effect at the time of such proposed transfer, including without limitation Chapter 28.95 of the Santa Barbara Municipal Code. If the Parker Family elects to process a transfer of existing development rights in accordance with future City regulations, as opposed to the provisions of the Existing City Laws and this Agreement, any such transfer shall be processed in accordance with the entire regulatory scheme of the future regulations relating to the transfer of existing development rights. The Parker Family cannot elect to use portions of the Existing City Laws

and this Agreement relating to the transfer of existing development rights and portions of the future regulations relating to the transfer of existing development rights.

11.3 No Effect if Amendments to Chapter 28.95 are Not Approved. In conjunction with this Agreement, the City Council of City is considering amendments to Chapter 28.95 of the Santa Barbara Municipal Code which, if they become effective, will authorize this Agreement to supersede the requirements of Chapter 28.95. If those amendments do not for any reason become effective, including without limitation a successful referendum, then the provisions of this Section 11 shall have no force or effect.

12. Cooperation in the Event of a Legal Challenge. In the event any legal action instituted by any third party or other governmental entity or official challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending said action.

13. Enforceability. The City agrees that unless this Agreement is amended or canceled pursuant to the provisions set forth herein it shall be enforceable according to its terms by any party hereto notwithstanding any change hereafter to any general plan, specific plan, local coastal program, zoning ordinance, subdivision ordinance or building regulation adopted by the City or initiative, which changes, alters or amends the rules, regulations and policies applicable to the development of the Hotel Parcel or the Parking Lot Parcel or the rights granted to the Parker Family in this Agreement as of the Effective Date of this Agreement.

14. Estoppel Certificate. Either party may, at any time, and from time to time, deliver written notice to the other party requesting such party certify in writing that, to the knowledge of the certifying party, (i) this Agreement is in full force and effect and a binding obligation of the parties, (ii) this Agreement has not been amended or modified either orally or in writing, or if so amended, identifying the amendments, and (iii) the requesting party is not in default in the performance of its obligations under this Agreement, or if in default, to describe therein the nature of the default. The party receiving the request hereunder shall execute and return such certificate to the requesting party within thirty (30) days following receipt thereof. City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees of the Parker Family.

15. Mortgagee Protection. The parties hereto agree that this Agreement shall not prevent or limit the Parker Family's ability to encumber the Hotel Parcel or the Parking Lot Parcel, or any portion thereof, or any improvement thereon by any mortgage, deed of trust or any other security or financing instrument. City acknowledges that the Parker Family's lenders or potential lenders may require certain interpretations of the Agreement and modifications and agrees to meet with the Parker Family and representatives of such lenders or potential lenders to negotiate in good faith any such request for interpretation or modification. City will not unreasonably withhold its consent to any such interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any lender that obtains a mortgage or deed of trust against the Hotel Parcel or the Parking Lot Parcel shall be entitled to the following rights and privileges:

A. Neither entering this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Hotel Parcel or the Parking Lot Parcel made in good faith for value, unless otherwise required by law.

B. The mortgagee of any mortgage or deed of trust encumbering the Hotel Parcel or the Parking Lot Parcel, or any part thereof, which the mortgagee has submitted a written request to the City to receive notices, may request to receive written notification from the City of any default by the Parker Family in the performance of the Parker Family's obligations under this Agreement.

C. If the City timely receives a request from a mortgagee requesting a copy of any notice of default given to the Parker Family under the terms of this Agreement, the City shall provide a copy of that notice to the mortgagee within ten (10) days of sending notice of default to the Parker Family. The mortgagee shall have the right, but not the obligation, to cure the default during any cure period allowed to the Parker Family under this Agreement.

D. Any mortgagee who comes into possession of the Hotel Parcel or the Parking Lot Parcel, or any part thereof, by any means, whether pursuant to foreclosure or deed in lieu of foreclosure or otherwise, shall take the Hotel Parcel or the Parking Lot Parcel, or part thereof, subject to the terms of this Agreement. Provided, however, notwithstanding anything to the contrary above, any mortgagee, or the successors or assigns of any mortgagee, who becomes owner of the Hotel Parcel or the Parking Lot Parcel, or part thereof, through foreclosure shall not be obligated to pay any fees or construct or complete any improvements, unless such owner desires to continue development of the Hotel Parcel or the Parking Lot Parcel consistent with this Agreement and the applicable land use entitlements, in which case the owner by foreclosure shall assume the obligations of the Parker Family hereunder in a form acceptable to the City.

E. The foregoing limitation on mortgagees and owners by foreclosure shall not restrict the City's ability to specifically enforce against such mortgagees or owners by foreclosure any dedication requirements under this Agreement or under any conditions of any other land use entitlements or approvals related to the Hotel Parcel or the Parking Lot Parcel.

16. State or Federal Law and Regulations. The Parker Family acknowledges that applications for development permits may be subject to other agency applications, review, permitting, and applicable fees. In the event state or federal law or regulations enacted after the Effective Date prevent or preclude compliance with one or more provisions of this Agreement or require changes in plans or permits approved or issued by the City, this Agreement shall be suspended or, with the Parker Family's written consent, modified or extended as necessary to comply with such laws or regulations. Promptly following the enactment of any such law or regulation, the Parker Family and the City shall meet and confer in good faith to determine the feasibility of any such modification, extension or suspension based on the effect such modification, extension or suspension would have on the purposes and intent of this Agreement and the cost to the Parker Family of constructing and completing development of the Hotel Parcel and the Parking Lot Parcel. In addition, the Parker Family shall have the right to challenge such law or regulation, and in the event such challenge is successful, this Agreement shall remain unmodified and in full force and effect.

17. No Waiver. No failure, delay, or omission by a party in exercising or asserting any right, power, or remedy hereunder shall impair such right, power, or remedy, and no failure, delay, or omission by a party occurring upon the other party's noncompliance with or failure to perform the terms and conditions of this Agreement shall be construed as a waiver thereof. A waiver by either party of any failure, delay or omission on the part of the other party shall not be construed as a waiver of any succeeding failure, delay, or omission of the same or other terms or conditions hereof.

18. Force Majeure. In the event any party to this Agreement is unable to perform or fulfill any of the terms or conditions of this Agreement on account of acts of God, enemy action, war, strikes, walk outs, riots, governmental actions or restrictions, administrative appeals or legal actions, judicial orders, third-party actions, floods, earthquakes, fire, casualties, or similar bases for excused performance which is not within the reasonable control of the party to be excused, the party obligated to so perform or prevented from performing thereby shall be excused from said performance until such time as said party shall no longer be prevented from performing on account of any of the foregoing reasons.

19. No Joint Venture or Partnership. Nothing contained herein or in any document executed in connection herewith shall be construed as making the City and the Parker Family joint venturers or partners.

20. Assignment, Assumption and Release. The rights and obligations of the Parker Family under this Agreement may be transferred or assigned, provided: (i) such transfer or assignment is made as part of a transfer, assignment, sale or long-term lease of the Hotel Parcel or the Parking Lot Parcel and a concurrent transfer of rights to complete the development of the Hotel Parcel and the Parking Lot Parcel, and (ii) prior to such an assignment, the assignee executes and delivers to the City a written assumption of the Parker Family's obligations under this Agreement. Any such transfer or assignment shall be subject to the provisions of this Agreement. During the Term of this Agreement, any such assignee or transferee shall observe and perform all of the duties and obligations of the Parker Family contained in this Agreement as such duties and obligations pertain to the Hotel Parcel and the Parking Lot Parcel so transferred or assigned. The Parker Family shall give the City prompt written notice of any such transfer or assignment. The Parker Family may free itself from its obligations under this Agreement provided that the transferee or assignee expressly assumes such obligations and agrees to be bound by the terms and conditions of this Agreement with respect to the Hotel Parcel and the Parking Lot Parcel. Upon the full execution of the assumption and assignment agreement, the transferee or assignee shall thenceforth be deemed to be "the Parker Family" hereunder. Notwithstanding the foregoing, this ~~Paragraph~~ Section 20 shall not apply to any mortgagee who comes into possession of the Hotel Parcel or the Parking Lot Parcel, for any part thereof, by any means, whether pursuant to foreclosure or deed in lieu of foreclosure or otherwise.

21. Permitted Extensions by City. In addition to any extensions of time otherwise provided in this Agreement, the City, in its sole discretion and acting through its Community Development Director or his or her designee, may extend the time for performance by the Parker Family of any obligation hereunder. Any such extension shall not require an amendment to this Agreement, so

long as such extension only involves the time for performance thereof and does not change the obligations to be performed by the Parker Family as a condition of such extension.

22. Notices. Any notice or communication required by this Agreement must be in writing and may be given either by personal service or registered or certified mail, return receipt requested. Any notice or communication personally served shall be deemed given and received on the date of personal service on the party noticed at the appropriate address designated below, and any notice or communication sent by registered or certified mail, return receipt requested, properly addressed to the appropriate address designated below, with postage prepaid, shall be deemed given and received on the date appearing on the signed return receipt. Any party hereto may at any time and from time to time, in the manner provided herein, designate any other address in substitution of the address to which such notice or communication shall be given. All such notices or communications shall be given to the parties at the addresses hereinafter set forth:

IF TO THE CITY:

Community Development Director  
City of Santa Barbara  
630 Garden Street  
Post Office Box 1990  
Santa Barbara, CA 93102

with copies to:

Santa Barbara City Attorney  
740 State Street, Suite 201  
Santa Barbara, CA 93101

IF TO THE PARKER FAMILY:

American Tradition, LLC  
800 Miramonte Drive, Suite 350  
Santa Barbara, CA 93109  
Attn: Eli Parker and Ashley Parker Snider

with copies to:

Mullen & Henzell L.L.P.  
112 East Victoria Street  
Santa Barbara, CA 93101  
Attn: Graham Lyons and J. Robert Andrews

23. Obligations of the Parker Family. As a condition of developing the Hotel Parcel, the Parker Family shall have the following affirmative obligation(s) for the benefit of the City:

23.1 Annual Payment of Maintenance Assessment. Payment of all annual assessments provided for in the Assessment Resolution (as that term is defined in Section 4.2 of Development Agreement No. 1) that have been due and payable from the effective date of the Development Agreement No. 1 through the Effective Date of this Agreement.

24. Enforceability. Except as otherwise provided herein, the rights of the parties under this Agreement shall be enforceable notwithstanding any change subsequent to the Effective Date in any applicable general plan, specific plan, local coastal plan, municipal ordinance, or building, zoning, subdivision or other land use ordinance or regulation.

25. Limitation of Remedies. It is acknowledged by the parties that neither party would have entered into this Agreement if doing so would subject it to the risk of incurring liability in money damages, either for breach of this Agreement, anticipatory breach, repudiation of the Agreement, or for any actions with respect to its implementation or application. The parties intend by the provisions of this Section 25 that neither of the parties shall have any liability for money damages arising out of a breach or repudiation of this Agreement, and no liability in money damages for any claims arising out of the application process, negotiation, execution and adoption, or the implementation or application of this Agreement. Each of the parties to this Agreement may pursue any remedy at law or equity available for the breach of any provision of this Agreement, including but not limited to specific performance, temporary or permanent injunctive relief, declaratory relief, or restraining orders, except that the parties shall have no liability in money damages for any acts which are alleged to have arisen out of or relate to this Agreement.

The parties further acknowledge that money damages and remedies at law generally are inadequate, and specific performance is the most appropriate remedy for the enforcement of this Agreement and should be available to all parties for the following reasons:

(a) Money damages are excluded as provided above.

(b) Due to the size, nature, and scope of development of the Hotel Parcel and Parking Lot Parcel, it may not be practical or possible to restore the Hotel Parcel or the Parking Lot Parcel to their original condition once implementation of this Agreement has begun. After such implementation, the Parker Family may be foreclosed from other choices they may have had to utilize the Hotel Parcel or the Parking Lot Parcel or portions thereof. The Parker Family have invested significant time and resources and performed extensive planning and processing of the Development Approvals in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Development Approvals in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate the Parker Family for such efforts.

Except for claims, demands, actions, or suits in which non-money damages is the sole remedy sought, including without limitation the remedy of specific performance, temporary or permanent injunctive relief, declaratory relief, or restraining orders, the Parker Family, on the one hand, and the City, on the other hand, for themselves, their successors and assignees, hereby release one another's officers, trustees, directors, partners, agents and employees from any and

all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth and Fourteenth Amendments of the United States Constitution, or any other law or ordinance which seeks to impose any money damages, whatsoever, upon the parties because the parties entered into this Agreement, because of the terms of this Agreement, or because of the manner of implementation or performance of this Agreement.

26. Annual Reviews. As required by California Government Code § 65865.1 and any City procedures adopted pursuant thereto, the City's Public Works Director and Community Development Director shall review the Parker Family's performance pursuant to the terms of this Agreement at least once every twelve (12) months throughout the Term of this Agreement.

27. Definitions.

Amended Specific Plan. That certain amended specific plan approved and adopted by the Santa Barbara City Council on or about March 22, 1994 thereby amending the Park Plaza Specific Plan and affecting the real property located at 325-433 East Cabrillo Boulevard and 33 West Montecito Street, as described in more detail on Redevelopment Parcel Map 95-20,587 as Parcels 1, 2, and 3 (and recorded in the Official Records of Santa Barbara County on August 9, 1996 in Book 51, pp. 91-96), approving various permits for the affected properties and amending the zoning designation for the affected real property to HRC-2, S-D-3, SP-1 Hotel and Related Commerce 2 with Coastal Overlay Zone, Specific Plan No. 1 and General Plan designation of Open Space, Parking and Buffer/Stream for a proposed public/private project to be jointly developed by the Redevelopment Agency of the City and the Parker Family, consisting of a 150-room luxury hotel on the 3-acre Hotel Parcel, a 100-bed hostel, and an approximately 10-acre public park to be known as Chase Palm Park.

Conditions of Approval. Those certain conditions of approval imposed by the City: (a) on development of the Hotel, as set forth in Section 3, Phase II (Construction of Hotel) of Ordinance No. 4920; and (b) on development of the parking lot, as set forth in Planning Commission Resolution No. 032-07.

Development Agreement No. 1. That certain Development Agreement entered into by and between American Tradition G.P. and the City of Santa Barbara dated August 2, 1996 and recorded in the Official Records of the County of Santa Barbara as Instrument No. 96-047998.

Development Approvals. Those certain development approvals related to the Hotel adopted by the City through City Council Resolution No. 020-94: (a) incorporating the modifications and the additional conditions required by the California Coastal Commission for development of the Hotel into the Specific Plan No. 1; (b) granting development plan approvals for the Hotel; and (c) making the findings required by the City's Zoning Ordinance (Title 28 of the Santa Barbara Municipal Code) and the California Environmental Quality Act ("CEQA"); Ordinance No. 4920; and Resolution No. 032-07.

Existing City Laws. The City's general plan, local coastal plan, ordinances, resolutions, codes, rules, regulations, and official policies governing the permitted uses of land, density and intensity of use, maximum height, bulk, size, scale, design, location and construction standards and specifications applicable to this Agreement, the Hotel, the Hotel Building Permits, the Public Works Permits, the Conditions of Approval, and the Hotel Parcel and Parking Lot Parcel in effect as of the Effective Date without regard to any amendments or modifications thereto that become effective after the Effective Date.

FEIR. That certain Final Environmental Impact Report (ENV92-0107; SCH#92091038) and its Addendum dated June 8, 1995 adopted by the City of Santa Barbara pursuant to Ordinance No. 4920 adopted and approved by the Santa Barbara City Council on August 15, 1996.

Fess Parker Hotel Parcel. That certain real property located at 633 East Cabrillo Boulevard, which is presently developed with the Fess Parker Hotel and related improvements.

Hotel Building Permits. Those certain building permits related to the construction and occupancy of the Hotel, including without limitation those certain permits issued by the City of Santa Barbara authorizing construction of the Hotel and certain associated works of improvement: (i) BLD2007-00999 (issued 9/20/07), (ii) BLD2007-02146 (issued 9/20/07), (iii) BLD2007-00810 (issued 9/21/07 and thereafter amended and re-issued 8/12/08), (iv) BLD2007-2406 (issued 10/26/07), (v) BLD2007-2737 (issued 12/7/07), (vi) BLD2007-2871 (issued 1/9/08), (vii) BLD2007-01318 (issued 5/20/08), (viii) BLD2007-02954 (issued 7/2/08), (ix) BLD2009-00414 (issued 2/25/09).

Hotel. That certain 150-room hotel and associated improvements located on the Hotel Parcel and Parking Lot Parcel approved by the City pursuant to the Hotel Building Permits, Development Agreement No. 1, Ordinance No. 4920 and Parking Lot Parcel Approvals.

Hostel. That certain 100-bed hostel located at 12 East Montecito Street approved by the City of Santa Barbara pursuant to Coastal Development Permit CDP No. 95-0016 and subsequently issued approvals, modifications, and permits related thereto.

Hostel Conditions of Approval. Those certain conditions of approval for the Hotel set forth in: (1) Recital F and Recital I of Development Agreement No. 1 requiring the Hostel Property be used solely and exclusively for the construction, operation and maintenance of a 100-bed hostel; and (2) Section 3, Phase II (Construction of Hotel), Condition #F4 of Ordinance No. 4920 requiring issuance of a Certificate of Occupancy for the Hostel as a pre-requisite for issuance of a Certificate of Occupancy for the Hotel.

Hostel Property. That certain real property located at 12 East Montecito Street acquired by The Rodney James Shull Memorial Foundation, a California nonprofit public benefit corporation, by that certain Gift Deed recorded in the Official Records of the County of Santa Barbara on December 30, 1998 as Instrument No. 98-102124, in accordance with and in

satisfaction of Condition of Approval No. 4 of Part II B of Planning Commission Resolution 027-95, approved by the City of Santa Barbara Planning Commission on April 20, 1995.

Ordinance No. 4920. That certain ordinance of the City of Santa Barbara approved by the City Council on or about August 15, 1996, which approved the following: Development Agreement No.1; certain mitigation measures related to the Hotel; the FEIR and the necessary findings to approve and adopt the FEIR; the necessary findings to approve Development Agreement No. 1 and the Hotel pursuant to the Santa Barbara Municipal Code Chapters 28.22, 28.45, and 28.87; and the Conditions of Approval.

Parking Lot Parcel Approvals. Those certain permits and approvals issued by the City of Santa Barbara related to the construction and development of certain improvements and uses on the Parking Lot Parcel, including without limitation: Coastal Development Permit and a Conditional Use Permit approved through Resolution Number 032-07 adopted by on or about August 30, 2007 by the City Planning Commission; and building permit (BLD2007-02954) issued on or about July 2, 2008. Unless expressly stated otherwise in this Agreement, the Parking Lot Parcel Approvals constitute part of the Development Approvals.

Public Works Permits. Those certain permits issued by the City of Santa Barbara Public Works Department related to the development of the Hotel, including without limitation PBW 2008-0729 (issued 5/20/08).

28. City's Authority to Enter into Agreement. California Government Code §§ 65864-65869.5 authorize local agencies to enter into a binding development agreement (as such agreements are defined by California Government Code §§ 65864-65869.5) with a property owner for the development of property in order to give assurances to the property owner and the city that upon approval, a development project can proceed in accordance with existing land development policies, rules and regulations. Government Code § 65869 specifically provides that a statutory development agreement such as this Agreement need not be approved by the state Coastal Commission for any development project located in an area for which a local coastal program is required so long as the required local coastal program has been certified pursuant to the Coastal Act by the Coastal Commission prior to the date the development agreement is approved by the local agency. The City of Santa Barbara's Local Coastal Program was certified by the state Coastal Commission on November 12, 1986 and duly amended from time to time since then. Under the Santa Barbara City Charter, the City exercises control over municipal affairs, including the land development process, and has the authority to enter into development agreements for purposes consistent with the public health, safety and general welfare. On October 17, 1989, the City Council adopted Resolution No. 89-120 establishing procedures for considering statutory development agreements, which resolution sets forth in Recitals A-D thereof the City authority and public purpose of such agreements. Based on the foregoing, the City is authorized to enter into this Agreement.

IN WITNESS WHEREOF, this Agreement was executed by the parties thereto as of the Execution Date.

CITY OF SANTA BARBARA

PARKER FAMILY

By: \_\_\_\_\_  
City Administrator

American Tradition, LLC  
a California limited liability company

By: \_\_\_\_\_

Its: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Community Development Director

APPROVED AS TO FORM

\_\_\_\_\_  
Public Works Director

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

**LEGAL DESCRIPTION**

Real property in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

**PARCEL A:**

PARCEL 1 OF PARCEL MAP NO. 20,587, IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED ON 8-9-1996, IN BOOK 51, PAGES 91 THROUGH 96, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**PARCEL B:**

AN EASEMENT FOR INGRESS AND EGRESS LYING WITHIN PARCEL TWO OF MAP NO. 20,587 AS SAME IS SHOWN ON MAP NO. 20,587 ABOVE REFERRED TO AS "20' EASEMENT FOR INGRESS AND EGRESS PURPOSES IN FAVOR OF PARCEL ONE PER THIS MAP."

**PARCEL C:**

AN EASEMENT FOR PUBLIC AND PRIVATE UTILITIES AND PRIVATE DRAINAGE LYING WITHIN PARCEL THREE OF MAP NO. 20,587 AS SAME IS SHOWN ON MAP NO. 20,587 ABOVE REFERRED TO AS "EASEMENT FOR PUBLIC AND PRIVATE UTILITIES AND PRIVATE DRAINAGE IN FAVOR OF PARCEL ONE PER THIS MAP."

PARCEL MAP NO. 20,587

IN THE CITY OF SANTA BARBARA, STATE OF CALIFORNIA

OWNER'S STATEMENT. THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA AND AMERICAN TRADITION STATES THAT THEY ARE THE OWNERS OF, OR HAVE AN INTEREST IN, THE LAND INCLUDED WITHIN THE REDEVELOPMENT SHOWN ON THIS MAP...

THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA, CALIFORNIA, A PUBLIC BODY CORPORATE AND POLITICAL...

Harriet Miller, Chairperson; David G. Davis, Asst. Secretary. Attest.

American Tradition, A California General Partnership, represented by Fess Elshar Parker, Jr., Trustee.

Trustees of the Parker Family Trust, dated June 5, 1970, General Partner: Fess Elshar Parker III, General Partner.

Ashley Allen Rinehart, General Partner; State of California, County of Santa Barbara, s.s.

Notary Public in and for said state, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) 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.

Notary Public in and for said state, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) 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.

Notary Public in and for said state, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) 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.

Notary Public in and for said state, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) 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.

FOR REDEVELOPMENT PURPOSES PURSUANT TO THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW BEING A REDEVELOPMENT OF PORTIONS OF CITY BLOCKS 320, 321, 345, 345 1/2, 345 3/4, 335, 336, AND 335 1/2 AND INTERESTED PARTIES ARE: JACQUA...

JULY, 1996

Penfield & Smith ENGINEERS - SURVEYORS 111 E. VICTORIA ST. SANTA BARBARA, CALIF. 93101

STATE OF CALIFORNIA COUNTY OF SANTA BARBARA } S.S. ON July 31, 1996 BEFORE ME, Joyce L. Carpenter, a Notary Public in and for said county and state, personally appeared...

Notary Public in and for said state, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) 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.

RECORDED'S STATEMENT FILED THIS 9th DAY OF August 1996, AT 1:00 A.M. IN BOOK 51 DAY OF August 1996, AT PAGES 91 THROUGH 96.

AT THE REQUEST OF PENFIELD & SMITH ENGINEERS - SURVEYORS. KENNETH A. PETTIT COUNTY CLERK-RECORDER SANTA BARBARA COUNTY, CALIFORNIA

CLERK OF THE BOARD STATEMENT: I, KENT M. TAYLOR, CLERK OF THE BOARD OF SUPERVISORS OF SANTA BARBARA COUNTY, CALIFORNIA, DO HEREBY STATE PURSUANT TO GOVERNMENT CODE SECTION 66464...

Kent M. Taylor, Clerk of the Board of Supervisors; Charles L. Carpenter, Deputy.

SURVEYOR'S STATEMENT. THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA, CALIFORNIA, IN JULY, 1995.



Ken Kuencer, LS 5617

REDEVELOPMENT AGENCY STATEMENT

I HEREBY STATE THAT THIS MAP WAS DULY ACCEPTED AND APPROVED BY THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA, CALIFORNIA, ON July 6, 1996, AND THAT THIS MAP AND DIVISION SHOWN THEREON ARE IN COMPLIANCE WITH THE REDEVELOPMENT PLAN FOR THE CENTRAL CITY REDEVELOPMENT PROJECT AREA AS ADOPTED BY CITY ORDINANCE NO. 3566 AND AS AMENDED BY CITY ORDINANCE NUMBERS 3623...

DATED August 6, 1996

Sandra E. LeBaron, Executive Director of the City of Santa Barbara

NOTE

PURSUANT TO SECTIONS 66699.20 1/2 OF THE GOVERNMENT CODE (SUBDIVISION MAP ACT) THIS MAP REPRESENTS A MERGER AND RESUBDIVISION WITHOUT REVERSION AS INDICATED HEREON, WHEREIN ALL EASEMENTS AND RIGHTS-OF-WAY, OTHER THAN PUBLIC UTILITIES, NOT SHOWN HEREON HAVE BEEN ABANDONED.

CITY ENGINEER STATEMENT

THIS MAP CONFORMS WITH REQUIREMENTS OF SECTION 66428 OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES

DATED August 1, 1996

Pat Kelly, City Engineer, R.C.E. 2707, Exp. March 30, 1997

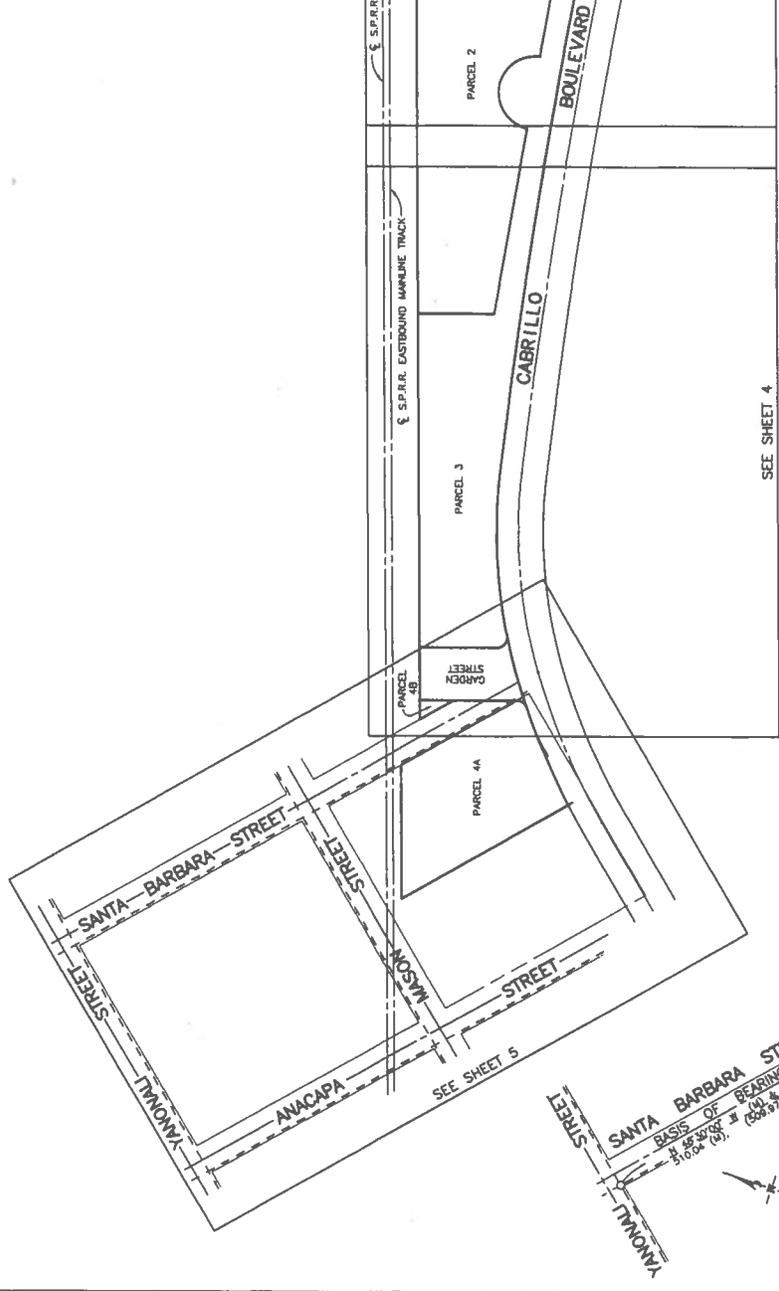
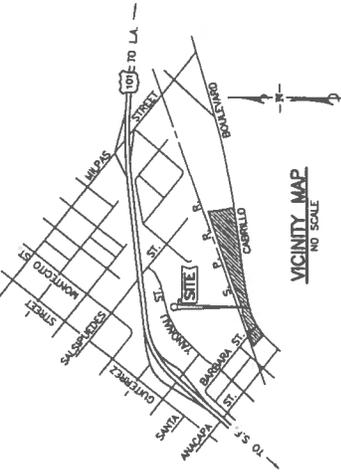


CITY COUNCIL STATEMENT

I HEREBY STATE THAT THIS MAP WAS DULY ADOPTED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF SANTA BARBARA, CALIFORNIA, ON August 6, 1996, AND THAT THE CITY CLERK WAS DULY AUTHORIZED AND DIRECTED TO ENDORSE THEREON ITS APPROVAL, AND ITS ACCEPTANCE OF GARDEN STREET AND THAT PORTION OF CABRILLO BOULEVARD AS DEDICATED HEREON

DATED August 6, 1996

Lily Rossi, Chief Deputy City Clerk, City of Santa Barbara



# PARCEL MAP NO. 20,587

IN THE CITY OF SANTA BARBARA, STATE OF CALIFORNIA  
 PURSUANT TO THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW  
 FOR REDEVELOPMENT PURPOSES  
 BEING A REDEVELOPMENT OF PORTIONS OF CITY BLOCKS 320, 321, 345, 345A, 345B, 335, 336, AND 336A, AND VACATED PORTIONS OF GARDEN STREET, ANACAPA STREET, YONAHAI STREET, MASON STREET, AND CABRILLO STREET IN CITY OF SANTA BARBARA, AND PORTIONS OF BLOCKS 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 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576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

**NOTES**  
 SEE SHEETS 3, 4 & 5 FOR LOTS AND EXTERIOR BOUNDARY DIMENSIONING.  
 SEE SHEET 6 FOR INFORMATIONAL MAP SHEET.  
 THE DIMENSIONS SHOWN HEREON AS "GRTS" ARE GROUND LEVEL DISTANCES PER R1. THE CALIFORNIA COORDINATE SYSTEM, ZONE 5, DISTANCES AS SHOWN ON R1 HAVE BEEN MULTIPLIED BY 1.00006339.

- LEGEND**
- SET 1/2" PIPE WITH PLASTIC PLUG MARKED "L.S. 5817"
  - ⊙ FOUND 1/2" PIPE WITH TAG MARKED "L.S. 3813" PER R2
  - ⊙ FOUND 1/2" PIPE WITH TAG MARKED "L.S. 3813" PER R2
  - FOUND MONUMENT AS NOTED
  - R1 RECORD PER STATE HIGHWAY MAP BOOK 2 PAGES 170 - 185
  - R2 RECORD PER BOOK 31 PAGE 4 OF PARCEL MAPS
  - R3 RECORD PER BOOK 114 PAGE 22 OF RECORDS OF SURVEYS
  - R4 RECORD PER BOOK 118 PAGE 11 OF RECORDS OF SURVEYS
  - R5 RECORD PER CITY BLOCK BOOK (PENFIELD & SMITH PRIVATE RECORDS)
  - DD1 RECORD PER INSTRUMENT NUMBER 92-104384 OFFICIAL RECORDS
  - C.A. COMPASS ADJUST
  - FTC FROM TRUE CORNER
  - L&T LEAD AND TAG MARKED "L.S. 5817"

**BASIS OF BEARINGS**  
 THE BASIS OF BEARINGS FOR THIS SURVEY IS N 48°30'00" W ALONG THE "CITY MONUMENT LINE" OF SANTA BARBARA STREET AS ESTABLISHED BETWEEN FOUND MONUMENTS AT THE INTERSECTION OF SANTA BARBARA STREET WITH THOSE OF YONAHAI AND MASON STREETS AS SHOWN HEREON.

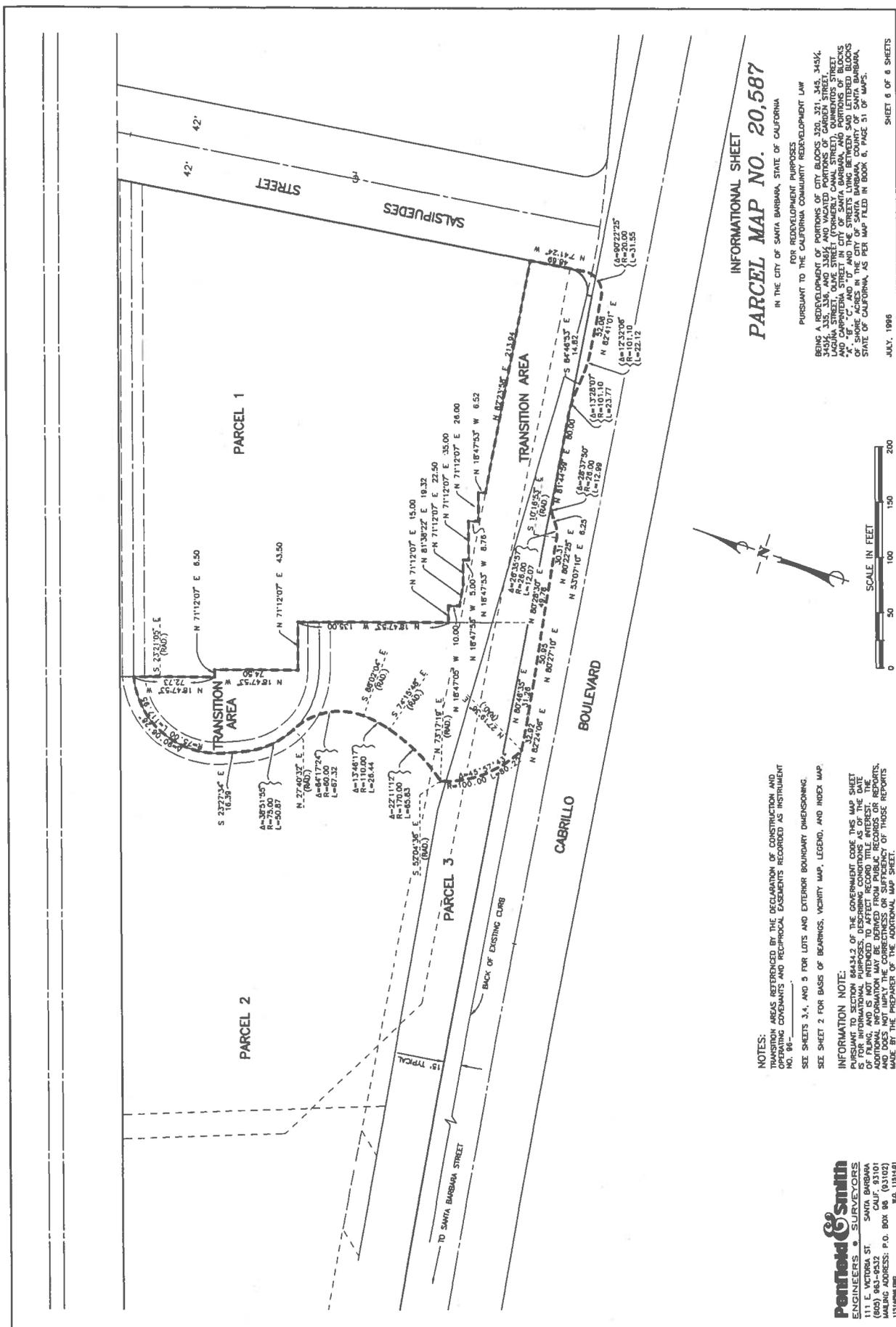
SCALE: 1" = 150'

**Penfield & Smith**  
 ENGINEERS & SURVEYORS  
 111 E. VICTORIA ST.  
 SANTA BARBARA, CALIF. 93101  
 (805) 963-9932  
 MAILING ADDRESS: P.O. BOX 98 (93102)  
 115149422.pgm  
 8/11/94









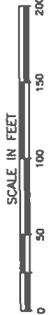
INFORMATIONAL SHEET  
**PARCEL MAP NO. 20,587**

IN THE CITY OF SANTA BARBARA, STATE OF CALIFORNIA  
 PURSUANT TO THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW  
 FOR REDEVELOPMENT PURPOSES  
 BEING A REDEVELOPMENT OF PORTIONS OF CITY BLOCKS 320, 321, 343, 343K, 343L, 338, 33A, AND 33B, AND VACATED PORTIONS OF GARDEN STREET, LAGUNA STREET, OLIVE STREET (FORMERLY CALLED OLIVE STREET), LUNA STREET, AND THE PORTIONS OF THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 14, PAGE 31, OF MAPS.

JULY, 1996  
 SHEET 6 OF 8 SHEETS

NOTES:  
 1. ALL DIMENSIONS ARE REFERENCED BY THE DECLARATION OF CONSTRUCTION AND OPERATING GOVERNMENTS AND REPROVAL EASEMENTS RECORDED AS INSTRUMENT NO. 94-\_\_\_\_\_  
 2. SEE SHEETS 3, 4, AND 5 FOR LOTS AND EXTERIOR BOUNDARY DIMENSIONING.  
 3. SEE SHEET 2 FOR BASIS OF BEARINGS, VICINITY MAP, LEGEND, AND INDEX MAP.  
 INFORMATION NOTE:  
 4. THIS PARCEL MAP IS PREPARED IN ACCORDANCE WITH SECTION 8434.2 OF THE GOVERNMENT CODE THIS MAP SHEET IS FOR INFORMATIONAL PURPOSES, DESCRIBING CONDITIONS AS OF THE DATE OF FILING, AND IS NOT INTENDED TO AFFECT RECORD TITLE INTERESTS OR RIGHTS, AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THOSE REPORTS MADE BY THE PREPARER OF THE ADDITIONAL MAP SHEET.

**Penfield & Smith**  
 ENGINEERS & SURVEYORS  
 111 E. VICTORIA ST.  
 SANTA BARBARA, CALIFORNIA 93101  
 MAILING ADDRESS: P.O. BOX 98 (93102)  
 113 (4996) (09/96)  
 W.A. 11814.01



### Legal Description

Those portions of Block 334, Block 335, Olive Street (formerly Canal Street), and Carpinteria Street, in the City of Santa Barbara, County of Santa Barbara, State of California, according to the official map thereof, described as a whole as follows:

Beginning at the northwest corner of the parcel, hereinafter to be referred to as Parcel One, described in the Corrected Certificate of Compliance recorded in the office of the County Recorder of said County June 9, 1999, as Instrument No. 99-047105 of Official Records, said corner being at the westerly terminus of that certain course recited as having a bearing and distance of "South 71°12'17" West 174.80 feet" in said document;

Thence, 1st, along the northerly line of said Parcel One, North 71°12'17" East, 450.35 feet to the northeast corner of said Parcel One, said corner being in the southwesterly line of Olive Street, 60.00 feet wide, now abandoned, and being the northwest corner of the parcel described in the Certificate of Compliance recorded in the office of said County Recorder May 27, 1998 as Instrument No. 98-037729 of Official Records;

Thence, 2nd, along the northerly line of said last-mentioned parcel, North 71°12'17" East, 69.11 feet to the northeasterly line of Olive Street and the northwest corner of the parcel described in the Certificate of Compliance recorded in the office of said County Recorder May 27, 1998 as Instrument No. 98-037731 of Official Records;

Thence, 3rd, along the northerly line of said last-mentioned parcel, North 71°12'17" East, 64.79 feet to the northeast corner of said parcel and the northwest corner of the parcel described in the Certificate of Compliance recorded in the office of said County Recorder May 27, 1998 as Instrument No. 98-037733 of Official Records;

Thence, 4th, along the northerly line of said last-mentioned parcel, North 71°12'17" East 65.33 feet to the northernmost corner of said parcel;

Thence, 5th, along the northeasterly line of said parcel, South 48°32'39" East, 7.23 feet to a point in the northwesterly line of the parcel described in the Certificate of Compliance recorded in the office of said County Recorder May 27, 1998 as Instrument No. 98-037735 of Official Records, said last-mentioned parcel to be hereinafter referred to as Parcel Nine, said point also being in the northwesterly line of Carpinteria Street, 60.00 feet wide, now abandoned;

Thence, 6th, along said northwesterly line of said Parcel Nine, North 41°26'16" East, 331.29 feet to the northernmost corner of said Parcel Nine and the beginning of a non tangent curve concave southwesterly, having a radius of 558.00 feet and a radial center which bears South 49°59'47" West;

Thence, 7th, southeasterly, along the northeasterly line of said Parcel Nine and along said curve, through a central angle of 06°17'43", an arc distance of 61.31 feet to the southeast corner of said Parcel Nine and the southeasterly line of said Carpinteria Street;

Thence, 8th, along the northeasterly prolongation of said southeasterly line, and along the northwesterly line of the parcel described in the Certificate of Compliance recorded in the office of said County Recorder May 27, 1998 as Instrument No. 98-037736 of Official Records, North 41°26'16" East, 34.77 feet to northernmost corner of said parcel and the beginning of a non tangent curve concave southwesterly, having a radius of 600.00 feet and a radial center which bears South 53°46'33" West;

Thence, 9th, southeasterly, along the northeasterly line of said parcel and along said curve, through a central angle of 18°37'22", an arc distance of 195.02 feet to the southeast corner of said parcel and the northerly line of the Union Pacific Railroad (formerly Southern Pacific Railroad);

Thence, 10th, along said railroad right of way, and the southerly line of said parcel, South 71°12'17" West, 363.49 feet to the westernmost corner of said parcel and the southerly line of the hereinabove referenced Parcel Nine;

Thence, 11th, along said southerly line and continuing along said railroad right of way, South 71°12'17" West, 120.86 feet to an angle point in the southerly line of the parcel described in the Certificate of Compliance recorded in the office of said County Recorder May 27, 1998 as Instrument No. 98-037730 of Official Records;

Thence, 12th, along said southerly line, and continuing along said right of way, South 71°12'17" West, 39.77 feet to the southeasterly corner of the parcel described in the Certificate of Compliance recorded in the office of said County Recorder June 9, 1999 as Instrument No. 99-047106 of Official Records;

Thence, 13th, along the southerly line of said last-mentioned parcel, South 71°12'17" West, 493.21 feet to the southwest corner of said parcel;

Thence, 14th, along the westerly line of said parcel, North 18°47'43" West, 62.00 feet to the southwest corner of the hereinabove referenced Parcel One;

Thence, 15th, along the westerly line of said Parcel One, North 18°47'43" West, 13.01 feet to the point of beginning.

Containing 2.42 acres, more or less.

Prepared by:

Kenneth S. Hughes  
PLS 6170  
License expiration  
date: 3/31/10



*Kenneth S. Hughes*  
APRIL 24, 2008

Page 2 of 2

LINE	BEARING	DISTANCE
L1	N 71°12'17" E	69.11
L2	N 71°12'17" E	64.79
L3	N 71°12'17" E	65.33
L4	S 48°32'39" E	7.23
L5	N 41°26'16" E	34.77
L6	S 71°12'17" W	120.86
L7	S 71°12'17" W	39.77
L8	N 18°47'43" W	62.00
L9	N 18°47'43" W	13.01

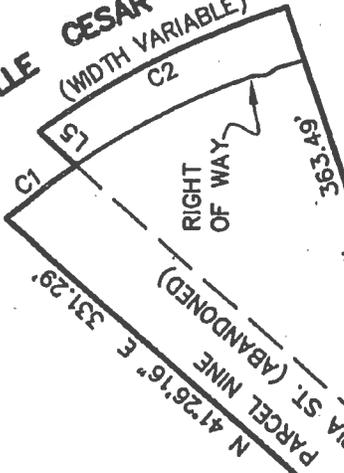
CURVE	DELTA	RADIUS	LENGTH
C1	617°43"	558.00	61.31
C2	1837°22"	600.00	195.02

APN  
017-113-022

APN  
017-113-023

APN  
017-113-019

CALLE CESAR CHAVEZ  
(WIDTH VARIABLE)



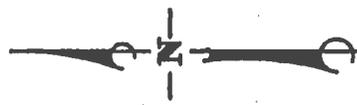
OLIVE ST. (ABANDONED)

CARPINTERIA ST. (ABANDONED)

UNION PACIFIC RAILROAD

MERGED PARCEL  
AREA=2.42 ACRES  
MORE OR LESS

POINT OF BEGINNING  
FOR LEGAL  
DESCRIPTION



APRIL 24, 2008



**Penfield & Smith**  
Engineering · Surveying · Planning  
· Construction Management ·

111 East Victoria Street,  
Santa Barbara, CA 93101  
Phone: (805) 963-9532 Fax: (805) 966-9801  
W.O. 17753.04 17753VOL-MERGER.DWG

**EXHIBIT 'B'**  
VOLUNTARY MERGER  
APN 017-113-020

CITY OF SANTA BARBARA  
STATE OF CALIFORNIA

SCALE: 1"=120' APRIL 24, 2008

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 28.95 OF TITLE 28 OF THE SANTA BARBARA MUNICIPAL CODE BY ADDING A PROVISION RELATING TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SANTA BARBARA AND AMERICAN TRADITION, LLC.

WHEREAS, the Council of the City of Santa Barbara has approved by ordinance a Development Agreement between the City of Santa Barbara and American Tradition, LLC (the "Development Agreement") regarding the development of a hotel at the corner of Cabrillo Boulevard and Calle Cesar Chavez (the "Hotel Parcel"); and

WHEREAS, the Development Agreement includes provisions regarding the potential transfer of existing development rights from the Hotel Parcel to other property within the City; and

WHEREAS, the Council of the City of Santa Barbara wants to resolve any potential conflict between the provisions of Chapter 28.95 of the Santa Barbara Municipal Code relating to the transfer of existing development rights and the provisions of the Development Agreement.

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

SECTION 1. The City Council finds and determines with respect to the Project as follows:

- A. CEQA FINDINGS. The following environmental findings and determinations are made pursuant to and in accordance with the California Environmental Quality Act (Public Resources Code, Division 13):
  1. The City Council has reviewed and considered the Addendum, dated January 14, 2016, to the Certified Final Project Environmental Impact Report (EIR) SCH#92091038 along with the Certified EIR and earlier EIR Addenda of June 1995, November 1996, and August 2007, which together constitute environmental analysis for the current project under California Environmental Quality Act (CEQA) provisions; and
  2. The City Council finds that the EIR Addendum dated January 14, 2016 has been completed in compliance with CEQA and reflects the Council's independent judgment and analysis.

SECTION 2. Chapter 28.95 of Title 28 of the Santa Barbara Municipal Code is hereby amended to add Section 28.95.115 to read as follows:

**28.95.115 Waterfront Hotel Development Agreement.**

In the case of any conflict between the terms of this Chapter 28.95 and the provisions of the Development Agreement between the City of Santa Barbara and American Tradition, LLC dated \_\_\_\_\_ (the "Development Agreement"), the provisions of the Development Agreement shall control.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 17, 2016

**TO:** Mayor and Councilmembers

**FROM:** Fire Prevention Division, Fire Department

**SUBJECT:** Renewal Of Levy For Fiscal Year 2017 For The Wildland Fire Suppression Assessment District

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Continue Vegetation Road Clearance, Implementation of a Defensible Space Inspection and Assistance Program, and Implementation of a Vegetation Management Program Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Approving the Engineer's Report; Confirming Diagram and Assessment; and Ordering Continuation of the Wildland Fire Suppression Assessment District for Fiscal Year 2016-17.

### **DISCUSSION:**

On July 11, 2006, the City Council adopted Resolution 06-064 which declared the Council's intention to order expansion of vegetation road clearance, implementation of a defensible space inspection and assistance program, and implementation of a vegetation management program within the Foothill and Extreme Foothill Zones. The Resolution described the special benefit to be assessed and approved an Engineer's Report, confirmed the diagram and assessment, and ordered levy of the Wildland Fire Suppression Assessment District for Fiscal Year 2007. As required by the Resolution, the Assessment must be renewed annually by the Council. The City has renewed the Wildland Fire Suppression Assessment for the past nine years. This year, in cooperation with the BREN School of Environmental Science and Management at the University of California, Santa Barbara, we have worked with graduate students in a study of the relative effectiveness of the program and expect the final report in the coming weeks.

Assessment funds continue to reduce the risk and severity of wildland fires through the reduction of flammable vegetation. The assessment provides three primary services:

**Vegetation Road Clearance:** Each year the assessment provides approximately 14 miles of road clearance in the Foothill and Extreme Foothill Zones. The frequency is such that most roads in the District are cleared of impeding vegetation every three years. Clearing vegetation from the roadways is required of property owners by law and allows for safer egress of residents and ingress of first responders during an emergency. In Fiscal Year 2016 we cleared 11.3 Miles of roadways, deferring 2.7 miles of State Route 192 to next season, when we expect a greater ability to effect a necessary traffic plan with Cal Trans.

**Defensible Space Inspection and Assistance:** This element of the assessment provides assistance to property owners in creating defensible space around their homes. Defensible space is a key element in preventing the ignition of homes during a wildfire by reducing the exposure of the home to burning vegetation. Defensible space assistance will again involve scores of site visits to assist homeowners. In addition, the assessment provides chipping services to residents of the District after the vegetation has been cut. Chipping services provides a cost effective way for homeowners to dispose of cut material. The chipped vegetation may be reused as a ground cover in landscaping. As of this report the Fire Department has chipped 100 tons of material and by the end of the chipping season in mid-June, the Fire Department will have chipped approximately 250 tons of material for district properties.

**Vegetation Management:** Vegetation management is the selective removal of flammable vegetation in open land outside of property owner's defensible space. The goal is to lessen the severity of a fire, in the event that one occurs, by depriving the fire of a large amount of fuel. This is accomplished by preferentially removing exotic plants, thinning, pruning and limbing vegetation to remove fire ladders, limbing up the canopy and pruning out dead material. Vegetation management retains the overall look of wildland areas and minimizes impacts to natural resources while reducing the amount of flammable vegetation. Vegetation management was successfully completed on 6 acres in Fiscal Year 2015. These projects require staff to strengthen the public-private relationship by working with multiple, individual property owners and contract crews to link individual parcels across larger areas of adjacent land. Working in cooperation with multiple property owners, there is a greater impact on reducing the community threat from wildfire. In addition to vegetation removal, this project also accomplished education, protection of natural resources unique to the area and outlined individual maintenance programs. The project areas are identified in the Wildland Fire Plan.

#### **ANNUAL LEVY:**

The Wildland Fire Assessment may be annually increased by the Consumer Price Index (CPI) in an amount not to exceed 4% per year. In adjusting for the Consumer Price Index, the allowable increase is calculated using the CPI from the past year plus any deferred increases from previous years. For Fiscal Year 2017, staff and the Assessment Engineer propose a CPI increase of 2.0%. The rate for Fiscal Year 2017 as suggested in the Engineer's Report will therefore be set at \$77.82 per single family home in the Foothill Zone and \$96.50 per single family home in the Extreme Foothill Zone. The total revenues from the assessment will be \$257,403 for 2017.

The Fiscal Year 2016 rates were \$76.27 and \$94.57 respectively, for a total assessment of \$252,046. The increase for Fiscal Year 2017 will allow us to continue to provide the same level of service in all three areas

As required in Resolution 06-064, an updated Engineer's Report has been prepared and includes the proposed budget and assessment rate. The updated Engineer's Report must be considered by the City Council at a noticed public hearing and serves as the basis for the continuation of the assessments. The updated Engineer's Report is available for review at Fire Department Administration, 925 Chapala Street and the City Clerk's Office at City Hall at 735 Anacapa Street.

### **Hearing**

On May 3, 2016, the Council adopted Resolution No. 16-025 to declare its intent to renew the Wildland Fire Suppression Assessment District within the Foothill and Extreme Foothill Zones and to set a time of 2:00 p.m. on Tuesday, May 17, 2016, in the City Council Chambers for a public hearing on the Wildland Fire Suppression Assessment District. Staff recommends that the Wildland Fire Suppression Assessment District be continued for Fiscal Year 2017 to fund and deliver these successful mitigation programs.

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

The estimated \$257,403 cost of providing services in Fiscal Year 2017 is recovered through the resident-approved Wildland Fire Suppression Assessment levied on the annual property tax bills of property owners within the Assessment district boundaries. Both the cost of providing the services and the assessment district revenue have been included in the Wildland Fire Assessment District Fund budget for Fiscal Year 2017. No additional budget appropriations are necessary.

### **SUSTAINABILITY IMPACT:**

Vegetation removed through vegetation road clearance and the defensible space chipping assistance program is chipped and spread back on to the ground or in areas of local parks where feasible. The goal is reuse at least 80% of all chipped material locally avoiding the cost of disposal fees, extra vehicle trips and landfill use. Non-native pest plants are not chipped, but rather hauled off-site to be disposed of properly. In 2016 we exceeded that goal, achieving 99% reuse.

**ENVIRONMENTAL REVIEW:**

On May 4, 2004, the City Council adopted the City's Wildland Fire Plan and certified the corresponding Environmental Impact Report (EIR) making the required CEQA findings. The proposed assessment will fund activities that implement the Wildland Fire Plan and which were analyzed within the Wildland Fire Plan EIR. City staff have reviewed the scope of the proposed work effort to be funded by the proposed assessment and concluded that the work will cause no new effects on the environment or require any new mitigation measures. Therefore, no additional environmental review is required.

**PREPARED BY:** Joe Poiré, Fire Marshal

**SUBMITTED BY:** Patrick McElroy, Fire Chief

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

RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DECLARING ITS INTENTION TO CONTINUE VEGETATION ROAD CLEARANCE, IMPLEMENTATION OF A DEFENSIBLE SPACE INSPECTION AND ASSISTANCE PROGRAM, AND IMPLEMENTATION OF A VEGETATION MANAGEMENT PROGRAM WITHIN THE FOOTHILL AND EXTREME FOOTHILL ZONES; DECLARING THE WORK TO BE OF MORE THAN GENERAL OR ORDINARY BENEFIT AND DESCRIBING THE DISTRICT TO BE ASSESSED TO PAY THE COSTS AND EXPENSES THEREOF; APPROVING THE ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT; AND ORDERING CONTINUATION OF THE WILDLAND FIRE SUPPRESSION ASSESSMENT DISTRICT FOR FISCAL YEAR 2016-17

WHEREAS, on July 11, 2006, by its Resolution No. 06-064, after receiving a weighted majority of ballots in support of the proposed assessment, this Council ordered the formation of and levied the first assessment within the City of Santa Barbara Wildland Fire Suppression Assessment, pursuant to the authority provided in California Government Code Section 50078 et seq. and Article XIID of the California Constitution;

WHEREAS, although the methodology by which the assessments are applied to properties in the District does not change from year to year, a new Engineer's Report is prepared each year in order to establish the CPI adjustment for that year; the new maximum authorized assessment rate for that year; the budget for that year; and the amount to be charged to each parcel in the District that year, subject to that year's assessment rate and any changes in the attributes of the properties in the District, including but not limited to use changes, parcel subdivisions, and/or parcel consolidations;

WHEREAS, it is the intention of this Council to continue to levy and collect assessments for the Wildland Fire Suppression Assessment for Fiscal Year 2016-17. Within the Assessment District, the proposed services to be funded by the assessments ("Services") are generally described as including but not limited to, the following: (1) continuation of the vegetation road clearance program to cover all public roads within the Foothill and Extreme Foothill Zones, continuing this program will reduce fuel, enhance evacuation routes, and decrease fire response times; (2) enhancing the defensible space fire prevention inspection and assistance program for all properties in the Foothill and Extreme Foothill Zones; and (3) implementation of a vegetation management program in the Foothill and Extreme Foothill Zones. As applied herein, "vegetation road clearance" means the treatment, clearing, reducing, or changing of vegetation near roadways in the Foothill and Extreme Foothill Zones where vegetation poses a fire hazard and does not meet Fire Department Vegetation Road Clearance Standards within the high fire hazard area (As provided in Santa Barbara Municipal Code Section 8.04.020.M). "Defensible space" is a perimeter created around a structure where vegetation is treated,

cleared or reduced to slow the spread of wildfire towards a structure, reduce the chance of a structure fire burning to the surrounding area, and provides a safe perimeter for firefighters to protect a structure (As provided in Chapter 47 of the California Fire Code, as adopted by the City of Santa Barbara pursuant to Santa Barbara Municipal Code Section 8.04). "Vegetation management" means the reduction of fire hazard through public education, vegetation hazard reduction, and other methods as needed to manage vegetation in areas with unique hazards such as heavy, flammable vegetation, lack of access due to topography and roads, and/or firefighter safety;

WHEREAS, On May 4, 2004, the City Council adopted the City's Wildland Fire Plan and certified the corresponding Environmental Impact Report (EIR) making the required CEQA findings. The proposed assessment will fund activities that implement the Wildland Fire Plan and which were analyzed within the Wildland Fire Plan EIR. City staff have reviewed the scope of the proposed work effort to be funded by the proposed assessment and concluded that the work will cause no new effects on the environment or require any new mitigation measures. Therefore, no additional environmental review is required;

WHEREAS, by Resolution No. 16-025 the City Council preliminarily approved the Engineer's Report for said District and set a date for a Public Hearing;

WHEREAS, the Public Hearing was held on May 17, 2016;

WHEREAS, said report was duly made and filed with the City Clerk and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that May 17, 2016, at the hour of 2:00 p.m. in the Council Chambers, City Hall, 735 Anacapa Street, Santa Barbara, were appointed as the time and place for a hearing by this Council on the question of the levy of the proposed assessment, notice of which hearing was given as required by law; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested and desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by the Council, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this council thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

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

SECTION 1. The public interest, convenience and necessity require that the levy be made.

SECTION 2. The Assessment District benefited by the fire suppression services and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

SECTION 3. The Engineer's Report as a whole and each part thereof, to wit:

- (a) the Engineer's estimate of the itemized and total costs and expenses of the fire suppression services and of the incidental expenses in connection therewith;
- (b) the diagram showing the assessment district, plans and specifications for the fire suppression services and the boundaries and dimensions of the respective lots and parcels of land within the Assessment District; and
- (c) the assessment of the total amount of the cost and expenses of the proposed fire suppression services upon the several lots and parcels of land in the Assessment District in proportion to the estimated special benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto; are finally approved and confirmed.

SECTION 4. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in the report as hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

SECTION 5. The assessments for fiscal year 2016-17 shall be continued at the rate of rate of This cost results in a proposed assessment rate of SEVENTY SEVEN DOLLARS AND EIGHTY-TWO CENTS (\$77.82) per single-family equivalent benefit unit in the Foothill Zone and NINETY SIX DOLLARS AND FIFTY CENTS (\$96.50) in the Extreme Foothill Zone for fiscal year 2014-15 per single family equivalent benefit. The estimated fiscal year 2016-17 cost of providing the Services is \$257,403.

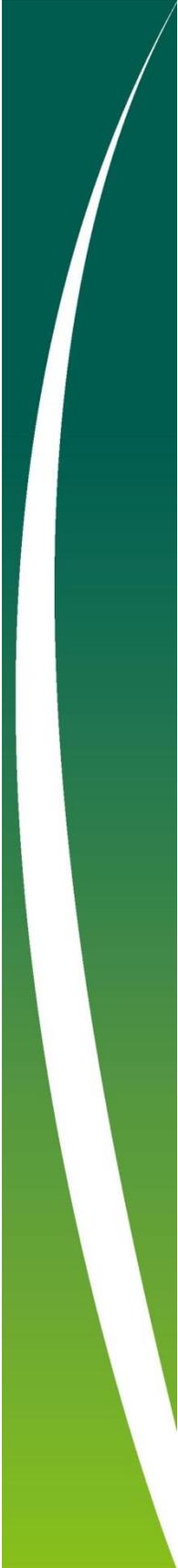
SECTION 6. The assessment to pay the costs and expenses of the fire suppression services for fiscal year 2016-17 is hereby continued.

SECTION 7. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the fire suppression services at least in the amount if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

SECTION 8. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Santa Barbara. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments, After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the City of Santa Barbara Wildland Fire Suppression Assessment District.

SECTION 9. Upon receipt of the moneys representing assessments collected by the County, the County shall deposit the moneys in the City Treasury to the credit of the improvement fund previously established under the distinctive designation of the Assessment District. Moneys in the improvement fund shall be expended only for the maintenance, servicing, construction or installation of the fire suppression services.

SECTION 10. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.



**CITY OF SANTA BARBARA**  
WILDLAND FIRE SUPPRESSION ASSESSMENT

**PRELIMINARY ENGINEER'S REPORT**

MAY 2016

PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 50078 *ET SEQ.*, AND  
ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:

**SCI Consulting Group**  
4745 MANGELS BOULEVARD  
FAIRFIELD, CALIFORNIA 94534  
PHONE 707.430.4300  
FAX 707.430.4319  
[WWW.SCI-CG.COM](http://WWW.SCI-CG.COM)

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**CITY OF SANTA BARBARA**

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**CITY COUNCIL**

Helene Schneider, Mayor  
Harwood "Bendy" White, Mayor Pro Tempore  
Jason Dominguez, Councilmember  
Gregg Hart, Councilmember  
Frank Hotchkiss, Councilmember  
Cathy Murillo, Councilmember  
Randy Rowse, Councilmember

**FIRE PREVENTION BUREAU**

Patrick McElroy, Fire Chief  
Joe Poire, Fire Marshal  
Chris Braden, Fire Services Specialist

**CITY ATTORNEY'S OFFICE**

Ariel Pierre Calonne, City Attorney  
Sarah Knecht, Assistant City Attorney

**ENGINEER OF WORK**

SCI Consulting Group

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## INTRODUCTION

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The City of Santa Barbara is located about 100 miles northwest of Los Angeles, largely on the slopes between the Pacific Ocean and the Santa Ynez Mountains. The City of Santa Barbara provides fire services throughout the City limits. Fire services include fire suppression, protection, prevention, evacuation planning, and education.

Due to topography, location, climate and infrastructure, the Santa Barbara community has a relatively high inherent risk of wildland fires. Listed below are some of the major wildland fires that have occurred in Santa Barbara County since 1970:

**FIGURE 1 – WILDLAND FIRE HISTORY IN SANTA BARBARA COUNTY**

Year	Fire Name	Acres	Homes Lost
1971	Romero Canyon Fire	14,538	4
1977	Sycamore Canyon Fire	805	234
1977	Hondo Canyon Fire	10,000	0
1979	Eagle Canyon Fire	4,530	5
1990	Painted Cave Fire	4,900	524
1993	Marre Fire	43,864	0
2002	Sudden Fire	7,160	0
2004	Gaviota Fire	7,440	1
2007	Zaca Fire	240,207	0
2008	Gap Fire	9,443	0
2008	Tea Fire	1,940	210
2009	Jesusita Fire	8,733	80

In response to the considerable wildland fire risk in the area, the City of Santa Barbara Fire Department prepared a Wildland Fire Plan in January, 2004, in which it identified four High Fire Hazard Zones: The Coastal Zone, the Coastal Interior Zone, the Foothill Zone, and the Extreme Foothill Zone. The two Zones with the highest wildland fire risk are the Foothill and Extreme Foothill Zones (the “Zones”), and these are the Zones that are included in this assessment.

These Zones are at a high risk of wildland fires due to the following factors:

- **Climate.** The climate consists of cool, moist winters and hot, dry summers. The low humidity and high summer temperatures increase the likelihood that a spark will ignite a fire in the area, and that the fire will spread rapidly.
- **Topography.** Periodic wind conditions known as “Sundowner” and “Santa Ana” winds interact with the steep slopes in the Santa Ynez Mountains and the ocean influence, resulting in an increase in the speed of the wind to severe levels. These two types of wind conditions increase the likelihood that fires will advance

downslope towards the Foothill and Extreme Foothill Zones. In addition, these winds can greatly increase the rate at which a fire will spread.

- **Chaparral.** Much of the undeveloped landscape is covered with chaparral. Chaparral sheds woody, dead, and organic materials rich in flammable oils, which accumulate over time. Areas covered with chaparral typically experience wildland fires which burn the accumulated plant materials, and renew the chaparral for its next cycle of growth. Therefore, areas of chaparral which are not thinned, and from which the dead plant materials are not removed or burned off in prescribed fires, provide ample opportunities for wildland fires to occur and to spread.
- **Road Systems.** Many of the roads in the Foothill and Extreme Foothill Zones do not meet current Fire Department access and vegetation road clearance standards, and many are made even more narrow due to the encroachment of vegetation. A number of the bridges have weight requirements that are below Fire Department weight standards. In addition, many driveways are long and steep, posing a safety hazard. All of these factors make it more difficult and more hazardous for the Fire Department to provide fire suppression services in these areas.
- **Water Supply.** In the Extreme Foothill Zone, the City water supply is limited in some areas, and not available in others. These factors increase the risks associated with fires, due to the reduced availability of water to fight any fires that occur.
- **Fire Response Time.** Much of the Extreme Foothill Zone, and some of the Foothill Zone, is outside the City's 4 minute Fire Department response time. As a result, fires in these areas may have more time to spread and to increase in severity before fire suppression equipment can reach them.
- **Proximity to the Los Padres National Forest.** The Los Padres National Forest (LPNF) is a large forest to the north of the Foothill and Extreme Foothill zones. The LPNF provides a great deal of potential fuel for any wildland fire in the area. Wildland fires that start in the LPNF have the potential to move south toward the Foothill and Extreme Foothill zones.

This Engineer's Report (the "Report") was prepared to: 1) contain the information required by Government Code Section 50078.4, including a) a description of each lot or parcel of property to be subject to the assessment, b) the amount of the assessment for each lot or parcel for the initial fiscal year, c) the maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year, d) the duration of the assessment, e) the basis of the assessment, f) the schedule of the assessment, and g) a description specifying the requirements for protest and hearing procedures for the assessment pursuant to Section 50078.6; 2) establish a budget to provide services to reduce the severity and damage from wildland fires (the "Services") that will be funded by the 2016-17

assessments; 3) determine the benefits received from the Services by property within the City of Santa Barbara Wildland Fire Suppression Assessment District (the "Assessment District") and; 4) assign a method of assessment apportionment to lots and parcels within the Assessment District. This Report and the assessments have been made pursuant to the California Government Code Section 50078 et. seq. (the "Code") and Article XIID of the California Constitution (the "Article").

In Fiscal Year 2006-07, the City of Santa Barbara City Council (the "Council") by Resolution called for an assessment ballot proceeding and public hearing on the then-proposed establishment of a wildland fire suppression assessment.

On May 5, 2006 a notice of assessment and assessment ballot was mailed to property owners within the proposed Assessment District boundaries. Such notice included a description of the Services to be funded by the proposed assessments, a proposed assessment amount for each parcel owned, and an explanation of the method of voting on the assessments. Each notice also included a postage prepaid ballot on which the property owner could mark his or her approval or disapproval of the proposed assessments as well as affix his or her signature.

After the ballots were mailed to property owners in the Assessment District, the required minimum 45 day time period was provided for the return of the assessment ballots. Following this 45 day time period, a public hearing was held on June 20, 2006 for the purpose of allowing public testimony regarding the proposed assessments. At the public hearing, the public had the opportunity to speak on the issue. After the conclusion of the public input portion of the hearing, the hearing was continued to July 11, 2006 to allow time for the tabulation of ballots.

With the passage of Proposition 218 on November 6, 1996, The Right to Vote on Taxes Act, now Article XIIC and XIID of the California Constitution, the proposed assessments could be levied for fiscal year 2006-07, and continued in future years, only if the ballots submitted in favor of the assessments were greater than the ballots submitted in opposition to the assessments. (Each ballot is weighted by the amount of proposed assessment for the property that it represents).

After the conclusion of the public input portion of the Public Hearing held on June 20, 2006, all valid received ballots were tabulated by the City of Santa Barbara Clerk. At the continued public hearing on July 11, 2006, after the ballots were tabulated, it was determined that the assessment ballots submitted in opposition to the proposed assessments did not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted).

As a result, the Council gained the authority to approve the levy of the assessments for fiscal year 2006-07 and to continue to levy them in future years. The Council took action,

by a Resolution passed on July 31, 2006, to approve the first year levy of the assessments for fiscal year 2006-07.

The authority granted by the ballot proceeding was for a maximum assessment rate of \$65.00 per single family home, increased each subsequent year by the Los Angeles Area Consumer Price Index (CPI) not to exceed 4% per year. In the event that the annual change in the CPI exceeds 4%, any percentage change in excess of 4% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 4%.

In each subsequent year for which the assessments will be continued, the Council must preliminarily approve at a public meeting a budget for the upcoming fiscal year's costs and services, an updated annual Engineer's Report, and an updated assessment roll listing all parcels and their proposed assessments for the upcoming fiscal year. A new Engineer's Report is prepared each year in order to establish the CPI adjustment for that year; the new maximum authorized assessment rate for that year; the budget for that year; and the amount to be charged to each parcel in the District that year, subject to that year's assessment rate and any changes in the attributes of the properties in the District, including but not limited to use changes, parcel subdivisions, and/or parcel consolidations. At this meeting, the Council will also call for the publication in a local newspaper of a legal notice of the intent to continue the assessments for the next fiscal year and set the date for the noticed public hearing. At the annual public hearing, members of the public can provide input to the Council prior to the Council's decision on continuing the services and assessments for the next fiscal year.

If the assessments are so confirmed and approved, the levies will be submitted to the Santa Barbara County Auditor/Controller for inclusion on the property tax roll for Fiscal Year 2016-17. The levy and collection of the assessments will continue year-to-year until terminated by the City Council.

If the City Council approves this Engineer's Report for fiscal year 2016-17 and the assessments by Resolution, a notice of assessment levies must be published in a local paper at least 10 days prior to the date of the public hearing. Following the minimum 10-day time period after publishing the notice, a public hearing will be held for the purpose of allowing public testimony about the proposed continuation of the assessments for fiscal year 2016-17.

A Public Hearing is scheduled for May 17, 2016. At this hearing, the Council will consider approval of a resolution confirming the assessments for fiscal year 2016-17. If so confirmed and approved, the assessments will be submitted to the Santa Barbara County Auditor/Controller for inclusion on the property tax rolls for Fiscal Year 2016-17.

The Assessment District is narrowly drawn to include only properties that benefit from the additional fire protection services that are provided by the assessment funds. The

Assessment Diagram included in this report shows the boundaries of the Assessment District.

In 2008 per California Public Resource Code 4201-4204 and Government Code 51175 - 89, the Office of the State Fire Marshal (OSFM) completed an analysis to identify Local Responsibility Area areas of Very High Fire Hazard Severity Zones (VHFHSZ) within the City of Santa Barbara. Discussions between OSFM and the City of Santa Barbara Fire Department were concluded in 2010. As a result additional parcels have been added to the 2004 City of Santa Barbara high fire hazard area, Foothill Zone. These additional parcels are not included in the Wildland Fire Suppression Assessment District at this time, and Services provided to these parcels are not funded from this assessment.

### **PROPOSITION 218**

This assessment was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including a property-owner balloting, for the formation and continuation of assessments, and these requirements were satisfied by the process used to establish this assessment.

### **SILICON VALLEY TAXPAYERS ASSOCIATION, INC. v SANTA CLARA COUNTY OPEN SPACE AUTHORITY**

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority ("SVTA vs. SCCOSA") case. This ruling is the most significant legal decision clarifying Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the Assessment District

This Engineer's Report is consistent with the SVTA vs. SCCOSA decision and with the requirements of Article XIIC and XIID of the California Constitution because the Services to be funded are clearly defined; the Services are available to all benefiting property in the Assessment District, the benefiting property in the Assessment District will directly and tangibly benefit from improved protection from fire damage, increased safety of property and other special benefits and such special benefits provide a direct advantage to property in the Assessment District that is not enjoyed by the public at large or other property.

There have been a number of clarifications made to the analysis, findings and supporting text in this Report to ensure that this consistency is well communicated.

#### **DAHMS V. DOWNTOWN POMONA PROPERTY**

On June 8, 2009, the Court of Appeal for the Second District of California amended its original opinion upholding a benefit assessment district for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review and the court's decision in Dahms became binding precedent for assessments. In Dahms, the court upheld an assessment that conferred a 100% special benefit to the assessed parcels on the rationale that the services and improvements funded by the assessments were provided directly and only to property in the assessment district over and above those services or improvements provided by the city generally.

#### **BONANDER V. TOWN OF TIBURON**

On December 31, 2009, the 1<sup>st</sup> District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the ground that the assessments had been apportioned to assessed property based, in part, on relative costs within sub-areas of the assessment district instead of proportional special benefits.

#### **BEUTZ V. COUNTY OF RIVERSIDE**

On May 26, 2010 the 4th District Court of Appeals issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

#### **GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO**

On September 22, 2011, the San Diego Court of Appeal issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, like in Beutz, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to record the basis for the assessment on its own parcels.

#### **COMPLIANCE WITH CURRENT LAW**

This Engineer's Report is consistent with the requirements of Article XIIIC and XIID of the California Constitution and with the SVTA decision because the Services to be funded are clearly defined; the Services are available to and will be directly provided to all benefiting property in the Assessment District; and the Services provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with Dahms because, similar to the Downtown Pomona assessment validated in Dahms, the Services will be directly provided to property in the Assessment District. Moreover, while Dahms could be used as the basis for a finding of 0% general benefits, this Engineer's Report establishes a more conservative measure of general benefits.

The Engineer's Report is consistent with Bonander because the Assessments have been apportioned based on the overall cost of the Services and proportional special benefit to each property. Finally, the Assessments are consistent with Buetz because the general benefits have been explicitly calculated and quantified and excluded from the Assessments.

## DESCRIPTION OF SERVICES

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The City of Santa Barbara Fire Department provides a range of fire protection, prevention, and educational services to the City and its residents.

The following is a description of the wildland fire suppression Services that are provided for the benefit of property within the Assessment District. Prior to the passage of the assessment in 2006, the baseline level of service was below the standard described in the City's 2004 Wildland Fire Plan. Due to inadequate funding, the level of service continued to diminish and would have diminished further had this assessment not been instituted. With the passage of this assessment, the services were enhanced significantly. The formula below describes the relationship between the final level of improvements, the baseline level of service (pre 2006) had the assessment not been instituted, and the enhanced level of improvements funded by the assessment.

<b>Final Level of Service</b>	<b>=</b>	<b>Baseline Level of Service</b>	<b>+</b>	<b>Enhanced Level of Service</b>
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Baseline level of service is pre-2006.

The services (the "Services") undertaken by the City of Santa Barbara Fire Department and the cost thereof paid from the levy of the annual assessment provide special benefit to Assessor Parcels within the Assessment District as defined in the Method of Assessment herein. In addition to the definitions provided by the California Government Code Section 50078 et. seq., (the "Code") the Services are generally described as follows:

- Expansion of the vegetation road clearance program to cover all public roads within the Foothill and Extreme Foothill Zones. This program reduces fuel, enhance evacuation routes, and decrease fire response times
- Implementation of a defensible space and fire prevention inspection and chipping assistance program for all properties in the Foothill and Extreme Foothill Zones
- Implementation of a vegetation management program in the Foothill and Extreme Foothill Zones

As applied herein, "vegetation road clearance" means the treatment, clearing, reducing, or changing of vegetation near roadways in the Foothill and Extreme Foothill Zones where vegetation poses a fire hazard and does not meet Fire Department Vegetation Road Clearance Standards within the high fire hazard area (As provided in Santa Barbara Municipal Code Section 8.04).

"Defensible space" is a perimeter created around a structure where vegetation is treated, cleared or reduced to slow the spread of wildfire towards a structure, reduce the chance of

a structure fire burning to the surrounding area, and provides a safe perimeter for firefighters to protect a structure (As provided in Chapter 49 of the California Fire Code, as adopted by the City of Santa Barbara pursuant to Santa Barbara Municipal Code Section 8.04).

“Vegetation management” means the reduction of fire hazard through public education, vegetation hazard reduction, and other methods as needed to manage vegetation in areas with unique hazards such as heavy, flammable vegetation, lack of access due to topography and roads, and/or firefighter safety.

## COST AND BUDGET

**FIGURE 2 - COST AND BUDGET FY 2016-17**

CITY OF SANTA BARBARA Wildland Fire Suppression Assessment Estimate of Costs		<i><b>Total Budget</b></i>
<b>Services Costs</b>		
Evacuation Planning - Evacuation Roadway Clearing		
Staffing		\$49,000
Materials		\$4,000
Project Costs		\$45,000
Defensible Space		
Staff		\$38,000
Materials		\$6,000
Chipping Program		\$36,000
Vegetation Management		
Staffing		\$41,433
Project		\$49,000
<b>Totals for Installation, Maintenance and Servicing</b>		<b>\$268,433</b>
Less: District Contribution for General Benefits		(\$20,675)
<b>Net Cost of Installation, Maintenance and Servicing to Assessment District</b>		<b>\$247,758</b>
Incidental Costs:		
District Administration and Project Management		\$6,150
Allowance for County Collection		\$3,495
Subtotals - Incidentals		\$9,645
<b>Total Wildland Fire Suppression District Budget (Net Amount to be Assessed)</b>		<b>\$257,403</b>
<b>Assessment District Budget Allocation to Parcels</b>		
Total Assessment Budget		\$257,403
Single Family Equivalent Benefit Units in District		3,308
Assessment per Single Family Equivalent Unit (SFE)		\$ 77.82

## METHOD OF APPORTIONMENT

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### METHOD OF APPORTIONMENT

This section includes an explanation of the special benefits derived from the Services, the criteria for the expenditure of assessment funds and the methodology used to apportion the total assessments to properties within the Assessment District.

The Assessment District area consists of all Assessor Parcels within the Foothill and Extreme Foothill zones of the High Fire Hazard Area as defined by the 2004 Wildland Fire Plan. The method used for apportioning the assessment is based upon the proportional special benefits from the Services derived by the properties in the assessment area over and above general benefits conferred on real property or to the public at large. Special benefit is calculated for each parcel in the Assessment District using the following process:

1. Identification of all benefit factors derived from the Improvements
2. Calculation of the proportion of these benefits that are general
3. Determination of the relative special benefit within different areas within the Assessment District
4. Determination of the relative special benefit per property type
5. Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; location, property type, property characteristics, improvements on property and other supporting attributes

### DISCUSSION OF BENEFIT

California Government Code Section 50078 et. seq. allows agencies which provide fire suppression services, such as the City of Santa Barbara Fire Department, to levy assessments for fire suppression services. Section 50078 states the following:

*“Any local agency which provides fire suppression services directly or by contract with the state or a local agency may, by ordinance or by resolution adopted after notice and hearing, determine and levy an assessment for fire suppression services pursuant to this article.”*

In addition, California Government Code Section 50078.1 defines the term “fire suppression” as follows:

*“(c) “Fire suppression” includes firefighting and fire prevention, including, but not limited to, vegetation removal or management undertaken, in whole or in part, for the reduction of a fire hazard.”*

Therefore, the Services provided by the Assessment District fall within the scope of services that may be funded by assessments under the Code.

The assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's specific use of the Services or a property owner's specific demographic status. With reference to the requirements for assessments, Section 50078.5 of the California Government Code states:

*"(b) The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the local agency, zone, or area of benefit."*

*"The assessment may be levied against any parcel, improvement, or use of property to which such services may be made available whether or not the service is actually used."*

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

*"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."*

Since assessments are levied on the basis of special benefit, they are not a tax and are not governed by Article XIII A of the California Constitution.

The following section describes how and why the Services specially benefit properties. This benefit is particular and distinct from its effect on property in general or the public at large.

## **BENEFIT FACTORS**

In order to allocate the assessments, the Engineer identified the types of special benefit arising from the Services that are provided to property in the Assessment District. These benefit factors confer a direct advantage to the assessed properties; otherwise they would be general benefit.

The following benefit categories have been established that represent the types of special benefit conferred to residential, commercial, industrial, institutional and other lots and parcels resulting from the services to reduce the severity and damage from wildland fires that are provided in the Assessment District. These categories of special benefit are derived from the statutes passed by the California Legislature and other studies, which describe the types of special benefit received by property from the Services of the Assessment District. These types of special benefit are summarized as follows:

**INCREASED SAFETY AND PROTECTION OF REAL PROPERTY ASSETS FOR ALL PROPERTY OWNERS WITHIN THE ASSESSMENT DISTRICT.**

As summarized previously, properties in the Assessment District are currently at higher risk for wildland fires. Uncontrolled fires would have a devastating impact on all properties within the Assessment District. The assessments fund an increase in services to mitigate the wildland fire threat, and thereby can significantly reduce the risk of property damage associated with fires. Clearly, fire mitigation helps to protect and specifically benefits both improved properties and vacant properties in the Assessment District.

*"Fire is the largest single cause of property loss in the United States. In the last decade, fires have caused direct losses of more than \$120 billion and countless billions more in related cost."*<sup>1</sup>

*"Over 140,000 wildfires occurred on average each year, burning a total of almost 14.5 million acres. And since 1990, over 900 homes have been destroyed each year by wildfires."*<sup>2</sup>

*"A wildfire sees your home as just another fuel source. The survivable space you construct around your home will keep all but the most ferocious wildfires at bay."*<sup>3</sup>

*"A reasonably disaster-resistant America will not be achieved until there is greater acknowledgment of the importance of the fire service and a willingness at all levels of government to adequately fund the needs and responsibilities of the fire service."*<sup>4</sup>

*"The strategies and techniques to address fire risks in structures are known. When implemented, these means have proven effective in the reduction of losses."*<sup>5</sup>

*"Statistical data on insurance losses bears out the relationship between excellent fire protection...and low fire losses."*<sup>6</sup>

**PROTECTION OF VIEWS, SCENERY AND OTHER RESOURCE VALUES, FOR PROPERTY IN THE ASSESSMENT DISTRICT**

The Assessment District provides funding for the mitigation of the wildland fire threat to protect public and private resources in the Assessment District. This benefits even those properties that are not directly damaged by fire by maintaining and improving the aesthetics and attractiveness of public and private resources in the community, as well as ensuring that such resources remain safe and well maintained.

*"Intensely burned forests are rarely considered scenic."*<sup>7</sup>

*"Smoke affects people...for example; in producing haze that degrades the visual quality of a sunny day...The other visual quality effect is that of the fire on the landscape. To many people, burned landscapes are not attractive and detract from the aesthetic values of an area."*<sup>8</sup>

*"A visually preferred landscape can be the natural outcome of fuels treatments."*<sup>9</sup>

### **ENHANCED UTILITY AND DESIRABILITY OF THE PROPERTIES IN THE ASSESSMENT DISTRICT.**

The assessments fund Services to reduce the severity and damage from wildland fires in the Assessment District. Such Services enhance the overall utility and desirability of the properties in the Assessment District.

*“Residential satisfaction surveys have found that having nature near one’s home is extremely important in where people choose to live...This is especially true at the wildland-urban interface where some of the most serious fuels management must occur.”<sup>10</sup>*

*“People are coming to the [Bitterroot] valley in part because of its natural beauty which contributes to the quality of life that so many newcomers are seeking.”<sup>11</sup>*

### **BENEFIT FINDING**

In summary, real property located within the boundaries of the Assessment District distinctly and directly benefits from increased safety and protection of real property, increased protection of scenery and views, and enhanced utility of properties in the Assessment District. These are special benefits to property in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of property and make them more functional to use, safer and easier to access.

### **GENERAL VERSUS SPECIAL BENEFIT**

Article XIII C of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to “separate the general benefits from the special benefits conferred on a parcel.” The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. The assessment can fund special benefits but cannot fund general benefits. Accordingly, a separate estimate of the special and general benefit is given in this section.

In other words:

Total Benefit	=	General Benefit	+	Special Benefit
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There is no widely-accepted or statutory formula for general benefit. General benefits are benefits from improvements or services that are not special in nature, are not “particular and distinct” and are not “over and above” benefits received by other properties. SVTA vs. SCCOSA provides some clarification by indicating that general benefits provide “an indirect, derivative advantage” and are not necessarily proximate to the improvements.

The starting point for evaluating general and special benefits is the pre 2006 baseline level of service, had the assessment not been approved by the community. The assessment

will fund Services “over and above” this general, baseline level and the special benefits estimated in this section are over and above the baseline.

A formula to estimate the general benefit is listed below:

<b>General Benefit</b>	=	<b>Benefit to real property outside of improvement district</b>	+	<b>Benefit to real property inside of improvement district</b>	+	<b>Benefit to public at large</b>
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Special benefit, on the other hand, is defined in the state constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” The *SVTA v. SCCOSA* decision indicates that a special benefit is conferred to a property if it “receives a direct advantage from the improvement (e.g., proximity to a park).” In this assessment, as noted, the improved Services are available when needed to all properties in the Assessment District, so the overwhelming proportion of the benefits conferred to property is special, and are only minimally received by property outside the Assessment District or the public at large.

Proposition 218 twice uses the phrase “over and above” general benefits in describing special benefit. (Art. XIID, sections 2(i) & 4(f).) Arguably, all of the Services being funded by the assessment would be a special benefit because the Services particularly and distinctly benefit the properties in the Assessment District over and above the baseline benefits.

Nevertheless, arguably some of the Services benefit the public at large and properties outside the Assessment District. In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

(In the 2009 *Dahms* case, the court upheld an assessment that conferred a 100% special benefit to the assessed parcels on the rationale that the services and improvements funded by the assessments were provided directly and only to property in the assessment district over and above those services or improvements provided by the city generally. Similarly, the Assessments described in this Engineer’s Report fund wildland fire services directly and only to the assessed parcels located within the assessment area. Moreover, every property within the Assessment District will receive the Services. While the *Dahms* decision would permit an assessment based on 100% special benefit and zero or minimal general benefits, in this report, the general benefit is estimated and described and budgeted so that it is funded by sources other than the Assessment.)

## CALCULATING GENERAL BENEFIT

This section provides a measure of the general benefits from the assessments

### BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT

Properties within the Assessment District receive almost all of the special benefits from the Services because the Services will be provided solely in the Assessment District boundaries. Properties proximate to, but outside of, the boundaries of the Assessment District receive some benefit from the Services due to some degree of indirectly reduced fire risk to their property. These parcels that are proximate to the boundaries of the Assessment District are estimated to receive less than 50% of the benefits relative to parcels within the Assessment District because they do not directly receive the improved fire protection resulting from the Services funded by the Assessments.

At the time the Assessment District was formed, there were approximately 550 of these “proximate” properties.

#### Assumptions:

550 parcels outside the district but proximate to the District Boundaries

3,550 parcels in the Assessment District.

50% relative benefit compared to property within the Assessment District.

#### Calculation:

General Benefit to property outside the Assessment District

$$= (550/(550+3,550))*0.5=6.7\%$$

Although it can reasonably be argued that properties protected inside, but near the Assessment District boundaries are offset by similar fire protection provided outside, but near the Assessment District’s boundaries, we use the more conservative approach of finding that 6.7% of the Services may be of general benefit to property outside the Assessment District.

### BENEFIT TO PROPERTY *INSIDE* THE DISTRICT THAT IS *INDIRECT AND DERIVATIVE*

The “indirect and derivative” benefit to property within the Assessment District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Assessment District is special, because the Services are clearly “over and above” and “particular and distinct” when compared with the pre-2006 baseline level of Services, had the assessment district not passed.

In determining the Assessment District boundaries, the District has been careful to limit it to an area of parcels that will directly receive the benefit of the improved Services. All

parcels will directly benefit from the use of the improved Services throughout the Assessment District in order to achieve the desired level of wildland fire suppression and protection throughout the Assessment District. Fire protection and suppression will be provided as needed throughout the area.

The SVTA vs. SCCOSA decision indicates that the fact that a benefit is conferred throughout the Assessment District area does not make the benefit general rather than special, so long as the Assessment District is narrowly drawn and limited to the parcels directly receiving shared special benefits from the service. This concept is particularly applicable in situations involving a landowner-approved assessment-funded extension of a local government service to benefit lands previously not receiving that particular service. The Fire Department therefore concludes that, other than the small general benefit to properties outside the Assessment District (discussed above) and to the public at large (discussed below), all of the benefits of the Services to the parcels within the Assessment District are special benefits and it is not possible or appropriate to separate any general benefits from the benefits conferred on parcels in the Assessment District.

#### **BENEFIT TO THE PUBLIC AT LARGE**

With the type and scope of Services provided to the Assessment District, it is very difficult to calculate and quantify the scope of the general benefit conferred on the public at large. Because the Services directly serve and benefit all of the property in the Assessment District, any general benefit conferred on the public at large would be small. Nevertheless, there may be some indirect general benefit to the public at large.

The public at large uses the public highways and other regional facilities when traveling in and through the Assessment District and they may benefit from the services without contributing to the assessment. Although the protection of this critical infrastructure is certainly a benefit to all the property within the Assessment District, it is arguably “indirect and derivative” and possibly benefits people rather than property. A fair and appropriate measure of the general benefit to the public at large therefore is the amount of highway, and regional facilities within the Assessment District relative to the overall land area. An analysis of maps of the Assessment District shows that less than 1.0% of the land area in the Assessment District is covered by highways and regional facilities. This 1.0% therefore is a fair and appropriate measure of the general benefit to the public at large within the Assessment District

#### **SUMMARY OF GENERAL BENEFITS**

Using a sum of the measures of general benefit for the public at large and land outside the Assessment District, we find that approximately 7.7% of the benefits conferred by the Assessment District may be general in nature and should be funded by sources other than the assessment.

#### General Benefit Calculation

6.7%	(Outside the Assessment District)
+ 0.0%	(Inside the district – indirect and derivative)
+ 1.0%	(Public at Large)
= 7.7%	(Total General Benefit)

The Assessment District's total budget for 2016-17 is \$268,433. The Assessment District must obtain funding from sources other than the assessment in the amount of at least \$20,669 ( $\$268,433 \times 7.7\%$ ) to pay for the cost of the general benefits. This is because the assessments levied by the Fire Department may not exceed the special benefits provided by the Services, and the Assessment Engineer concluded that a combined total of 7.7% of the cost of Services provide a general benefit to properties outside the Assessment District and a benefit to the public at large. For Fiscal Year 2016-17, the City will contribute at least \$20,669, or 7.7% of the total Assessment District budget, to the Assessment District from sources other than this assessment. This contribution constitutes more than the 7.7% general benefits estimated by the Assessment Engineer.

#### ZONES OF BENEFIT

Initially, the Fire Department evaluated the geographic area within and around the City limits (including the City of Santa Barbara, Santa Barbara County, Montecito and National Forest lands) based upon three fire hazard risk variables: vegetation (fuel), topography and weather. This analysis was used to narrowly determine the boundaries of the "high fire hazard area." Further, zones were narrowly drawn within the high fire hazard area and graded "extreme," "high," "moderate" or "low". Next, the Fire Department evaluated the roof type, proximity of structures, road systems, water supply, fire response times and historic fire starts within the high fire hazard area and developed 4 specific zones:

- Extreme Foothill Zone
- Foothill Zone
- Coastal Zone
- Coastal Interior Zone

These zones were used to apply appropriate policies and actions based upon hazard and risk. The results of this analysis were tabulated and presented in Tables 2 through 4 in the 2004 Wildland Fire Plan.

Accordingly, "Zones of Benefit" corresponding to the fire risk zones are used to equitably assign special benefit, and are used for the basis of the "Fire Risk Factors" discussed below. Each zone was narrowly drawn, and has been given a score, based upon the evaluated risk criteria, as shown in Figure 3. (The assessment provides Services in the Extreme Foothill Zone and the Foothill Zone only.)

**FIGURE 3 - RELATIVE HAZARD/RISK SCORING FOR HIGH FIRE HAZARD AREA ZONES**

Hazard/Risk Attribute	Extreme Foothill Zone	Foothill Zone	Coastal Zone	Coastal Interior Zone
Combined Hazard Assessment - vegetation (fuel), topography, weather*	40	30	20	10
Roof Type**	1	2	2	3
Proximity	1	3	1	3
Road	3	3	1	1
Water	3	1	1	1
Response	3	2	2	2
Ignitions	1	1	1	1
<b>Total Score</b>	<b>52</b>	<b>42</b>	<b>28</b>	<b>21</b>

\* The Hazard Assessment element of this analysis is the most significant. Scores have been "weighted" by a factor of 10.

\*\* In the Extreme Foothill Zone fire retardant roofing materials are more prevalent, resulting in lower risk in this area.

Figure 4 shows the numeric scoring system used to develop the relative total scores.

**FIGURE 4 - SCORING SYSTEM**

Qualitative Score	Numeric Score
Very High	4
High	3
Moderate	2
Low	1

The total relative scores for each zone are tabulated and normalized, based up the Foothill Zone, and shown in Figure 5.

**FIGURE 5 - WILDLAND FIRE RISK FACTORS**

<b>Zone</b>	<b>Raw Score</b>	<b>Wildland Fire Risk Factor</b>
Extreme Foothill Zone	52	1.24
Foothill Zone	42	1.00
Coastal Zone**	28	.67
Coastal Interior Zone**	21	.50

\*\*Coastal Zone and Coastal Interior Zone are included in this analysis for clarity; however these zones are not included in the Assessment District.

### **ASSESSMENT APPORTIONMENT**

In the process of determining the appropriate method of assessment, the Assessment Engineer considered various alternatives. For example, an assessment only for all residential improved property was considered but was determined to be inappropriate because vacant, commercial, industrial and other properties also receive special benefits from the assessments.

Moreover, a fixed or flat assessment for all properties of similar type was deemed to be inappropriate because larger commercial/industrial properties and residential properties with multiple dwelling units receive a higher degree of benefit than other similarly used properties that are significantly smaller. For two properties used for commercial purposes, there clearly is a higher benefit provided to the larger property in comparison to a smaller commercial property because the larger property generally supports a larger building and has higher numbers of employees, customers and guests that benefit from reduced wildland fire risk. This benefit ultimately flows to the property. Larger parcels, therefore, receive an increased benefit from the assessments.

The Assessment Engineer determined that the appropriate method of assessment should be based on the type of property, the relative size of the property and the potential use of property by residents and employees. This method is further described below.

### **METHOD OF ASSESSMENT**

The next step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a "benchmark" property, a single family detached dwelling on one parcel of one acre or less in the Foothill Zone (one "Single Family Equivalent Benefit Unit" or "SFE"). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefits and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. In this Engineer's Report, all properties are assigned an SFE value, which is each property's relative benefit in relation to a single family home on one parcel.

The relative benefit to properties from fire related Services is:

**EQUATION 1 – RELATIVE BENEFIT TO PROPERTIES**

$\text{Benefit} \approx \sum (\text{Fire Risk Factors}) * \sum (\text{Structure Value Factors})$
--

That is, the benefit conferred to property is the “sum” the risk factors multiplied by the “sum” of the structure values factors.

**FIRE RISK FACTORS**

Typical fire assessments (non-wildland) are evaluated based upon the fire risk of a certain property type. These evaluations consider factors such as use of structure (e.g. used for cooking), type of structure (centralized heating), etc.

Wildland fires, on the other hand, are initiated largely from external ignitions and are far less affected by structural, mechanical and electrical systems inherent to the building (except roof type). The principle Wildland fire risk factors are:

- Vegetation (fuel)
- Topography
- Weather
- Roof type
- Proximity of Structure
- Road Systems
- Water Supply
- Response
- Ignitions

These factors were fully evaluated in the 2004 Wildland Fire Plan and are manifested in the relative zone scores as shown in Figures 3, 4 and 5, above. Hence, the Fire Risk Factor for all properties within the Foothill Zone is 1.00 and the Fire Risk Factor for all properties in the Extreme Foothill Zone is 1.24.

**STRUCTURE VALUE FACTORS**

The relative value of different property types was evaluated within the high fire hazard area to determine the Structure Value Factor according to the following formula:

**EQUATION 2 - STRUCTURE VALUE FACTORS**

$\sum (\text{Structure Value Factors}) \approx \frac{\text{(Structure Weighting Factor)}}{\text{Average Improved Value}} * \frac{\text{(Land Weighting Factor)}}{\text{Average Total Value}} * \text{(Unit Density Factor)}$
--

Where:

“Structure Weight Factor” = 10 to “weight” relative importance of structure over land.

“Average Improved Value” is average of value of all improvements (e.g. structures), per property type, as provide by County Assessor records.

Land Weighting Factor = 1

“Average Total Value” is average of value of all land + improvements (e.g. structures), per property type, as provide by County Assessor records. County assessor land values were not used directly because experience has shown total values to be more comprehensive.

Unit Density Factor corresponds values with units (i.e. “per residential unit” or “per acre”) based upon effective density of structure on parcel.

Figure 6 below is a tabulation of the Structure values for each property type as defined by Equation 2, above.

**FIGURE 6 – STRUCTURE VALUE FACTORS**

Property Type	Structure Value Factor	Unit
Single Family	1.0000	per each*
Multi-Family	0.3683	per res. unit
Commercial/Industrial	0.8187	per acre
Office	0.7058	per acre
Institutional	0.3841	per each
Storage	0.0952	per acre
Agricultural	0.0809	per acre
RangeLand	0.0181	per acre
Vacant	0.0324	per each

\*for homes on an acre or less. For homes on more than one acre, the Structure Value Factor is increased by 0.0809 per acre

### RESIDENTIAL PROPERTIES

All improved residential properties with a single residential dwelling unit on one acre or less are assigned one Single Family Equivalent or 1.0 SFE in the Foothill Zone. In the Extreme Foothill Zone, all improved residential properties on one acre or less are assessed 1.24 SFEs (See Table 5). Residential properties on parcels that are larger than 1 acre receive additional benefit and are assigned additional SFEs on a “per acre” basis. Detached or attached houses, zero-lot line houses and town homes are included in this category.

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the Services in proportion to the number of dwelling units that occupy each property. The relative benefit for multi-family properties was determined as per Equation 1 to be 0.3683 SFEs per residential unit in the Foothill

Zone and 0.4567 per residential unit in the Extreme Foothill Zone. This rate applies to condominiums as well.

#### **COMMERCIAL/INDUSTRIAL & OFFICE PROPERTIES**

Commercial and industrial properties are assigned benefit units per acre, since there is a relationship between parcel size, structure size and relative benefits. The relative benefit for commercial and industrial properties was determined as per Equation 1 to be 0.8187 SFEs per acre in the Foothill Zone and 1.0151 per acre in the Extreme Foothill Zone. The relative benefit for office properties was determined as per Equation 1 to be 0.7058 SFEs per acre in the Foothill Zone and 0.8751 per acre in the Extreme Foothill Zone.

#### **VACANT/UNDEVELOPED, OPEN SPACE AND AGRICULTURAL PROPERTIES**

The relative benefit for vacant properties was determined as per Equation 1 to be 0.0324 SFEs per parcel in the Foothill Zone and 0.04012 per parcel in the Extreme Foothill Zone. Open space and agricultural land have minimal improvements and few, if any; structures that require defensible space, and are assigned benefit “per acre.” The relative benefit for open space properties was determined as per Equation 1 to be 0.0181 SFEs per acre in the Foothill Zone and 0.0224 per acre in the Extreme Foothill Zone. The relative benefit for agricultural properties was determined as per Equation 1 to be 0.0809 SFEs per acre in the Foothill Zone and 0.1002 per acre in the Extreme Foothill Zone.

#### **OTHER PROPERTIES**

Institutional properties, such as publicly owned properties (and are used as such), for example, churches, are assessed at 0.3841 per parcel in the Foothill zone and 0.4762 per Parcel in the Extreme Foothill zone. The relative benefit for storage properties was determined as per Equation 1 to be 0.0952 SFEs per acre in the Foothill Zone and 0.1180 per acre in the Extreme Foothill Zone.

Article XIID, Section 4 of the California Constitution states that publicly owned properties shall not be exempt from assessment unless there is clear and convincing evidence that those properties receive no special benefit.

All public properties that are specially benefited are assessed. Publicly owned property that is used for purposes similar to private residential, commercial, industrial or institutional uses is benefited and assessed at the same rate as such privately owned property.

#### **SUMMARY OF BENEFITS FOR EACH PROPERTY TYPE**

Figure 7 summarizes the relative benefit for each property type.

**FIGURE 7 - RELATIVE BENEFIT FACTORS FOR FOOTHILL AND EXTREME FOOTHILL ZONES**

	Foothill Zone		Extreme Foothill Zone	
Property Type	Benefit Factors (SFEs)	Unit	Benefit Factors (SFEs)	Unit
Single Family	1.0000	per each	1.2400	per each
Multi-Family	0.3683	per unit	0.4567	per unit
Commercial/Industrial	0.8187	per acre	1.0152	per acre
Office	0.7058	per acre	0.8752	per acre
Institutional	0.3841	per each	0.4763	per each
Storage	0.0952	per acre	0.1181	per acre
Agricultural	0.0809	per acre	0.1003	per acre
RangeLand	0.0181	per acre	0.0225	per acre
Vacant	0.0324	per each	0.0402	per each

**APPEALS OF ASSESSMENTS LEVIED TO PROPERTY**

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment may file a written appeal with the Fire Chief of the City of Santa Barbara Fire Department or his or her designee. Any such appeal is limited to correction of an assessment during the then current fiscal year. Upon the filing of any such appeal, the Chief or his or her designee will promptly review the appeal and any information provided by the property owner. If the Chief or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the Chief or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the Chief or his or her designee shall be referred to the City Council and the decision of the Council shall be final.

**ADDITIONAL BACKGROUND ON RELATIVE BENEFIT**

In essence, when property owners are deciding how to cast their ballot for a proposed assessment, each property owner must weigh the perceived value of the Services proposed to them and their property with the proposed cost of the assessment to their property. If property owners of a certain type of property are either opposed or in support of the assessment in much greater percentages than owners of other property types, this is an indication that, as a group, these property owners perceive that the proposed assessment has relatively higher or lower "utility" or value to their property relative to owners of other property types. One can also infer from these hypothetical ballot results, that the apportionment of benefit (and assessments) was too high or too low for that property type. In other words, property owners, by their balloting, ultimately indicate if they perceive the special benefits to their property to exceed the cost of the assessment, and, as a group, whether the determined level of benefit and proposed assessment (the benefit

apportionment made by the Assessment Engineer) is consistent with the level of benefits perceived by the owners of their type of property relative to the owners of other types of property.

#### **DURATION OF THE ASSESSMENT**

The duration of the assessment is one year, and may be continued each year by a vote of the City Council. The assessment cannot be increased in future years without approval from property owners in another assessment ballot proceeding, except for an annual adjustment tied to the change in the Los Angeles-Riverside-Orange County Area Consumer Price Index, not to exceed 4% per year.

#### **CRITERIA AND POLICIES**

This sub-section describes the criteria that shall govern the expenditure of assessment funds and ensures equal levels of benefit for properties of similar type. The criteria established in this Report, as finally confirmed, cannot be substantially modified; however, the Council may adopt additional criteria to further clarify certain criteria or policies established in this Report or to establish additional criteria or policies that do not conflict with this Report.

#### **ASSESSMENT FUNDS MUST BE EXPENDED WITHIN THE FOOTHILL AND EXTREME FOOTHILL ZONES**

The net available assessment funds, after incidental, administrative, financing and other costs, shall be expended exclusively for Services within the boundaries of the Assessment District, namely, the Foothill and Extreme Foothill Zones.

#### **EXISTING GENERAL FUNDS**

Prior to formation, Wildland Fire Services were funded with approximately \$200,000 from the City of Santa Barbara general fund. The intent of the program is that this general fund revenue will be maintained by the City to the extent feasible and the assessment will augment the current funding and services. Further, a portion of the general fund revenue is needed to pay for any and all general benefits from the wildland fire Services, as described above.

## ASSESSMENT

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**WHEREAS**, the City Council of the City of Santa Barbara is proceeding with the proposed levy of assessments under California Government Code sections 50078 et seq. (the "Code") and Article XIID of the California Constitution (the "Article");

**WHEREAS**, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the Services upon all assessable parcels within the Assessment District;

**NOW, THEREFORE**, the undersigned, by virtue of the power vested in me under said Code and Article and the order of the Council of said City, hereby make the following assessment to cover the portion of the estimated cost of said Services, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for said Services and the expense incidental thereto, to be paid by the Assessment District for the fiscal year 2016-17 is generally as follows:

### SUMMARY COST ESTIMATE FY 2016-17

<b>Budget</b>	
Evacuation Planning – Evacuation Roadway Clearing	\$98,000
Defensible Space	\$80,000
Vegetation Management	\$90,433
<b>Total for Installation, Maintenance and Servicing</b>	<b>\$268,433</b>
Less: Contribution for General Benefits	(\$20,675)
Incidental Costs:	
Administration and Project Management	\$6,150
Allowance for County collection	\$3,495
<b>Subtotal – Incidentals</b>	<b>\$9,645</b>
<b>Total Wildland Fire Suppression Assessment Budget</b>	<b>\$257,403</b>

An Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Assessment District. The distinctive number of each parcel or lot of land in said Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion said net amount of the cost and expenses of said Services, including the costs and expenses incident thereto, upon the parcels and lots of land within said Assessment District, in accordance with the special benefits to be received by each parcel or lot, from the Services, and more particularly set forth in the Cost

Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessment is subject to an annual adjustment tied to the annual change in the Consumer Price Index for the Los Angeles-Riverside-Orange County Area as of January of each succeeding year, with the maximum annual adjustment not to exceed 4%.

In the event that the actual assessment rate for any given year is not increased by an amount equal to the maximum of 4% or the yearly CPI change plus any CPI change in previous years that was in excess of 4%, the maximum authorized assessment shall increase by this amount. In such event, the maximum authorized assessment shall be equal to the base year assessment as adjusted by the increase to the CPI, plus any and all CPI adjustments deferred in any and all prior years. The CPI change above 4% can be used in a future year when the CPI adjustment is below 4%. For 2016-17, the allowable CPI increase is 2.03%.

Hence, the proposed rates for 2016-17 will increase by 2.03% from the 2015-16 rates – from \$76.27 to \$77.82 per single family home in the Foothill Zone and from \$94.57 to \$96.50 per single family home in the Extreme Foothill Zone. The total revenue derived from the assessment is \$257,403 for 2016-17.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the City of Santa Barbara for the fiscal year 2016-17. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of Santa Barbara County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2016-17 for each parcel or lot of land within the said Assessment District.

Dated: May 3, 2016



Engineer of Work

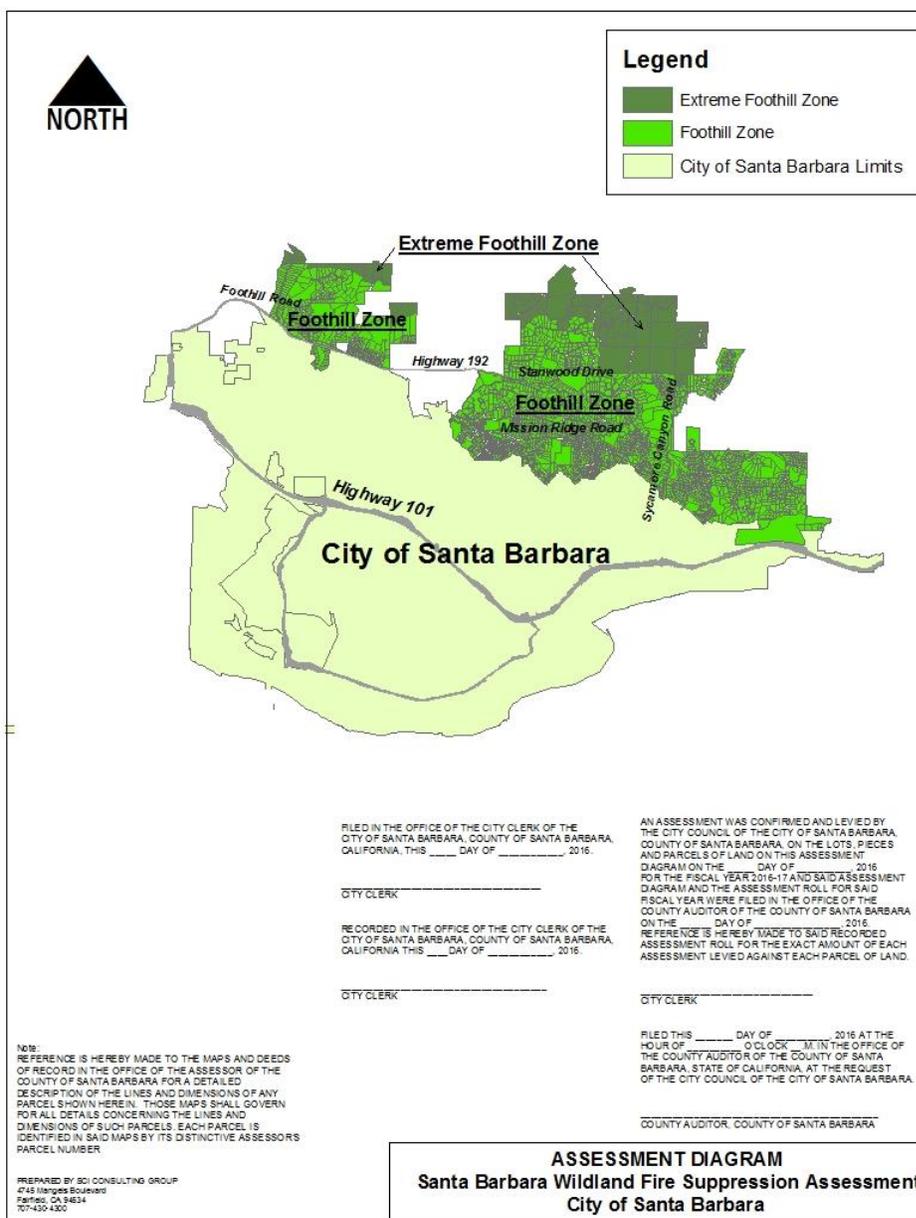
A handwritten signature in blue ink that reads "John W. Bliss". The signature is written over a horizontal line.

By

John W. Bliss, License No. C052091

# ASSESSMENT DIAGRAM

The Assessment District includes all properties within the boundaries of the Wildland Fire Suppression District. The boundaries of the Assessment District are displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions as shown on the maps of the Assessor of the County of Santa Barbara, for fiscal year 2016-17, and are incorporated herein by reference, and made a part of this Diagram and this Report.



## APPENDICES

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### **APPENDIX A – ASSESSMENT ROLL, FY 2016-17**

The Assessment Roll is made part of this report and is available for public inspection during normal office hours. Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference, made part of this report. These records shall govern for all details concerning the description of the lots of parcels.

**APPENDIX B – CALIFORNIA GOVERNMENT CODE SECTION 50078 ET. SEQ.**

50078. Any local agency which provides fire suppression services directly or by contract with the state or a local agency may, by ordinance or by resolution adopted after notice and hearing, determine and levy an assessment for fire suppression services pursuant to this article. The assessment may be made for the purpose of obtaining, furnishing, operating, and maintaining fire suppression equipment or apparatus or for the purpose of paying the salaries and benefits of firefighting personnel, or both, whether or not fire suppression services are actually used by or upon a parcel, improvement, or property.

50078.1. As used in this article:

(a) "Legislative body" means the board of directors, trustees, governors, or any other governing body of a local agency specified in subdivision (b).

(b) "Local agency" means any city, county, or city and county, whether general law or chartered, or special district, including a county service area created pursuant to the County Service Area Law, Chapter 2.2 (commencing with Section 25210.1) of Part 2 of Division 2 of Title 3.

(c) "Fire suppression" includes firefighting and fire prevention, including, but not limited to, vegetation removal or management undertaken, in whole or in part, for the reduction of a fire hazard.

50078.2. (a) The ordinance or resolution shall establish uniform schedules and rates based upon the type of use of property and the risk classification of the structures or other improvements on, or the use of, the property. The risk classification may include, but need not be limited to, the amount of water required for fire suppression on that property, the structure size, type of construction, structure use, and other factors relating to potential fire and panic hazards and the costs of providing the fire suppression by the district to that property. The assessment shall be related to the benefits to the property assessed.

(b) The benefit assessment levies on land devoted primarily to agricultural, timber, or livestock uses, and being used for the commercial production of agricultural, timber, or livestock products, shall be related to the relative risk to the land and its products. The amount of the assessment shall recognize normal husbandry practices that serve to mitigate risk, onsite or proximate water availability, response time, capability of the fire suppression service, and any other factors which reflect the benefit to the land resulting from the fire suppression service provided. A benefit assessment shall not be levied for wildland or watershed fire suppression on land located in a state responsibility area as defined in Section 4102 of the Public Resources Code. This subdivision is not applicable to any benefit assessment levied prior to January 1, 1984, on land devoted primarily to agricultural, timber, or livestock uses.

50078.3. Any ordinance or resolution adopted by a local agency pursuant to this article establishing uniform schedules and rates for assessments for fire suppression services

which substantially conforms with the model ordinance which the State Fire Marshal is authorized to adopt pursuant to Section 13111 of the Health and Safety Code shall be presumed to be in compliance with the requirements of Section 50078.2.

50078.4. The legislative body of the local agency shall cause to be prepared and filed with the clerk of the local agency a written report which shall contain all of the following:

- (a) A description of each lot or parcel of property proposed to be subject to the assessment.
- (b) The amount of the assessment for each lot or parcel for the initial fiscal year.
- (c) The maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year.
- (d) The duration of the assessment.
- (e) The basis of the assessment.
- (f) The schedule of the assessment.
- (g) A description specifying the requirements for protest and hearing procedures for the proposed assessment pursuant to Section 50078.6.

50078.5. (a) The legislative body may establish zones or areas of benefit within the local agency and may restrict the imposition of assessments to areas lying within one or more of the zones or areas of benefit established within the local agency.

(b) The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the local agency, zone, or area of benefit. The assessment may be levied against any parcel, improvement, or use of property to which such services may be made available whether or not the service is actually used.

50078.6. The clerk of the local agency shall cause the notice, protest, and hearing procedures to comply with Section 53753. The mailed notice shall also contain the name and telephone number of the person designated by the legislative body to answer inquiries regarding the protest proceedings.

50078.13. The local agency shall pay the county for costs, if any, incurred by the county in conducting the election. An election called by a legislative body pursuant to this article is subject to all provisions of the Elections Code applicable to elections called by the local agency. The local agency may recover the costs of the election and any other costs of preparing and levying the assessment from the proceeds of the assessment.

50078.16. The legislative body may provide for the collection of the assessment in the same manner, and subject to the same penalties as, other fees, charges, and taxes fixed and collected by, or on behalf of the local agency. If the assessments are collected by the county, the county may deduct its reasonable costs incurred for that service before remittal of the balance to the local agency's treasury.

50078.17. Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure applies to any judicial action or proceeding to validate, attack, review, set aside, void, or annul an ordinance or resolution levying an assessment or modifying or amending an existing ordinance or resolution. If an ordinance or resolution provides for an automatic adjustment in an assessment, and the automatic adjustment results in an increase in the amount of an assessment, any action or proceeding to attack, review, set aside, void, or annul the increase shall be commenced within 90 days of the effective date of the increase. Any appeal from a final judgment in the action or proceeding brought pursuant to this section shall be filed within 30 days after entry of the judgment.

50078.19. This article does not limit or prohibit the levy or collection of any other fee, charge, assessment, or tax for fire suppression services authorized by any other provisions of law.

50078.20. Any fire protection district may specifically allocate a portion of the revenue generated pursuant to this article to pay the interest and that portion of the principal as will become due on an annual basis on indebtedness incurred pursuant to Section 8589.13 of this code and Section 13906 of the Health and Safety Code.

## APPENDIX C – ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

Proposition 218 was approved by voters as a Constitutional Amendment on November 6, 1996. It became Article XIIC and Article XIID of the California State Constitution and has imposed additional requirements for assessment districts. Following is a summary of the Article.

SEC.1. Application. Notwithstanding any other provision of law, the provisions of this article shall apply to all assessments, fees and charges, whether imposed pursuant to state statute or local government charter authority. Nothing in this article or Article XIIC shall be construed to:

- (a) Provide any new authority to any agency to impose a tax, assessment, fee, or charge.
- (b) Affect existing laws relating to the imposition of fees or charges as a condition of property development.
- (c) Affect existing laws relating to the imposition of timber yield taxes.

SEC. 2. Definitions. As used in this article:

- (a) "Agency" means any local government as defined in subdivision (b) of Section 1 of Article XIIC.
- (b) "Assessment" means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment" and "special assessment tax."
- (c) "Capital cost" means the cost of acquisition, installation, construction, reconstruction, or replacement of a permanent public improvement by an agency.
- (d) "District" means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service.
- (e) "Fee" or "charge" means any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service.
- (f) "Maintenance and operation expenses" means the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care, and supervision necessary to properly operate and maintain a permanent public improvement.
- (g) "Property ownership" shall be deemed to include tenancies of real property where tenants are directly liable to pay the assessment, fee, or charge in question.

(h) "Property-related service" means a public service having a direct relationship to property ownership.

(i) "Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."

### SEC. 3. Property Taxes, Assessments, Fees and Charges Limited.

(a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except: (1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A. (2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A. (3) Assessments as provided by this article. (4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

### SEC. 4. Procedures and Requirements for All Assessments.

(a) An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.

(b) All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

(c) The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of

the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.

(d) Each notice mailed to owners of identified parcels within the district pursuant to subdivision (c) shall contain a ballot which includes the agency's address for receipt of the ballot once completed by any owner receiving the notice whereby the owner may indicate his or her name, reasonable identification of the parcel, and his or her support or opposition to the proposed assessment.

(e) The agency shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

(f) In any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.

(g) Because only special benefits are assessable, electors residing within the district who do not own property within the district shall not be deemed under this Constitution to have been deprived of the right to vote for any assessment. If a court determines that the Constitution of the United States or other federal law requires otherwise, the assessment shall not be imposed unless approved by a two-thirds vote of the electorate in the district in addition to being approved by the property owners as required by subdivision (e).

#### SEC. 5. Effective Date.

Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

(b) Any assessment imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

(c) Any assessment the proceeds of which are exclusively used to repay bonded indebtedness of which the failure to pay would violate the Contract Impairment Clause of the Constitution of the United States.

(d) Any assessment which previously received majority voter approval from the voters voting in an election on the issue of the assessment. Subsequent increases in those assessments shall be subject to the procedures and approval process set forth in Section 4.

## END NOTES

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- <sup>1</sup> Insurance Services Offices Inc.  
<http://www.rockwall.com/FireDepartment/Insurance%20Services%20Office%20Rating%20Information.pdf>
- <sup>2</sup> Institute for Business & Home Safety, "Protect Your Home Against Wildfire Damage,"  
<http://www.ibhs.org/publications/view.asp?id=125>
- <sup>3</sup> Institute for Business & Home Safety, "Is Your Home Protected from Wildfire Damage? A Homeowner's Guide to Retrofit," <http://www.ibhs.org/publications/view.asp?id=130>
- <sup>4</sup> U.S. Fire Administration, Department of Homeland Security, "America Burning, Recommissioned: Principal Findings and Recommendations," p.1,  
<http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF>
- <sup>5</sup> U.S. Fire Administration, Department of Homeland Security, "America Burning, Recommissioned: Principal Findings and Recommendations," p.2,  
<http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF>
- <sup>6</sup> Insurance Services Offices Inc., p. 1,  
<http://www.rockwall.com/FireDepartment/Insurance%20Services%20Office%20Rating%20Information.pdf>
- <sup>7</sup> Renewable Natural Resources Foundation, "Workshop on National Parks Fire Policy: Goals, Perceptions, and Reality," Renewable Resources Journal, Volume 11, Number 1, Spring 1993, p. 6
- <sup>8</sup> Weldon, Leslie A. C., "Dealing with Public Concerns in Restoring Fire to the Forest," General Technical Report INT-GTR-341 The Use of Fire in Forest Restoration, U.S. Forest Service, June 1996, p. 3
- <sup>9</sup> U.S. Forest Service, Department of Agriculture, "Social Science to Improve Fuels Management: A Synthesis of Research on Aesthetics and Fuels Management," p. 1,  
[http://ncrs.fs.fed.us/pubs/gtr/gtr\\_nc261.pdf](http://ncrs.fs.fed.us/pubs/gtr/gtr_nc261.pdf)
- <sup>10</sup> U.S. Forest Service, Department of Agriculture, "Social Science to Improve Fuels Management: A Synthesis of Research on Aesthetics and Fuels Management," p. 25,  
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<sup>11</sup> Weldon, Leslie A. C., "Dealing with Public Concerns in Restoring Fire to the Forest," General Technical Report INT-GTR-341 The Use of Fire in Forest Restoration, U.S. Forest Service, June 1996, p. 2



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 17, 2016

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Designation Of "The Olives" Residence, Our Lady Of Sorrows Church, And The Dolores/Notre Dame School As City Landmarks

**RECOMMENDATION:** That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating "The Olives" Residence at 2121 Garden Street as a City Landmark;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Our Lady of Sorrows Church at 33 East Sola Street as a City Landmark; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Dolores/Notre Dame School at 33 East Micheltorena Street as a City Landmark.

**DISCUSSION:**

Santa Barbara Municipal Code (SBMC) Section 22.22.050 grants the Historic Landmarks Commission (HLC) the authority to adopt resolutions to forward recommendations to the City Council regarding City Landmark designations. Designation as a City Landmark confers honor and recognition on structures contributing to the City's unique historical and architectural traditions.

On February 24, 2016, the HLC held three separate public hearings for the City Landmark designations of "The Olives" Residence, the Our Lady of Sorrows Church, and the Dolores/Notre Dame School. The HLC voted 7 to 0 to adopt resolutions to recommend to the City Council that it designate all three structures as City Landmarks. The HLC determined through evidence provided in the HLC Staff Reports that the three resources are historically and architecturally significant and qualify under SBMC Section 22.22.040 as City Landmarks (Attachments 1, 2, and 3).

### "The Olives" Residence

This residence was constructed in 1888 as the home of Mrs. Lucy Brinkerhoff in the Eastlake Victorian style and converted to the Craftsman style in 1906. The property is known as "The Olives" because the property occupies the former Mission Santa Barbara olive orchards. The unique combination of Eastlake Victorian and Craftsman elements distinguish the house from other Craftsman style houses. The house offers a visual record of the shift from one dominant style to another, and it blends the two styles seamlessly. The house was added to the City's Potential Historic Resource List in 1986 and noted as eligible for designation as a City Landmark. "The Olives" Residence is significant for its historical and cultural influence on the heritage of the City.

The proposed boundary of the City Landmark designation is the entire parcel of the property to allow for adequate review of any changes to the parcel for compatibility.

Historic research in the form of the Staff Report that was accepted by the Historic Landmarks Commission on February 24, 2016 determined that "The Olives" Residence qualifies for historic designation under the City's Master Environmental Assessment criteria.

### Our Lady of Sorrows Church

Designed by the architect Edward A. Eames in 1929, in the Spanish-Romanesque subset of the Spanish Colonial Revival style, the Our Lady of Sorrows Church is a Catholic Church significant for its historical and architectural influence on the heritage of the City. The structure has been on the City's Potential Historic Resource List since 1978, as it is eligible for the California Register of Historic Resources and as a City Landmark for its architectural style and historical significance.

The proposed boundary of the City Landmark designation includes the 1929 church building, the open lawns, and the significant trees, including the Norfolk Island star pine tree and the elegant palms on the site, except the windmill palms (*Trachycarpus fortune*), which are not original to the site.

Historic research in the form of the Staff Report that was accepted by the Historic Landmarks Commission on February 24, 2016 determined that the church qualifies for historic designation under the City's Master Environmental Assessment criteria.

### The Dolores/Notre Dame School

Designed by the noted Southern California architect Ilton E. Loveless in 1926, in the Spanish Renaissance subset of the Spanish Colonial Revival style, the Dolores/Notre Dame School is a Catholic school significant for its historic and architectural influence on the heritage of the City. The school was commissioned after the 1925 earthquake as part of the Our Lady of Sorrows parish to provide Catholic education to the parish children. The structure has been on the City's Potential Historic Resource List since

1991, as it is eligible for the California Register of Historic Resources and as a City Landmark for its architectural style and historical significance.

The boundary of the City Landmark designation will be five feet around the 1926 structure and will include the front sandstone wall; it will exclude the playfields and convent building that are on the parcel as they do not contribute to the historic significance of the building.

Historic research in the form of the Staff Report that was accepted by the Historic Landmarks Commission on February 24, 2016 determined that the school qualifies for historic designation under the City's Master Environmental Assessment criteria.

### **CONCLUSION:**

Staff and the HLC recommend the designation of these three properties, which are important to the heritage of the City of Santa Barbara. The outstanding attention to detail, materials, and craftsmanship cannot be duplicated. The prominent and beautifully designed buildings deserve to join the elite list of City Landmarks that are important structures contributing to the City's unique historical and architectural traditions. There is sufficient evidence on record to support the City Landmark designations of "The Olives" Residence, Our Lady of Sorrows Church, and the Dolores/Notre Dame School as City Landmarks and for the City Council to adopt resolutions designating them as such.

- ATTACHMENTS:**
1. HLC Resolution No. 2016-6 and HLC Staff Report for "The Olives" Residence, dated February 24, 2016
  2. HLC Resolution No. 2016-4 and HLC Staff Report for the Our Lady of Sorrows Church, dated February 24, 2016
  3. HLC Resolution No. 2016-5 and HLC Staff Report for the Dolores/Notre Dame School, dated February 24, 2016

**PREPARED BY:** Nicole Hernandez, Urban Historian

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

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



**CITY OF SANTA BARBARA  
HISTORIC LANDMARKS COMMISSION**

**RESOLUTION RECOMMENDING THAT CITY COUNCIL  
DESIGNATE AS A CITY LANDMARK  
"THE OLIVES" RESIDENCE  
2121 GARDEN STREET  
SANTA BARBARA, CALIFORNIA  
025-252-003  
RESOLUTION 2016-6**

**FEBRUARY 24, 2016**

WHEREAS, Section 22.22.050 of the Municipal Code of the City of Santa Barbara grants the Historic Landmarks Commission the authority to initiate a designation process to recommend to the City Council the designation as a City Landmark of any structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance; and

WHEREAS, on January 27, 2016, the Historic Landmarks Commission adopted Resolution of Intention 2016-3 to hold a public hearing to consider a recommendation to City Council for designation of the "The Olives" Residence at 2121 Garden Street as a City Landmark; and

WHEREAS, the Staff Report concluded that "The Olives" residence constructed in 1888 in the Eastlake Victorian style that was modernized into the Craftsman style in 1906 is significant for its historical and architectural influence on the heritage of the City; and

WHEREAS, "The Olives" has retained a high level of historical integrity as its location, setting, association, footprint, design, materials, and workmanship have not been altered so that it conveys its 1906 appearance; and

WHEREAS proposed boundary of the City Landmark designation the proposed

boundary of the City Landmark designation is the entire parcel to allow adequate review of any changes to the parcel for compatibility.

WHEREAS, under the provisions of Article 19, Section 15308 of the California Environmental Quality Act Guidelines and the City List of Activities Determined to Qualify for a Categorical Exemption (City Council Resolution Dated November 10, 1998), staff has determined that designation of “The Olives” residence as a City Landmark is eligible for a Categorical Exemption; and

WHEREAS, Section 22.22.050 of the Municipal Code of the City of Santa Barbara states that the City Council may designate as a City Landmark any structure, natural feature, site or area having historic, architectural, archeological, cultural, or aesthetic significance by adopting a resolution of designation within 90 days following receipt of a recommendation from the Historic Landmarks Commission; and

WHEREAS, in summary, the Historic Landmarks Commission finds “The Olives” residence at 2121 Garden Street, Assessor’s Parcel No. 025-252-003, meets the following City Landmark criteria listed in section 22.22.040 of the Municipal Code:

- A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation;
- C. Its identification with a person or persons who significantly contributed to the culture and development of the City, the State, or the Nation;
- D. Its exemplification of a particular architectural style or way of life important to the City, the State, or the Nation;
- F. Its exemplification of the best remaining architectural type in a neighborhood;
- G. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials and craftsmanship;
- I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood.

NOW, THEREFORE, BE IT RESOLVED that on February 24, 2016, the Historic Landmarks Commission of the City of Santa Barbara hereby recommends to the City Council that it designate the “The Olives” residence located at 2121 Garden Street, Assessor’s Parcel No. 025-252-003, as a City Landmark and makes findings based on the historic and cultural significance of facts presented in the Staff Report.

**CITY OF SANTA BARBARA  
HISTORIC LANDMARKS COMMISSION**

**Adopted: February 24, 2016**

**HISTORIC LANDMARKS COMMISSION  
CITY LANDMARK DESIGNATION  
STAFF REPORT**

**THE OLIVES  
2121 GARDEN STREET  
SANTA BARBARA, CALIFORNIA  
025-252-003  
FEBRUARY 24, 2016**

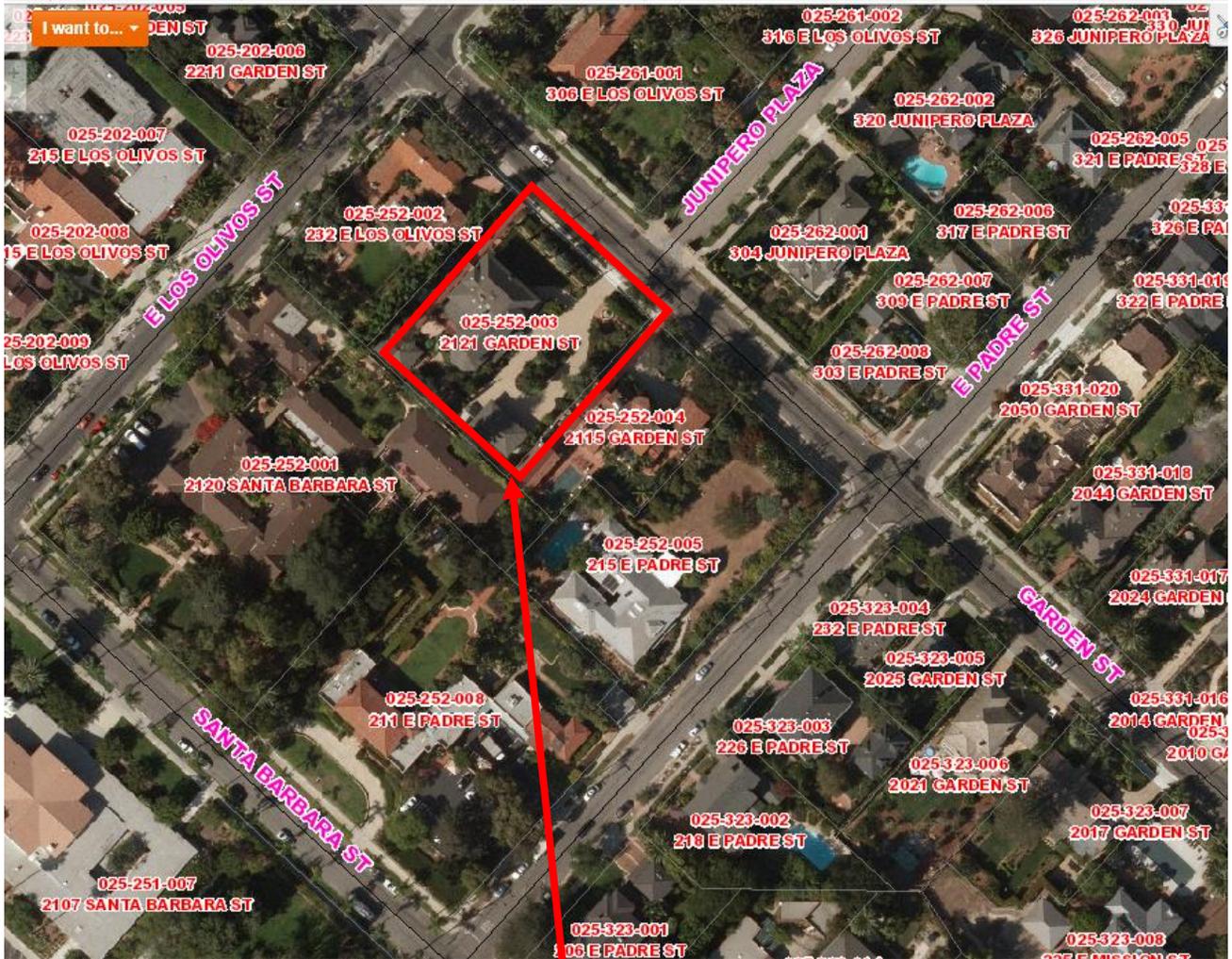
This staff report is a summary of the Historic Structures/Sites Report completed by Fermina Murray and accepted by the Historic Landmarks Commission in 2004. The house was constructed in 1888 as the home of Mrs. Lucy Brinkerhoff. The two story home was originally constructed in the Eastlake Victorian style and converted to the Craftsman Style in 1906. The property is known as "The Olives" because the property occupies the former Mission Santa Barbara olive orchards. The building has been on the Potential Historic Resources List since 1986 and was found eligible for the National Register of Historic Places, the California Register of Historic Resources and as a City Landmark in the Historic Structures/Sites report that was accepted by the Historic Landmarks Commission on March 31, 2004. The landscaping was recently renovated and the work included adding the stone wall along Garden Street with the careful review of the Historic Landmarks Commission that found the alterations to be compatible with the structure and meet the Secretary of the Interior's Standards for Rehabilitation.

The designation of the building as a City Landmark will honor and recognize the importance of the Craftsman residence as it will join the elite list of important structures contributing to the City's unique historical and architectural traditions.



*The elegant residence at 2121 Garden Street features Craftsman style details on a house that was constructed in 1888 in the Eastlake Victorian Style then was converted to the Craftsman style in 1906. Photo courtesy Thomas Ochsner, AIA*

*Vicinity Map, City of Santa Barbara  
Mapping Analysis and Printing  
System, 2013.*



*2121 Garden Street: The red line indicates the proposed boundary of the City Landmark designation is the entire parcel to allow adequate review of any changes to the parcel for compatibility.*

## Historic Context:

The house sits on Garden Street, named after a ten acre flower garden, fruit orchard and vegetable plot dating to the Spanish Colonial era which surrounded a cluster of artesian springs near the corner of Ortega and Garden Streets. The springs provided the water supply for the Presidio. It is now capped and known as De La Guerra Wells, which are still part of the city's water system. During the Spanish Colonial era, a trail meandered from this site up to the Mission. The former trail became Garden Street. By the 1890s Garden Street developed into a street of fashionable homes of wealthy Americans.

The house at 2121 Garden Street, "The Olives," was commissioned in 1888 by Lucy Brinkerhoff the widow of Samuel Brinkerhoff, after whom the local street, Brinkerhoff Avenue, is named.

Samuel Bevier Brinkerhoff was a medical doctor who arrived in Santa Barbara in 1852. He was the only physician along the central California coast. Dr. Brinkerhoff treated all of the residents in the area, regardless of their ability to pay, or their nationality. In addition, Sam Brinkerhoff was involved in a variety of civic pursuits, including: construction of Santa Barbara's first wharf (located at the end of Chapala Street) in 1868; the 1868 construction of the Santa Ynez Turnpike Road, which was a toll road over the mountains until 1898 when he sold

it to the County and it became Stagecoach Road/San Marcos Pass; cofounder of Santa Barbara Gas Light Company in 1871; benefactor of the land for the first Trinity Episcopal Church in 1867; one of the founders of one of Santa Barbara's first banks; owner of extensive real estate in Barbara and Carpinteria; and one of the original "tourist promoters" for the town.

In January, 1877, at the age of fifty-four, Samuel Brinkerhoff married Lucy Noyce. They lived together in the white house at the end of Brinkerhoff Avenue until his death just three years later. Later, in 1886, Lucy Brinkerhoff commissioned the mayor and noted architect Peter J. Barber to design her an Eastlake Victorian style home that was completed in 1888 with a corner turret. This was the first home erected on the block and was originally surrounded by open space and designed to take advantage of the ocean vista to the southeast. Barber was Santa Barbara's most prolific architects of Victorian homes and buildings. He designed several buildings that are listed



*The house features Craftsman style details including: the shingle siding on the second floor and the wide overhanging eaves with exposed brackets. The front coffered ceiling of the front porch and the 2<sup>nd</sup> story loggia are features of the original Eastlake Victorian style.  
Photo courtesy Thomas Ochsner, AIA*

City Landmarks and listed on the National Register of Historic Places. In 1899 the home was sold to Anna and William Dreer, who in 1906, "modernized" the house by converting the house into, what at that time was the most fashionable style, the Craftsman Style. They removed the turret on the southwest corner over the hexagonal shape bay, and added shingle siding to the second story and replace linear one over one Victorian style windows with Craftsman style wider style windows with small divided lights in the upper sashes. In addition, they added a large dining room and upstairs master bedroom to the south elevation.

Anna Dreer gave the house to the Visiting Nurse Association in 1927, the association then sold the house to the family of Cammillo Fenzi, son of noted horticulturist in Santa Barbara, Dr. Francesco Franceschi. The Fenzi family preserved the Mission olive trees that were on the property and planted other exotics such a pineapple, guavas, and avocados. By the late 1930s the area around 2121 Garden Street had filled with elegant homes and mansions. Two generations of the Fenzi family owned and lived in the property for 76 years when it was sold out of the family.

**Craftsman Architectural Style:**

The Craftsman style was created in reaction to loss of human craft found in the Industrial Revolution, the Arts and Crafts Movement

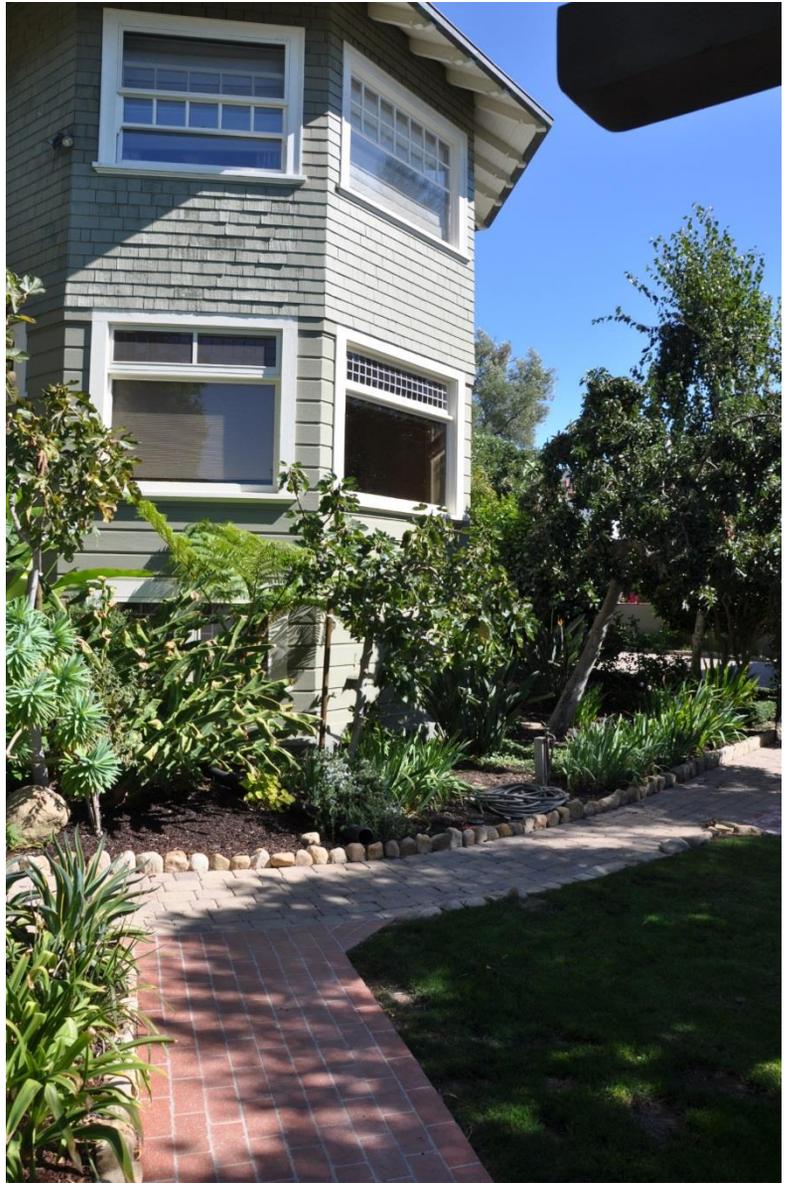


*The eastern elevation of the house features Craftsman style double hung windows with multiple divided lights over a single plane. Photo courtesy Thomas Ochsner, AIA*



*The eastern elevation of the house features a hipped roof dormer as well as a loggia under a rounded arch on the 2<sup>nd</sup> floor. Photo courtesy Thomas Ochsner, AIA*

formed in England and soon spread to the United States. It became known as the Craftsman Movement in the United States and utilized local, natural materials, simplicity of forms, originality, and hand-crafted detail. In 1901, the first issue of *The Craftsman* magazine was published by Gustav Stickley, a strong proponent of Craftsman furniture, textiles, and architecture. Architects such as Greene and Greene in Pasadena, and David Owen Dryden in San Diego championed the Craftsman style, helping it to become the most popular style of the early 1900's. "The Olives" residence at 2121 Garden Street expresses some of California's high-style interpretations of the Craftsman style introduced by the prominent architects Charles and Henry Greene of Pasadena. The wide horizontal windows with multiple divide lights in the upper sashes, the walls that are shingled and stained in various hues of green and brown, colors found in the surrounding natural landscape, and the eaves that are deep to provide shade with exposed rafter tails are iconic features of the well-known Greene & Greene Craftsman exterior style.



*View of the southeast hexagonal corner that once has a turret rising above it until 1906 when the house was converted from an Eastlake Victorian house to a Craftsman style house. Photo courtesy Thomas Ochsner, AIA*

The Craftsman Movement embodied great variety with the Arts and Crafts English antecedents, to homes with an aesthetic reminiscent of oriental wood joinery, to the Craftsman bungalow style which ennobled modest homes for a rapidly expanding American middle class. At the beginning of the twentieth century, bungalows took America by storm.

In Santa Barbara, the Craftsman style house enjoyed a popularity that can still be seen today.

From the small bungalow to the large, almost grandiose, house, Craftsman architecture thrived in Santa Barbara. Craftsman architecture is found in the City's older residential neighborhoods including the Upper and Lower Eastside neighborhoods and the Westside neighborhood. The Craftsman style characterizes Santa Barbara's early twentieth century residential expansion.

**Significance:**

The City of Santa Barbara defines historic significance as outlined by the Municipal Code, Section 22.22.040. Any historic building that meets one or more of the eleven criteria (Criteria A through K) established for a City Landmark or a City Structure of Merit can be considered significant. The Craftsman house at 2121 Garden Street meets the following criteria:

***Criterion A: its character, interest or value as a significant part of the heritage of the City, the State or the Nation;***

As unique example of an Eastlake Victorian house converted into a Craftsman style that is illustrative of the growth and development of Santa Barbara's high-end residential neighborhoods during the late nineteenth and early twentieth century, "The Olives" qualifies for listing as a City of Santa Barbara City Landmark under criterion A.

***Criterion C: Its identification with a person or persons who significantly contributed to the culture and development of the City, the State or the Nation;***

The house is identified with the original owner, Lucy Noyes Brinkerhoff, the widow of noted Dr. Samuel Bevier Brinkerhoff, the only medical doctor in Santa Barbara during its early development, and after whom Brinkerhoff Avenue and the Brinkerhoff Avenue Landmark District are named. The house is also associated with the Fenzi family. Camillo and Warren Fenzi, son and grandson of Santa Barbara's renowned botanist/horticulturalist Dr. Francesco Franceschi, occupied the house for 76 years and contributed significantly to the civic and cultural heritage of the city.

***Criterion D: its exemplification of a particular architectural style or way of life important to the City, the State, or the Nation;***

The building is a unique example of a late 19th century Eastlake Victorian style house that was converted in the early 20th century to a Craftsman Style house. The house is one of the



*View of the east elevation of the house "The Olives". Photo courtesy Thomas Ochsner, AIA*

earliest Craftsman style structures in the City, yet it retains elements that reveal its Eastlake Victorian style origins, including; the ship lap siding on the first floor, the tall hipped roof, and the hexagonal bay that was the base of the turret, the coffered ceiling of the front porch, and the inset loggia on the second floor. The Craftsman elements include the divided lights in the upper sashes to give the house a more horizontal appearance, rather than the Victorian verticality, and the wide overhanging



*View of the rear elevation of the house. Photo courtesy Thomas Ochsner, AIA*

eaves with exposed rafter tails. The house thus embodies the actual transition in taste from the ornamental Eastlake Victorian style to the simpler and more horizontal, Craftsman style favored so much in Santa Barbara and California in the early decades of the twentieth century. The house offers a visual record of the shift from one dominant style to another, and it blends the two styles seamlessly.

***Criterion E: its exemplification of the best remaining architectural type in a neighborhood;***

The combination of the Eastlake Victorian and Craftsman elements distinguish the house from other Craftsman style houses on Garden Street and mark it as a unique one of a kind example of its type in the neighborhood.

***Criterion G: Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials and craftsmanship;***

The building embodies not only outstanding attention to design with the inset loggia on the second floor and hexagonal bay on the south east corner of the house. The house embodies extreme attention to detail, materials and craftsmanship. These include its porch with beautifully detailed coffered ceiling, large, bay windows with divided lights in the upper sashes, mix of drop lap and wood shingle siding, hipped roof dormers, and hipped roofs with wide overhanging eaves supported by exposed rafter tails.

***Criterion I: Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;***

Most of the Upper East neighborhood was developed in the late nineteenth and early 20th century with many Queen Anne Free Classic and Craftsman style houses. This unique combination of the Eastlake Victorian and Craftsman elements distinguish the house from other Craftsman style houses on Garden Street represents an established and familiar visual feature of the neighborhood as it has had very few alterations since 1906 when it was converted to the Craftsman style.

***Historic Integrity:***

Integrity is the ability to convey its original appearance. There are essential physical features that must be considered to evaluate the integrity. The house has had few alterations since 1906 and retains its character-defining features, including the drop lap and shingle siding, hipped roof, coffered ceiling of the porch, and multi-paned lights in the upper sash of the wood, double hung, wide windows. Since 1906, the building has retained its integrity of location, design, setting, materials, workmanship, feeling and association so that the building can still convey its appearance of 1906.

***Recommendation:***

The HLC Designation Subcommittee and Staff recommend that the HLC adopt a resolution to recommend to City Council that "The Olives" residence at 2121 Garden Street be designated as a City Landmark. The proposed boundary of the City Landmark designation is the entire parcel to allow adequate review of any changes to the parcel for compatibility

***Works Cited:***

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**CITY OF SANTA BARBARA  
HISTORIC LANDMARKS COMMISSION**

**RESOLUTION RECOMMENDING THAT CITY COUNCIL  
DESIGNATE AS A CITY LANDMARK  
OUR LADY OF SORROWS CHURCH  
33 EAST SOLA STREET  
SANTA BARBARA, CALIFORNIA  
039-072-007  
RESOLUTION 2016-4**

**FEBRUARY 24, 2016**

WHEREAS, Section 22.22.050 of the Municipal Code of the City of Santa Barbara grants the Historic Landmarks Commission the authority to initiate a designation process to recommend to the City Council the designation as a City Landmark of any structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance; and

WHEREAS, on January 27, 2016, the Historic Landmarks Commission adopted Resolution of Intention 2016-1 to hold a public hearing to consider a recommendation to City Council for designation of the Our Lady of Sorrows Church located at 33 East Sola Street as a City Landmark; and

WHEREAS, the Staff Report concluded that the church at 33 East Sola Street, completed in 1929 in the Spanish Romanesque subset of the Spanish Colonial Revival style with dark intricate cast stone details that contrast with the smooth stucco walls, is significant for its historical and architectural influence on the heritage of the City; and

WHEREAS, the church has retained a high level of historical integrity as its location, setting, association, footprint, design, materials, and workmanship have not been altered so that it conveys its original 1929 appearance; and

WHEREAS, the proposed boundary of the City Landmark designation includes the 1929 church building, significant trees, including the large Norfolk Island Star Pine on the

south elevation of the church, the elegant palms, except for the non-original windmill palms, and the open lawns around the building.

WHEREAS, under the provisions of Article 19, Section 15308 of the California Environmental Quality Act Guidelines and the City List of Activities Determined to Qualify for a Categorical Exemption (City Council Resolution Dated November 10, 1998), staff has determined that designation of the Our Lady Of Sorrows Church as a City Landmark is eligible for a Categorical Exemption; and

WHEREAS, Section 22.22.050 of the Municipal Code of the City of Santa Barbara states that the City Council may designate as a Landmark any structure, natural feature, site or area having historic, architectural, archeological, cultural, or aesthetic significance by adopting a resolution of designation within 90 days following receipt of a recommendation from the Historic Landmarks Commission; and

WHEREAS, in summary, the Historic Landmarks Commission finds that the Our Lady of Sorrows Church at 33 East Sola Street Assessor's Parcel No. 039-072-007, meets the following City Landmark criteria listed in section 22.22.040 of the Municipal Code:

- A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation;
- D. Its exemplification of a particular architectural style or way of life important to the City, the State or the Nation
- G. Its embodiment demonstrating outstanding attention to architectural design, detail, materials or craftsmanship
- I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood.

NOW, THEREFORE, BE IT RESOLVED that on February 24, 2016, the Historic Landmarks Commission of the City of Santa Barbara hereby recommends to the City Council that it designate the Our Lady of Sorrows Church located at 33 East Sola Street, Assessor's Parcel No. 039-072-007, as a City Landmark and makes findings based on the historic and cultural significance of facts presented in the Staff Report.

**CITY OF SANTA BARBARA  
HISTORIC LANDMARKS COMMISSION**

**Adopted: February 24, 2016**

**HISTORIC LANDMARKS COMMISSION  
CITY LANDMARK DESIGNATION  
STAFF REPORT**

**OUR LADY OF SORROWS CHURCH  
33 EAST SOLA STREET  
SANTA BARBARA, CALIFORNIA  
039-072-007  
FEBRUARY 24, 2016**

**Background:**

The 1929 Our Lady of Sorrows Roman Catholic Church was designed by noted architect Edward A. Eames in the Spanish-Romanesque subset of the Spanish Colonial Revival style. The property was placed on the Potential Historic Resources List in 1978. Although the church rectory that sits directly to the west of the church was also designed by Edward A. Eames in 1927, the rectory was not added to the Potential Historic Resources List and has not yet been evaluated for historic significance. The parish school, Notre Dame



*Above: View of the front elevation of the Our Lady of Sorrows Church. September 2015.*

School, was constructed in 1926 and sits one block behind the church on 33 East Micheltorena Street. The Church embodies character defining features of the Spanish Romanesque subset of the Spanish Colonial Revival style with its ornate octagonal bell tower, elongated stained glass windows with rounded arches, dark stone details that are highlighted against the light, simple smooth stucco walls, and the intricate rose windows. The proposed boundary of the City Landmark designation includes the significant trees, including the large Norfolk Island Star Pine on the south elevation of the church, the elegant palms, except the non-original windmill palms, and the open lawns around the 1929 church building. Because the Church meets the City Landmark eligibility criteria for its architectural style and historical significance it is the opinion of the Historic Landmarks Commission Designation Subcommittee that the building is an excellent candidate for City Landmark designation.

*Vicinity Map*

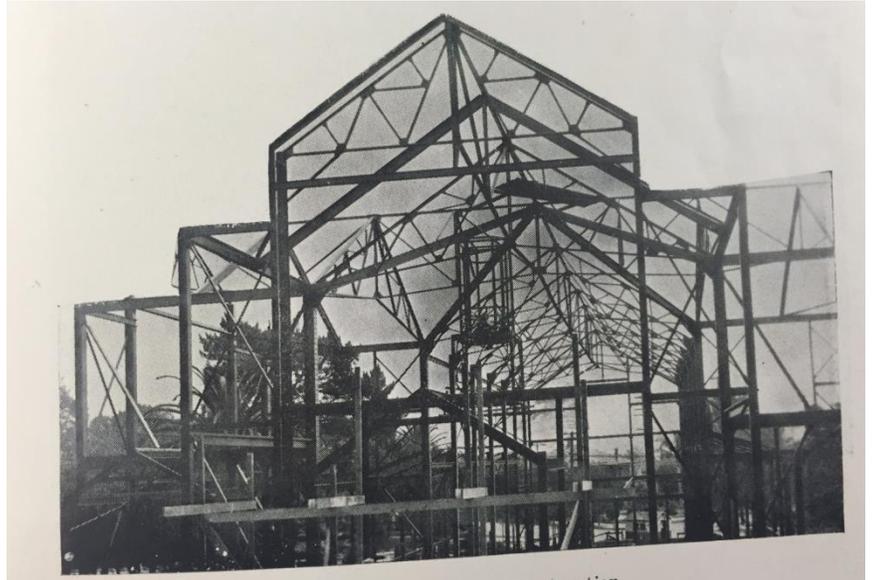


*Vicinity Map, City of Santa Barbara Mapping Analysis and Printing System, 2013*

**Historic Context:**

Our Lady of Sorrows Church is the successor parish of the Royal Presidio Chapel founded in the eighteenth century by the Spanish when they arrived in Santa Barbara. The previous Our Lady of Sorrows church building was constructed and completed in May 1867 at Figueroa and State Streets, however the earthquake on June 29, 1925 destroyed that church. A new site was selected at the corner of Anacapa and Sola Streets for a new church and rectory. The church is unique in that it sits on an angle on the site facing the corner rather than the being parallel to the street so that the entrance faces east and the apse to the west. This is the only church in Santa Barbara that recognizes the European tradition of having the building set on the east/west axis. This is an early Roman tradition as the earliest churches in Rome had a façade to the east and an apse with the altar to the west. But for most of the Middle Ages to modern period the altar was to the east, front door to the west. In Alta California, the Spanish built their churches with the altar to the west, door to the east.

Because the earthquake had destroyed the previous church, the new church was designed to be particularly resilient to earthquakes. The architect Edward Eames, was likely chosen for his experience in designing steel frame Catholic



*Above: Construction of the steel frame Our Lady of Sorrows Church in 1928. The steel frame construction was designed to be resilient to earthquakes. Courtesy Graffy de Garcia, Erin. Our Lady Of Sorrows 1782–2004. 2004*



*Intricately carved dark stone surrounds the wood double entrance doors and is used to contrast with the white stucco. September 2015*

churches in San Francisco, where since the 1906 earthquake, architects were becoming well versed in using the steel frame as a seismic design. Our Lady of Sorrows Church's steel frame was unique in Santa Barbara in 1929 when it was completed, with the cornerstone dated May 26, 1929.

**Spanish Romanesque subset of the Spanish Colonial Revival Style:**

The cross shaped church, with the open belfry is designed in the Spanish Romanesque subset of the Spanish Colonial Revival style. The Spanish-Romanesque inspired church has a basilica plan, in the shape of a cross, set diagonally on the lot with the wood double door entrance and tower facing the corner of Anacapa and Sola Streets, facing directly east. The church features many intricate details including; elaborate pre-cast stone work in the tower, around the elongated rounded arched windows and doors. The Church features over 50 stained glass windows and four rose windows. Rose windows are circular windows with mullions and traceries generally radiating from the center and filled with stained glass. The



*The rear of the church features a rounded apse and a rose window. The church features four rose window and over 50 stained glass windows. September, 2015*

term is used as the windows resemble a rose and its petals. The rose window is considered one of the most characteristic features of medieval architecture. There is no consensus for the beginning date of the Romanesque style, with dates ranging from the 6th to the late 10th century, this later date being the most commonly held. Romanesque architecture is an architectural style of medieval Europe. The style can be identified all across Europe, despite regional characteristics and different materials. Spanish Romanesque architecture spread throughout the entire northern half of Spain combining features of ancient Roman and Byzantine buildings and other local traditions. Spanish Romanesque architecture is known by its massive quality, thick walls, round arches, sturdy piers, groin vaults, large towers and decorative arcading characterized by elongated semi-circular arched openings. It developed in the 12th century into the Gothic style that was marked by pointed arches. Romanesque buildings have clearly defined forms, frequently of very regular, symmetrical plan; the overall appearance is one of simplicity when compared with the Gothic buildings that were to follow.

The Spanish Romanesque left its mark especially on religious buildings such as cathedrals, churches, monasteries, cloisters, and chapels. California's 52 year period of Spanish-Franciscan cultural impact and the following brief Mexican period brought in piecemeal elements of the Spanish period styles in the early twentieth century. The formal influence was a combination of high style details with

vernacular mission and adobe buildings. This building is an excellent example of the Spanish Romanesque style a subset of the Spanish Colonial Revival movement, which became an important part of Santa Barbara's heritage in the early 1920s, when the City deliberately transformed its architecture and look from an ordinary western style town into a romantic Spanish Colonial Revival city. When the earthquake of 1925 occurred, the Santa Barbara Community Arts Association viewed the disaster as an opportunity to rebuild the downtown in definitive styles of the Spanish Colonial Revival, Mediterranean and Mission styles that reflect the unique heritage of the City. Many architects, later notable for their use of this style created commercial facades and whole new buildings in a variety of the style.



*Above: The East side elevation of the building features rows of elongated, arched, stained glass windows and a rose window in the transept. September 2015.*

Therefore, in the 1920s, in Santa Barbara, the Spanish Colonial Revival style sources were broadly and loosely interpreted. Each architect and educated client developed a favorite formal Spanish repertoire and some were inspired by buildings seen in travels to Spain, Mexico, or Spain's former South American colonies. However, both architects and clients tended to like examples clearly based on Spanish European designs rather than Mexican or South American interpretations of original Spanish structures. This Spanish Romanesque inspired church with its white stucco walls and dark contrasting stone details fits in the Spanish aesthetic of the City new identity. The building received an award from Santa Barbara Beautiful in 1976 and is featured in the book, *Santa Barbara Architecture*.

**Significance:**

The City of Santa Barbara defines historic significance as outlined by the Municipal Code, Section 22.22.040. Any historic building that meets one or more of the eleven criteria (Criteria A through K) established for a City Landmark or a City Structure of Merit can be considered significant. Our Lady of Sorrows Church meets the following four criteria:

*Criterion A. Its character, interest or value as a significant part of the heritage of the*

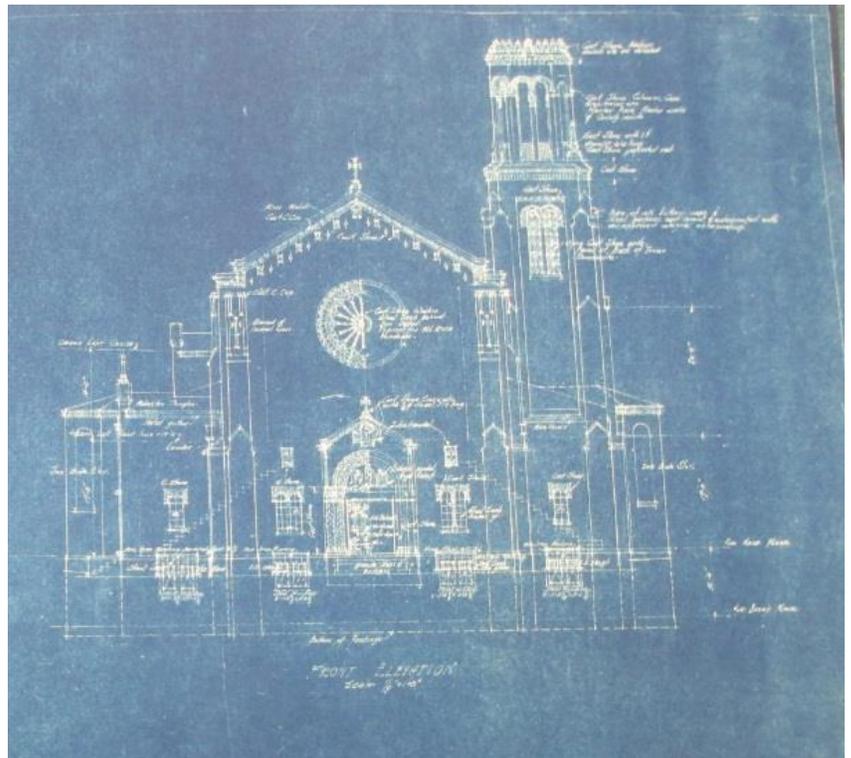
*City, the State or the Nation;* This building is an excellent example of the Spanish Romanesque subset of the Spanish Colonial Revival style, which became an important part of Santa Barbara's heritage in the 1920s, when the City deliberately transformed its architecture and look from an ordinary western style town into a romantic Spanish Colonial Revival city. This transformation was the result of the planning vision of a number of Santa Barbara citizens in the early 1920s with the founding of the Santa Barbara Community Arts Association, who urged that the town identify its individual character and then use planning principles to develop it. As an original 1929, Spanish Colonial Revival structure, it qualifies as a City Landmark because it is a significant part of the heritage of the City.

**Criterion D, its exemplification of a particular architectural style or way of life important to the City, the State, or the Nation;**

The building embodies distinguishing characteristics of the Spanish Romanesque subset of the Spanish Colonial Revival style that is an important architectural style of Santa Barbara. Its smooth stucco walls, elongated, rounded arches, tall tower with an open belfry and ornate stone detailing are character defining features of the style. Between 1922 and 1925, several major cultural buildings within the downtown core, were built using the architectural motif of the City's Colonial and Mexican past. As a result, when the earthquake occurred in 1925, the Community Arts Association viewed the disaster as an opportunity to rebuild the downtown in Spanish Colonial Revival/Mediterranean/Mission styles that reflect the heritage of the city.



*Above: The intricate carving of the window grills and surround of the tower, September 2015.*



*Above: The original drawings of the façade of the church illustrating how the church has retained its original features.*

***Criterion G, its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials and craftsmanship;***

The Church's composition, massing and simplicity are exemplary elements of design. In addition to the solid wood doors, stained glass and rose windows, the elaborate pre-cast stone surrounding the entrances and windows and lining the cornices demonstrate outstanding attention to detail, materials and craftsmanship.

***Criterion I, Its unique location or singular physical characteristic representing an establish and familiar visual feature of a neighborhood;***

The diagonally set church with its intricate belfry rising over the corner of East Sola and Anacapa Streets has been an established and familiar visual feature of the neighborhood since 1929.

***Historic Integrity:***

Integrity is the ability of a property to convey its original appearance. There are essential physical features that must be considered to evaluate the integrity of a significant building. Since 1929, the church's location, setting, association and feeling have not changed. The original design, materials, and workmanship have been retained so that the building conveys its original 1929 appearance. Thus, the building has retained a high level of historical integrity.

***Recommendation:***

Staff Recommends that the HLC adopt a resolution to recommend to City Council that the Our Lady of Sorrows Church be designated as a City Landmark. Staff recommends the proposed boundary of the City Landmark designation include the 1929 church building, the open lawns around the building, significant trees, including the large Norfolk Island Star Pine on the south elevation of the church, and the elegant palms, except for the non-original windmill palms.

**Works Cited:**

Days, Mary Louise. *Our Lady of Sorrows Church Complex, July, 2001*. Gledhill Library.

Graffy de Garcia, Erin. *Our Lady Of Sorrows 1782–2004*. 2004

McMillian, Elizbeth. *California Colonial, the Spanish and Rancho Revival Styles*. Schiffer Publishing Ltd, Atglen, Pa) 2002.



**CITY OF SANTA BARBARA  
HISTORIC LANDMARKS COMMISSION**

**RESOLUTION RECOMMENDING THAT CITY COUNCIL  
DESIGNATE AS A CITY LANDMARK  
DOLORES/NOTRE DAME SCHOOL  
33 EAST MICHELTORENA STREET  
SANTA BARBARA, CALIFORNIA  
027-232-014  
RESOLUTION 2016-5**

**FEBRUARY 24, 2016**

WHEREAS, Section 22.22.050 of the Municipal Code of the City of Santa Barbara grants the Historic Landmarks Commission the authority to initiate a designation process to recommend to the City Council the designation as a City Landmark of any structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance; and

WHEREAS, on January 27, 2016, the Historic Landmarks Commission adopted Resolution of Intention 2016-2 to hold a public hearing to consider a recommendation to City Council for designation of the Dolores/Notre Dame School located at 33 East Micheltorena Street as a City Landmark; and

WHEREAS, the Staff Report concluded that the school at 33 East Micheltorena Street, completed in 1926 in the Spanish Renaissance subset of the Spanish Colonial Revival style with intricate cast stone details surrounding the entrance and windows, is significant for its historical and architectural influence on the heritage of the City; and

WHEREAS, the church has retained a high level of historical integrity as its location, setting, association, footprint, design, materials, and workmanship have not been altered so that it conveys its original 1926 appearance; and

WHEREAS, the proposed boundary of the City Landmark designation be five feet around the 1926 structure and includes the front sandstone wall. The school playground,

fields and the 1965 convent building are excluded from the designation as they do not contribute to the significance of the 1926 building.

WHEREAS, under the provisions of Article 19, Section 15308 of the California Environmental Quality Act Guidelines and the City List of Activities Determined to Qualify for a Categorical Exemption (City Council Resolution Dated November 10, 1998), staff has determined that designation of the Dolores/Notre Dame School as a City Landmark is eligible for a Categorical Exemption; and

WHEREAS, Section 22.22.050 of the Municipal Code of the City of Santa Barbara states that the City Council may designate as a City Landmark any structure, natural feature, site or area having historic, architectural, archeological, cultural, or aesthetic significance by adopting a resolution of designation within 90 days following receipt of a recommendation from the Historic Landmarks Commission; and

WHEREAS, in summary, the Historic Landmarks Commission finds that the Dolores/Notre Dame School at 33 East Micheltorena Street, Assessor's Parcel No. 027-232-014, meets the following City Landmark criteria listed in section 22.22.040 of the Municipal Code:

- A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation;
- D. Its exemplification of a particular architectural style or way of life important to the City, the State, or the Nation;
- F. Its identification as the creation, design, or work of a person or persons whose effort significantly influenced the heritage of the City, the State, or the Nation;
- G. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials and craftsmanship;
- I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood.

NOW, THEREFORE, BE IT RESOLVED that on February 24, 2016, the Historic Landmarks Commission of the City of Santa Barbara hereby recommends to the City Council that it designate the Dolores/Notre Dame School located at 33 East Micheltorena Street, Assessor's Parcel No. 027-232-014, as a City Landmark and makes findings based on the historic and cultural significance of facts presented in the Staff Report.

**CITY OF SANTA BARBARA  
HISTORIC LANDMARKS COMMISSION**

**Adopted: February 24, 2016**

**HISTORIC LANDMARKS COMMISSION  
CITY LANDMARK DESIGNATION  
STAFF REPORT**

**DOLORES/ NOTRE DAME SCHOOL  
33 MICHELTORENA STREET  
SANTA BARBARA, CALIFORNIA  
027-232-014  
FEBRUARY 24, 2016**

**Background:**

The 1926 school, was designed by noted Southern California architect, Ilton E. Loveless, in the Spanish Renaissance subset of the Spanish Colonial Revival style that played a significant part in the heritage of Santa Barbara. The school was commissioned as part of the Our Lady of Sorrows parish to provide Catholic education to the parish children. The school as well as the church were commissioned after the 1925 earthquake. The school, originally called Dolores School, was completed three years prior to the completion of the church.



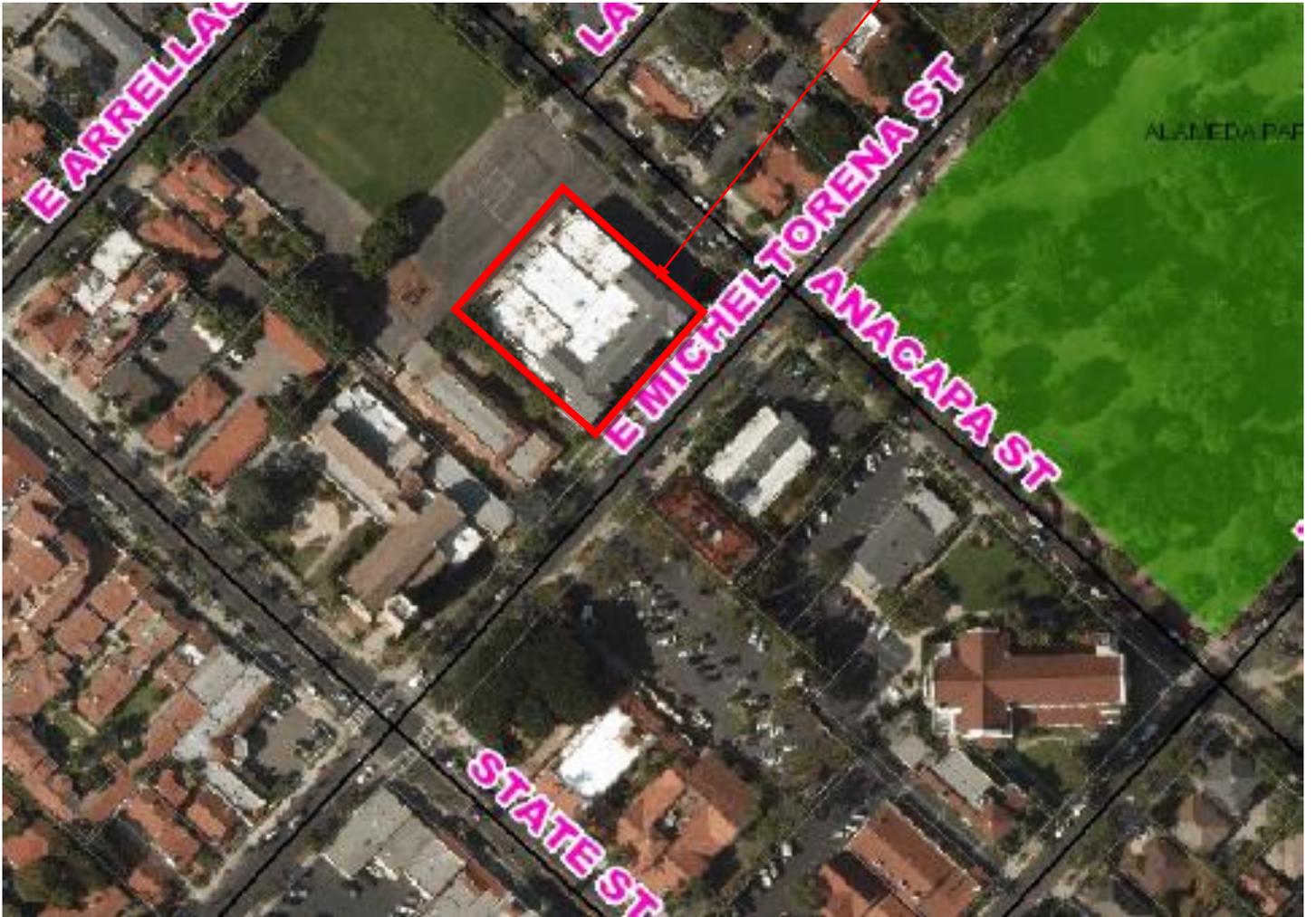
*Above: View of the southern elevation of the Dolores/Notre Dame School with its ornate entrance. September 2015.*

The school faces Micheltoarena Street, the street behind the location of the Our Lady of Sorrows Church and rectory. The entrance is at the top of a grand concrete staircase behind a low, ashlar cut sandstone wall topped with rosemary bushes and a low iron fence. The school property includes a large playground and playing field that extend to the East Arrellaga Street behind it. The playing side and rear school play grounds and fields are surrounded by a six foot chain link fence covered in hedges. In 1965, a separate convent and chapel building was added to the west side of the school and is on the same parcel as the school. The playfields, and convent building are not included in the proposed designation of the 1926 building.

The school demonstrates the architect's attention to intricate details. The cast concrete ornamental surrounds that adorn the entrance and window surrounds are highlighted against the smooth stucco walls. The structure has been on the City's Potential Historic Resource list since 1991 as a City Landmark for its architectural style and historical significance. It is the opinion of the Historic Landmarks Commission Designation Subcommittee that building is an excellent candidate for City Landmark designation

Vicinity Map

Red line indicates boundary of designation that includes the 1926 school building, and the front sandstone wall.



### Historic Context:

The three-story school designed by architect Ilton E. Loveless was built on the corner of Micheltorena Street and Anacapa Street in 1926. The school opened as Dolores School in November 1926 and classes began on January 3, 1927. Dolores School served grammar school students (Kindergarten through Eighth grade). The school became Bishop High school from 1941 until separate building for Bishop High School was established in 1959 and Dolores School moved back to the building. After merging with Guadalupe School in 1974 the school was renamed as The Dolores/Notre Dame School. The philosophy of providing a quality Catholic education for all children lives on in the staff that serves the school today.



*Above: The intricate front entrance surround is inspired by Spain's Renaissance/Plateresco style, September, 2015*

The choice of the formal Spanish Renaissance subset of the Spanish Colonial Revival style shows that although more formal than some Santa Barbara Spanish Colonial Revival styles the building was sensitive to the fact that Santa Barbara was moving towards a Spanish Colonial Revival/Mediterranean aesthetic.

### Spanish Colonial Revival Style; Spain's Renaissance/ Plateresco Style.:

California's 52 year period of Spanish-Franciscan cultural impact and the following brief Mexican period brought in piecemeal elements of the Spanish period styles in the early twentieth century. The formal influence was a combination of high style details with vernacular mission and adobe buildings. Therefore, in the 1920s, in Santa Barbara, the Spanish Colonial Revival style sources were broadly and loosely interpreted. Each architect and educated client developed a favorite formal Spanish repertoire and some were inspired by buildings seen in travels to Spain, Mexico, or Spain's former South American colonies. However, most architects and clients tended to like examples clearly based on Spanish European designs rather than Mexican or South American interpretations of original Spanish structures.

The Dolores/Notre Dame school took inspiration from Spain's Renaissance, *Plateresco* style. The origins for the decorative style were from the sixteenth-century Italian sculptors and artisans who came to Spain to execute commissions for tombs and altars for Spanish nobles and church officials.

This period produced a defined style. In California, the ornamental Spanish Renaissance, *Plateresco* style was intermixed with other Spanish Revival styles as it appears around the ornate entrances with exuberant stucco and stone ornament. This style is seen in many dramatic entrance doors and window treatments of offices and shops in the Los Angeles area. Such formality of style worked well for offices and apartment buildings. The architect of the Dolores/Notre Dame School was practicing primarily in Los Angeles where the style was more popular than the simpler Spanish Colonial Revival styles seen in Santa Barbara. The style is unique and an important addition to architectural repertoire of Santa Barbara.

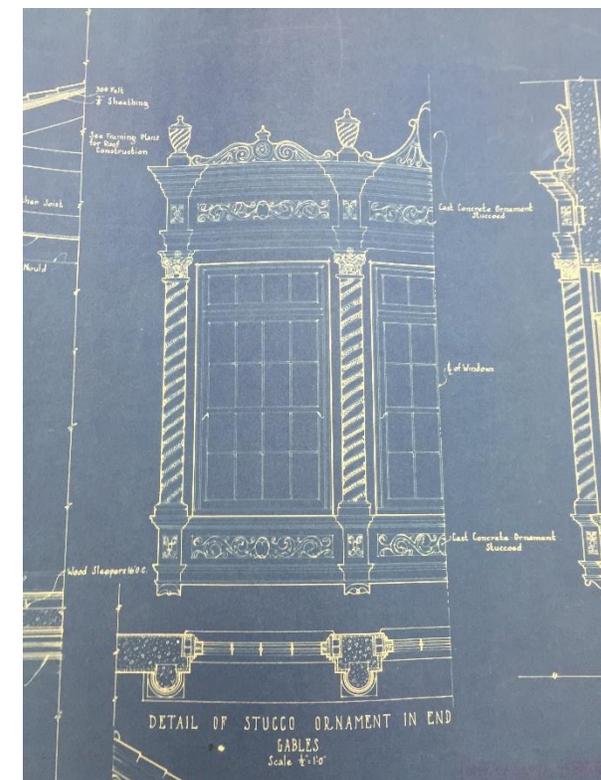
**Architect:**  
**Ilton E. Loveless 1892-1973:**

Ilton Loveless was born in the District of Columbia on August 10, 1892. He moved with his wife to San Diego in 1919 where he began his career as an inspector with the U.S. Navy Public Works Office in 1920. He remained with the

Navy until 1923 when he opened his own architectural firm. He was listed as an architect in the San Diego City Directory until 1935. Loveless went on to build several buildings for the Roman Catholic archdiocese of Los Angeles. Loveless resided in Los Angeles until his death on March 27, 1973 at the age of 80. Loveless was well known in Southern California for his knowledge of mission architecture and was involved in an evaluation and study of the California missions for the Native Sons and Daughters of the Golden West. Loveless was contracted to restore the San Diego mission. In Los Angeles, he was contracted in 1929 as the architect for St. Mary's College, a girls' school which was said to be a \$1,000,000 academy built on a thirty-three and a half acre site in the Santa



*Above: The third floor triplet windows in the gable have an elaborate window surround (original drawing below). The divided light, wood, double hung windows add an important detailed contrast to the stark stucco walls. September 2015.*



Monica Mountains. The buildings included a chapel, dormitories, and classrooms. Other notable works of Ilton Loveless include: Mercy Hospital Historic Complex Roman Catholic Archdiocese of Los Angeles; Incarnation Roman Catholic Church Project Roman Catholic Archdiocese of Los Angeles; Saint Elizabeth Parish School; Van Nuys Roman Catholic Archdiocese of Los Angeles; Saint Michael's Church, Rectory and Convent; San Diego Unified School District, Point Loma Junior-Senior High School; Sisters of Charity of the Incarnate Word, Hospital, Long Beach, CA; Restoration of the San Diego de Alcala Mission, 1930; Nazareth House, 1924; St. Joseph's Catholic Church, 1926.

**Significance:**

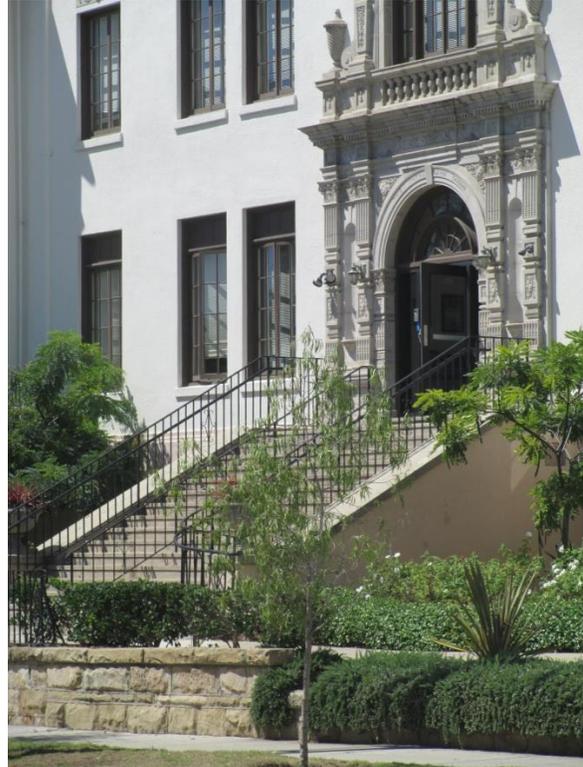
The City of Santa Barbara defines historic significance as outlined by the Municipal Code, Section 22.22.040. Any historic building that meets one or more of the eleven criteria (Criteria A through K) established for a City Landmark or a City Structure of Merit can be considered significant. Dolores/Notre Dame School meets the following five criteria:

***Criterion A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation;***

This building is an excellent example of the Spanish Renaissance subtype of the Spanish Colonial Revival style, which became an important part of Santa Barbara's heritage in the early 1920s, when the City deliberately transformed its architecture and look from an ordinary western style town into a romantic Spanish Colonial Revival city. This transformation was the result of the planning vision of a number of Santa Barbara citizens in the early 1920s with the founding of the Santa Barbara Community Arts Association, who urged that the town identify its individual character and then use planning principles to develop it. As an original 1926, Spanish Renaissance subtype of the Spanish Colonial Revival structure, it qualifies as a City Landmark because it is a significant part of the heritage of the City.

***Criterion D, its exemplification of a particular architectural style or way of life important to the City, the State, or the Nation;***

Dolores/Notre Dame School's ornate front entrance and window surrounds that are highlighted against the simple smooth stucco walls are character defining features of the buildings Spanish Renaissance subtype of the Spanish Colonial Revival style. Between 1922 and 1925, several major cultural buildings within the downtown core, were built using the architectural motif of the City's Colonial and Mexican past. As a result, when the earthquake occurred in 1925, the Community Arts Association viewed the disaster as an opportunity to rebuild the downtown in Spanish Colonial Revival/Mediterranean/Mission styles that reflect the heritage of the city. The



***Above: The intricate entrance at the top of the dramatic staircase above Micheltorena Street. September 2015.***

building embodies distinguishing characteristics of the Spanish Renaissance subtype of the Spanish Colonial Revival style that is an important architectural identity of Santa Barbara.

**Criterion F, its identification as the creation, design, or work of a person or persons whose effort significantly influenced the heritage of the City, the State, or the Nation;**

The building is significant as the work of architect Ilton E. Loveless, who was a major practitioner of the Mission and Spanish Colonial Revival styles in the 1920's in San Diego and Los Angeles. His work is significantly influential to the heritage of the City as he used the Spanish Colonial Revival style to transform the architectural style of the downtown area.

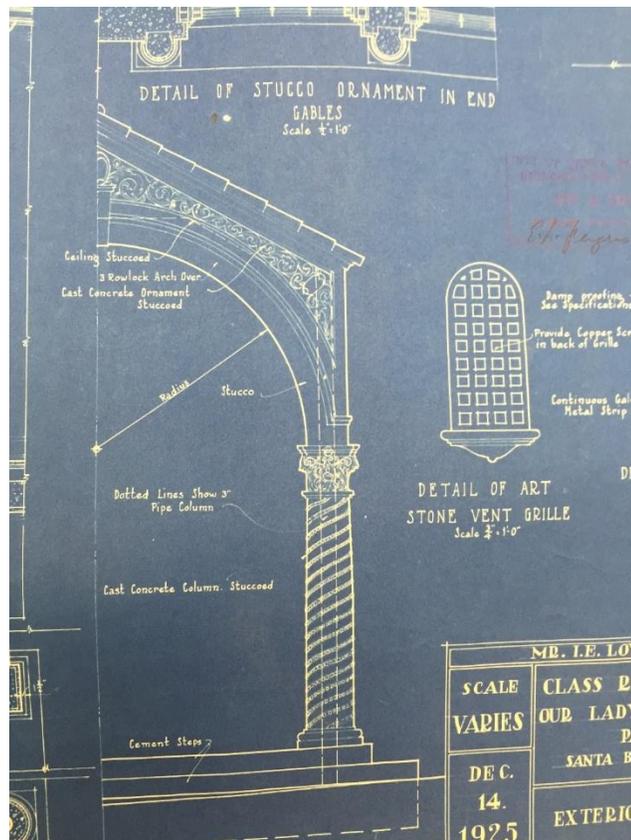
**Criterion G, its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials and craftsmanship;**

The Dolores/Notre Dame School demonstrates outstanding attention to architectural design, detail, materials, and craftsmanship. The building's composition, massing and simplicity are exemplary of the style. The pre-cast stone entrance surround that is at the top of the steep staircase over Micheltorena



**Above:** The original drawings by architect Ilton Loveless demonstrate the building retains almost all of its original features so that it has a high historic integrity.

**Below:** Original drawings detailing the north side door surround.



Street, the window surrounds around the triple set of windows on the third floor and the true-divided light, wood, casement and double hung windows recessed into the stucco walls are a few examples of the outstanding attention to detail, materials, and craftsmanship that the school embodies that qualify it as a City Landmark.

***Criterion I, Its unique location or singular physical characteristic representing an establish and familiar visual feature of a neighborhood;***

The school rises over half a block of Micheltorena and Anacapa Streetscapes and has been an established and familiar visual feature of the neighborhood since 1926.

***Historic Integrity:***

Integrity is the ability of a property to convey its original appearance. There are essential physical features that must be considered to evaluate the integrity of a significant building. Since 1926, its location, setting, association and feeling have not changed. The original design, materials, and workmanship have been retained so that the building conveys its original 1926 appearance. Thus, the building has retained a high level of historical integrity.

***Recommendation:***

Staff Recommends that the HLC adopt a resolution to recommend to City Council that the Dolores/Notre Dame School be designated as a City Landmark. Staff recommends the proposed boundary of the City Landmark designation be five feet around the 1926 structure and includes the front sandstone wall. The school playground, fields and the 1965 convent building are excluded from the designation as they do not contribute to the significance of the 1926 building.

**Works Cited:**

Graffy de Garcia, Erin. Our Lady Of Sorrows 1782–2004 . 2004

McMillian, Elizabeth. California Colonial, the Spanish and Rancho Revival Styles. Schiffer Publishing Ltd, (Atglen, Pa) 2002.

Feely, Jennifer, Olsen, Tricia, Siegel, Ricky, Ginger Weatherford, Jennifer Feeley Tricia Olsen, “Biographies of Established Masters.” *San Diego Historical Resources Board*. Web site: <http://www.sandiego.gov/planning/programs/historical/pdf/otherdocs/201104biographies.pdf>. 2011. Web. October 12, 2015.

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA DESIGNATING "THE OLIVES"  
RESIDENCE AT 2121 GARDEN STREET AS A CITY  
LANDMARK

WHEREAS, Section 22.22.050 of the Municipal Code of the City of Santa Barbara grants the Historic Landmarks Commission the authority to initiate a designation process to recommend to the City Council the designation as a City Landmark of any structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance;

WHEREAS, the owner of the property is Ziv, Zhoar Qualified Personal Residence Trust 12/10/12, 2121 Garden Street, Santa Barbara, California, 93105;

WHEREAS, the legal description as per the deed of the property is attached as Exhibit A;

WHEREAS, historic research in the form of a Staff Report concluded that "The Olives" residence constructed in 1888 in the Eastlake Victorian style that was modernized into the Craftsman style in 1906 is significant for its historical and architectural influence on the heritage of the City;

WHEREAS, under the provisions of Article 19, Section 15308 of the California Environmental Quality Act Guidelines and the City List of Activities Determined to Qualify for a Categorical Exemption (City Council Resolution Dated November 10, 1998), staff has determined that designation of "The Olives" Residence as a City Landmark is eligible for a Categorical Exemption;

WHEREAS, on January 27, 2016, the Historic Landmarks Commission adopted Resolution of Intention 2016-3 to hold a public hearing to begin the City Landmark designation process for "The Olives" Residence, Assessor's Parcel No. 025-252-003;

WHEREAS, the Historic Landmarks Commission held a public hearing on February 24, 2016, during which hearing public comments were invited on the proposed City Landmark designation and the Historic Landmarks Commission adopted Resolution No. 2016-6 to recommend to the City Council designation as a City Landmark "The Olives" Residence, located at 2121 Olive Street; and

WHEREAS, Section 22.22.050 of the Municipal Code of the City of Santa Barbara states that the City Council may designate as a Landmark any structure, natural feature, site or area having historic, architectural, archeological, cultural, or aesthetic significance by adopting a resolution of designation within 90 days following receipt of a recommendation from the Historic Landmarks Commission.

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

SECTION 1. "The Olives" Residence located at 2121 Garden Street, Assessor's Parcel No. 025-252-003; is designated as a City Landmark based on the historic and cultural significance of facts presented in the City Landmark Designation Staff Report dated February 24, 2016.

SECTION 2. The proposed boundary of the City Landmark designation is the entire parcel to allow adequate review of any changes to the parcel for compatibility.

SECTION 3. The City Council finds that the subject property meets the following City Landmark criteria listed in section 22.22.040 of the Municipal Code:

- A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation;
- C. Its identification with a person or persons who significantly contributed to the culture and development of the City, the State, or the Nation;
- D. Its exemplification of a particular architectural style or way of life important to the City, the State, or the Nation;
- F. Its exemplification of the best remaining architectural type in a neighborhood;
- G. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials and craftsmanship;
- I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood.

SECTION 4. The City Clerk shall cause this resolution, upon adoption, to be recorded in the Office of the recorder of the County of Santa Barbara pursuant to Santa Barbara Municipal Code Section 22.22.055.



2012-0082826

Recorded	REC FEE	18.00
Official Records	TAX	3495.25
County of		
Santa Barbara		
Joseph E. Holland		
County Clerk Recorder		
	JS	
08:00AH 05-Dec-2012	Page 1 of 2	

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL DOCUMENT TO:**  
Zohar Ziv and Danna B. Ziv  
20207 Piedra Chica Road  
Malibu, CA. 90265

2  
SBD

Space Above This Line for Recorder's Use Only

A.P.N.: 025-252-03

File No.: 4206-4157955 (SS)

**GRANT DEED**

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$3,495.25; CITY TRANSFER TAX \$;  
SURVEY MONUMENT FEE \$

- computed on the consideration or full value of property conveyed, OR
- computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
- unincorporated area;  City of **Santa Barbara**, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Steven L. Handelman and Tamar Prudence Handelman, husband and wife as joint tenants**

hereby GRANTS to **Danna B. Ziv, a married woman as her sole and separate property and spouse of Zohar Ziv, as to an undivided one-half interest and Zohar Ziv, a married man as his sole and separate property and spouse of Danna B. Ziv, as to an undivided one-half interest**

the following described property in the City of **Santa Barbara**, County of **Santa Barbara**, State of **California**:

**THAT PORTION OF BLOCK "F" IN MISSION ADDITION TO THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 1 OF MAPS AND SURVEYS AT PAGE 26 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF GARDEN STREET, DISTANT THEREON SOUTHEASTERLY 100 FEET FROM THE MOST NORTHERLY CORNER OF SAID BLOCK; THENCE SOUTHEASTERLY ALONG SAID LINE OF GARDEN STREET 150 FEET TO A POINT; THENCE AT RIGHT ANGLES SOUTHWESTERLY 170 FEET TO A POINT; THENCE AT RIGHT ANGLES NORTHWESTERLY 150 FEET TO A POINT; THENCE AT RIGHT ANGLES NORTHEASTERLY 170 FEET TO THE POINT OF BEGINNING.**

Mail Tax Statements To: **SAME AS ABOVE**

Grant Deed - continued

A.P.N.: 025-252-03

File No.: 4206-4157955 (SS)

Dated: 09/19/2012

✓ Steven L. Handelman  
Steven L. Handelman

✓ Tamar Prudence Handelman  
Tamar Prudence Handelman

STATE OF California )SS  
COUNTY OF Santa Barbara )

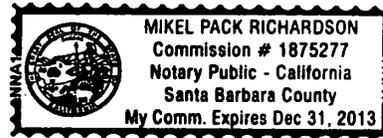
On 9/21/12, before me, Mikel Pack Richardson, Notary Public, personally appeared Steven L. Handelman & Tamar Prudence Handelman, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they 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

Mikel Pack Richardson



My Commission Expires: Dec. 31, 2013

*This area for official notarial seal*

Notary Name: MIKEL PACK RICHARDSON

Notary Phone: 805-963-1704

Notary Registration Number: 1875277

County of Principal Place of Business: Santa Barbara



2013-0003544

Recorded REC FEE 18.00  
Official Records  
County of CONFORMED COPY 4.00  
Santa Barbara  
Joseph E. Holland  
County Clerk Recorder

09:41AM 16-Jan-2013 JA Page 1 of 2

Recording Requested By  
And when recorded, mail this deed  
and tax statements to:

Zohar Ziv, Trustee  
20207 Piedra Chica Road  
Malibu, CA 90265

2  
D-  
CCM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

THIS CONVEYANCE IS A BONAFIDE GIFT AND THE GRANTOR RECEIVED NOTHING IN RETURN.  
R&T 11911. Documentary Transfer Tax \$ 0

ZOHAR ZIV

TRUST TRANSFER DEED

BY THIS INSTRUMENT, for no consideration, ZOHAR ZIV, a married man as his sole and separate property (Grantor), hereby grants to ZOHAR ZIV, Trustee, or his successor in trust, of the Zohar Ziv Qualified Personal Residence Trust dated December 10, 2012 (Grantee), the following described real property in the City of Santa Barbara, County of Santa Barbara, State of California, commonly known as 2121 Garden Street, Santa Barbara, California 93105, together with any improvements:

See the attached Exhibit "A" for the legal description which is incorporated herein by reference. APN: 025-252-03

Dated: 12.12.12

*[Signature]*  
ZOHAR ZIV, Grantor

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

On Dec 12, 2012 before me, Michelle Apodaca a Notary Public, personally appeared ZOHAR ZIV, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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]*  
Notary Public (SEAL)



**EXHIBIT A**

2121 Garden Street, Santa Barbara, California 93105, legally described as follows:

That portion of Block "F" in Mission Addition to the City of Santa Barbara, County of Santa Barbara, State of California, according to the map thereof recorded in Book 1 of Maps and Surveys at Page 26 in the Office of the County Recorder of said County, described as follows:

Beginning at a point on the Southwesterly line of Garden Street, distant thereon Southeasterly 100 feet from the most Northerly corner of said Block; thence Southeasterly along said line of Garden Street 150 feet to a point; thence at right angles Southwesterly 170 feet to a point; thence at right angles Northwesterly 150 feet to a point; thence at right angles Northeasterly 170 feet to the point of beginning.

APN: 025-252-003



2013-0003545

Recorded REC FEE 18.00  
Official Records  
County of Santa Barbara CONFORMED COPY 2.00  
Joseph E. Holland  
County Clerk Recorder

JA  
09:41AM 16-Jan-2013 Page 1 of 2

Recording Requested By  
And when recorded, mail this deed  
and tax statements to:

Danna Blocker Ziv, Trustee  
20207 Piedra Chica Road  
Malibu, CA 90265

2  
D-  
CCW

SPACE ABOVE THIS LINE FOR RECORDER'S USE

THIS CONVEYANCE IS A BONAFIDE GIFT AND THE GRANTOR RECEIVED NOTHING IN RETURN.  
R&T 11911. Documentary Transfer Tax \$ 0

*[Signature]*  
DANNA BLOCKER ZIV

**TRUST TRANSFER DEED**

BY THIS INSTRUMENT, for no consideration, **DANNA BLOCKER ZIV, a married woman as her sole and separate property (Grantor)**, hereby grants to **DANNA BLOCKER ZIV, Trustee, or her successor in trust, of the Danna Blocker Ziv Qualified Personal Residence Trust dated December 10, 2012 (Grantee)**, the following described real property in the City of Santa Barbara, County of Santa Barbara, State of California, commonly known as 2121 Garden Street, Santa Barbara, California 93105, together with any improvements:

See the attached Exhibit "A" for the legal description which is incorporated herein by reference. APN: 025-252-03

Dated: 12.12.12

*[Signature]*  
DANNA BLOCKER ZIV, Grantor

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

On Dec. 12, 2012 before me, Michelle Apodaca, a Notary Public, personally appeared **DANNA BLOCKER ZIV**, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person 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]*  
Notary Public (SEAL)



**EXHIBIT A**

2121 Garden Street, Santa Barbara, California 93105, legally described as follows:

That portion of Block "F" in Mission Addition to the City of Santa Barbara, County of Santa Barbara, State of California, according to the map thereof recorded in Book 1 of Maps and Surveys at Page 26 in the Office of the County Recorder of said County, described as follows:

Beginning at a point on the Southwesterly line of Garden Street, distant thereon Southeasterly 100 feet from the most Northerly corner of said Block; thence Southeasterly along said line of Garden Street 150 feet to a point; thence at right angles Southwesterly 170 feet to a point; thence at right angles Northwesterly 150 feet to a point; thence at right angles Northeasterly 170 feet to the point of beginning.

APN: 025-252-003

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA DESIGNATING THE OUR LADY OF  
SORROWS CHURCH AT 33 EAST SOLA STREET AS A  
CITY LANDMARK

WHEREAS, Section 22.22.050 of the Municipal Code of the City of Santa Barbara grants the Historic Landmarks Commission the authority to initiate a designation process to recommend to the City Council the designation as a City Landmark of any structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance;

WHEREAS, the owner of the property is Archdiocese LA Ed/Welf Corp, 324 Wilshire Boulevard, Los Angeles, California, 90010;

WHEREAS, the legal description as per the deed of the property is attached as Exhibit A;

WHEREAS, historic research in the form of a Staff Report concluded that the Catholic church at 33 East Sola Street, completed in 1929 in the Spanish Romanesque subset of the Spanish Colonial Revival style with dark intricate cast stone details that contrast with the smooth stucco walls, is significant for its historical and architectural influence on the heritage of the City;

WHEREAS, under the provisions of Article 19, Section 15308 of the California Environmental Quality Act Guidelines and the City List of Activities Determined to Qualify for a Categorical Exemption (City Council Resolution Dated November 10, 1998), staff has determined that designation of Our Lady of Sorrows Church as a City Landmark is eligible for a Categorical Exemption;

WHEREAS, on January 27, 2016, the Historic Landmarks Commission adopted Resolution of Intention 2016-1 to hold a public hearing to begin the City Landmark designation process for Our Lady of Sorrows Church, Assessor's Parcel No. 039-072-007;

WHEREAS, the Historic Landmarks Commission held a public hearing on February 24, 2016, during which hearing public comments were invited on the proposed City Landmark designation and the Historic Landmarks Commission adopted Resolution No. 2016-4 to recommend to the City Council designation as a City Landmark Our Lady of Sorrows Church, Assessor's Parcel No. 039-072-007; and

WHEREAS, Section 22.22.050 of the Municipal Code of the City of Santa Barbara states that the City Council may designate as a Landmark any structure, natural feature, site or area having historic, architectural, archeological, cultural, or aesthetic

significance by adopting a resolution of designation within 90 days following receipt of a recommendation from the Historic Landmarks Commission.

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

SECTION 1. Our Lady of Sorrows Church located at 33 East Sola Street, Assessor's Parcel No. 039-072-007; is designated as a City Landmark based on the historic and cultural significance of facts presented in the City Landmark Designation Staff Report dated February 24, 2016.

SECTION 2. The proposed boundary of the City Landmark designation includes the 1929 church building, significant trees, including the large Norfolk Island Star Pine on the south elevation of the church, the elegant palms, except for the non-original windmill palms, and the open lawns around the building.

SECTION 3. The City Council finds that the subject property meets the following City Landmark criteria listed in section 22.22.040 of the Municipal Code:

- A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation;
- D. Its exemplification of a particular architectural style or way of life important to the City, the State, or the Nation;
- G. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials and craftsmanship;
- I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;

SECTION 4. The City Clerk shall cause this resolution, upon adoption, to be recorded in the Office of the recorder of the County of Santa Barbara pursuant to Santa Barbara Municipal Code Section 22.22.055.

ANNA EDWARDS

TO

THE ROMAN CATHOLIC BISHOP OF LOS ANGELES AND SAN DIEGO

{USIRS \$65.00 Cancelled}  
{ T.I.T. Co. 10\_\_ }

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Record  
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THIS INSTRUMENT, made this 30th day of September in the year of our Lord one thousand nine hundred and twenty-five,

BETWEEN Anna Edwards, a single woman, the party of the first part, and The Roman Catholic Bishop of Los Angeles and San Diego, a corporation sole, the party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten and n6/00 dollars, lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged has granted, bargained and sold, conveyed and confirmed, and by these presents does grant, bargain and sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all that certain lot, piece or parcel of land situate, lying and being in the City of Santa Barbara, County of Santa Barbara, State of California, and bounded and particularly described as follows, to wit:

That portion of Block 75 in the City of Santa Barbara, County of Santa Barbara, State of California, according to the official map thereof, described as follows:

Beginning at a point in the northeasterly line of said Block, (being the southwesterly line of Anacapa Street) 232.78 feet southeasterly from the most northerly corner of said block said point being six feet southeasterly from the most easterly corner of the parcel of land conveyed to Santa Barbara Woman's Club, a corporation, by deed recorded in Book 127, page 576 of Deeds; thence at right angles southwesterly into said block, and parallel with the southeasterly line of the lot so conveyed to Santa Barbara Woman's Club 226.19 feet, to a line drawn parallel with and midway between the northeasterly and southwesterly lines of said block; thence at right angles southeasterly 220.78 feet, more or less to the southeasterly line of said block, (being the northwesterly line of Sola Street); thence northeasterly along said block and street line 226.19 feet to the most easterly corner of said block; thence northwesterly on the northeasterly line of said block (being the southwesterly line of Anacapa Street) 220.77 feet, more or less to the point of beginning.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal, the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of\_\_

ANNA EDWARDS (SEAL)

State of California )  
County of Santa Barbara ) ss

On this 30th day of September, in the year one thousand nine hundred and twenty-five, before me, Archibald M. Edwards, a Notary Public in and for the County of Santa Barbara, personally appeared Anna Edwards, a single woman, known to me to be the person whose name \_\_\_ subscribed to the within instrument, and duly acknowledged to me that he executed the same.

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IN WITNESS THEREOF, I have herewith set my hand and affixed my official seal, at my office in the County of Santa Barbara, the day and year in this certificate first above written.

ARCEIBALD M. EDWARDS, Notary Public in and for the  
(NOTARIAL SEAL) County of Santa Barbara, State of California.

RECORDED AT REQUEST OF Title Ins. and Trust Co. Oct. 5, 1925 at 13 min. past 12 o'clock P.M.

File No. 8335

TRIS GOVARRUELAS, Recorder

Compared by:

By E. J. ... Deputy Recorder

H. H. GARDNER

TO

MORTON & CO.

THIS INDENTURE OF LEASE, made the 21st day of September, 1922, by and between H. H. Gardner, hereinafter called the lessor and Morton & Co., a co-partnership, composed of J. S. Morton and St. Clair Morton, hereinafter called the lessee,

WITNESSETH: That said lessor, for and in consideration of the rents, covenants and agreements hereinafter reserved, mentioned and contained on the part of said lessee to be paid, kept and performed, does by these presents lease, let and hire to said lessee, and said lessee does hereby lease, hire and take of and from said lessor, the following described real property situated in the City of Santa Barbara, County of Santa Barbara, State of California, to wit:

That certain store situated at Nos. 803-805 State Street, being forty feet in width and, together with the land in the rear which is hereby let with said store, two hundred feet in depth, including also the fixtures belonging to said lessor, as indicated upon the blue print hereunto annexed and made a part hereof.

For the term of five (5) years, commencing September 1, 1923, and extending to and ending with August 31, 1928, at the monthly rental of Three Hundred and Seventy-five (\$375.00) Dollars, lawful money of the United States of America, payable monthly in advance on the 10th day of each and every month during the term of this lease, the first payment to be made on September 10, 1923, and upon the terms, conditions and covenants following, to wit:

1. Said lessee promises and agrees to pay the said rent in the manner hereinabove specified.
2. Said lessee further promises and agrees not to assign this lease, nor let nor underlet the whole or any part of said premises with/<sup>out</sup> the written consent of the said lessor. Permission is nevertheless hereby given said lessee to assign this lease or sublet the whole or any part of said premises, provided the assignee or subtenant is satisfactory to the lessor, it being mutually understood that in case of such assignment said lessee guarantees payment of the rent by such assignee to said lessor; that it will not commit or suffer any damage or waste on said premises; and that, at the end of said term, it will quit and surrender up said premises to said lessor, or his assigns, in as good order and condition (reasonable use and wear thereof and damage by the elements excepted) as the same were in at the commencement of said term.
3. And said lessee further covenants, promises and agrees that it will protect and fully indemnify and save harmless said lessor from and against any and all damage, loss, costs, charges, claims and demands whatsoever which the said lessor may sustain or incur

ABBIE FITZPATRICK  
TO  
MARGARET M. MATTESON

IN CONSIDERATION of Ten Dollars Abbie Fitzpatrick, a single woman, does hereby grant to Margaret M. Matteson, a married woman, all that real property situated in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

Lot Fourteen (14) in Block "E" of Palisades Tract, on Mesa, as per map recorded in Book 15, pages 18 and 19 of Maps, records of said county.

Subject to all encumbrances of record.

WITNESS my hand this 25th day of April, 1926.

ABBIE FITZPATRICK

State of California )  
County of Los Angeles ) ss

On this 26th day of April, in the year one thousand nine hundred twenty-six, before me, R. F. Compton, a Notary Public in and for said County and State, personally appeared Abbie Fitzpatrick, known to me to be the person described in and whose name is subscribed to the within instrument, and acknowledged that she executed the same.

WITNESS my hand and official seal the day and year in this certificate first above written.

R. F. COMPTON, Notary Public in and for said County and State.

(NOTARIAL SEAL)

My Commission Expires Dec. 1, 1929.

RECORDED AT REQUEST OF W. F. McDaniel Apr. 27, 1926 at 36 min. past 9 o'clock A.M.

File No. 4043

IRIS GOVARRUBIAS, County Recorder

Compared by: *L. L. ...*

By *[Signature]* Deputy Recorder

SANTA BARBARA WOMAN'S CLUB  
TO  
THE ROMAN CATHOLIC BISHOP OF LOS ANGELES AND SAN DIEGO )

THIS INDEBTURE, made and entered into this 16th day of April, 1926, by and between Santa Barbara Woman's Club, a corporation, the party of the first part, and The Roman Catholic Bishop of Los Angeles and San Diego, a corporation sole, party of the second part.

WITNESSETH: That said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, to it paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all those certain lots, pieces or parcels of land situate, lying and being in the City of Santa Barbara, County of Santa Barbara, State of California, and bounded and described as follows, to wit:

PARCEL I: Being all that part of Block Number 75 according to the official map of said City of Santa Barbara, bounded as follows:

Commencing at a point in the northeasterly line of said Block, being also the southwesterly line of Anacapa Street, one hundred sixty-eight and three-fourths (168 3/4) feet southeasterly from the north corner of said block, and running thence southeasterly along said northeasterly line of said block fifty-six and one-fourth (56 1/4) feet, more or less, to the northwesterly line of the land formerly of Edwards; thence at right angles to Anacapa Street and into said Block southwesterly and along the line of said land formerly of

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Edwards, Two Hundred (200) feet; thence at right angles northwesterly fifty-six and one-fourth (56-1/4) feet, more or less, to a point distant One hundred Sixty-eight and three-fourths (168 3/4) feet in a southeasterly direction from the southeasterly line of Micheltorena Street; thence at right angles northeasterly and parallel with Micheltorena Street Two hundred (200) feet to the place of beginning.

TOGETHER with the easement for an alley way granted to Abby Vining Duncan, Harry L. Duncan, Annie H. Duncan and Allen Duncan, predecessors in interest, by the Roman Catholic Bishop of Monterey and Los Angeles, a corporation, sole, by deed dated May 2, 1907, and recorded in Book 115 of Deeds, pages 487, et seq., Santa Barbara County Records, to which reference is hereby made.

Being those certain premises conveyed by Allen V. Duncan to Santa Barbara Woman's Club, a corporation, by deed dated October 6, 1910, and recorded October 7, 1910, in Vol. 127 of Deeds, page 576, Santa Barbara County Records.

PARCEL II. That portion of Block 75 in the City of Santa Barbara, County of Santa Barbara, State of California, according to the official map thereof, described as follows:

Beginning at a point in the northeasterly line of said Block (being the southwesterly line of Anacapa Street) 226.78 feet southeasterly from the most northerly corner of said Block, said point being at the most easterly corner of Parcel I above described; thence southeasterly on said Block and Street line, six feet; thence at right angles southwesterly, into said Block, and parallel with the southeasterly line of Parcel I above described and the southwesterly prolongation thereof 226.19 feet to a line drawn parallel with and midway between the northeasterly and southwesterly lines of said block; thence at right angles northwesterly six feet to the center of said block, being the most westerly corner of the parcel of land conveyed to Elizabeth Edwards by deed recorded in Book "L" page 214 of Deeds; thence at right angles northeasterly along the northwesterly line of said lot so conveyed to Edwards, 226.19 feet to the point of beginning.

Being that certain parcel conveyed by Anna Edwards to Santa Barbara Woman's Club, a corporation, by deed dated the 30th day of September, 1925, and recorded on the 15th day of October, 1925, in Book 77 of Official Records, page 29, records of Santa Barbara County, California.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed by its officers thereunto duly authorized, the day and year first above written.

SANTA BARBARA WOMAN'S CLUB,  
a corporation

By Elma C. Levy, President  
and Katherine S. Boyd, Secretary

State of California        )  
County of Santa Barbara    } ss

On this 16th day of April, in the year one thousand nine hundred and twenty-six, before me, Brenda L. Moody, a Notary Public, in and for the said County of Santa Barbara, State of California, residing therein, duly commissioned and sworn, personally appeared Elma C. Levy, known to me to be the President and Katherine S. Boyd, known to me to be the Secretary of the corporation described in and that executed the within instrument, and also

known to me to be the persons who executed it on behalf of the corporation therein named, and they acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the said County of Santa Barbara, the day and year in this certificate first above written.

ERENDA L. MOODY, Notary Public in and for the County  
(NOTARIAL SEAL) of Santa Barbara, State of California.

THIS IS TO CERTIFY that the following resolution was duly offered, carried and adopted at a special meeting of the Board of Directors of the Santa Barbara Woman's Club, held at the home of Mrs. Levy at 1825 Mission Ridge, Santa Barbara, California:

"RESOLVED, that in pursuance of an order of court granting leave to sell real property duly made and entered the fifteenth day of February, 1926, a certified copy of which was recorded February 17th, 1926, in Book 83, page 442, Official Records of Santa Barbara County, Elms C. Levy, President, and Katherine S. Boyd, Secretary, be, and they are hereby authorized, empowered and directed to make, execute, acknowledge and deliver for, on behalf of, and in the name of Santa Barbara Woman's Club, a corporation, a deed conveying the property hereinafter described to the Roman Catholic Bishop of Los Angeles and San Diego, a corporation sole:

In the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

PARCEL 1: Being all that part of Block Number 75 according to the official map of said City of Santa Barbara, bounded as follows:

Commencing at a point in the northeasterly line of said Block, being also the southwesterly line of Anacapa Street, 168 3/4 feet southeasterly from the north corner of said block, and running thence southeasterly along said northeasterly line of said block 56 1/2 feet more or less, to the northwesterly line of the land formerly of Edwards; thence at right angles to Anacapa Street, and into said block southwesterly and along the line of said land formerly of Edwards, 200 feet; thence at right angles northwesterly 56 1/2 feet, more or less, to a point distant 168 3/4 feet in a southeasterly direction from the southeasterly line of Micheltorena Street; thence at right angles northeasterly and parallel with Micheltorena Street 200 feet to the place of beginning.

TOGETHER with the easement for an alleyway granted to Abby Vining Duncan, Harry L. Duncan, Annie H. Duncan and Allen Duncan, predecessors in interest, by The Roman Catholic Bishop of Monterey and Los Angeles, a corporation sole, by deed dated May 2, 1907, and recorded in Book 115 of Deeds, pages 487, et seq., Santa Barbara County Records, to which reference is hereby made.

Being those certain premises conveyed by Allen V. Duncan to Santa Barbara Woman's Club, a corporation, by deed dated October 6, 1910, and recorded October 7, 1910, in Vol. 127 of Deeds, page 576, Santa Barbara County Records.

PARCEL II: That portion of Block 75 in the City of Santa Barbara, County of Santa Barbara, State of California, according to the official map thereof, described as follows:

Beginning at a point in the northeasterly line of said block (being the southwesterly line of Anacapa Street) 226.78 feet southeasterly from the most northerly corner of said block, said point being at the most easterly corner of Parcel 1 above described; thence southeasterly on said block and street line, six feet; thence at right angles southwesterly, into said block, and parallel with the southeasterly line of Parcel 1 above described, and the southwesterly prolongation thereof 226.19 feet to a line drawn parallel with and midway between the northeasterly and southwesterly lines of said block; thence at right angles

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northwesterly six feet to the center of said block, being the most westerly corner of the parcel of land conveyed to Elizabeth Edwards by deed recorded in Book L, page 214 of Deeds; thence at right angles northeasterly along the northwesterly line of said Lot so conveyed to Edwards, 226.19 feet to the point of beginning.

Being that certain parcel conveyed by Anna Edwards to Santa Barbara Woman's Club, a corporation, by deed dated the 30th day of September, 1925, and recorded on the 15th day of October, 1925, in Book 77 of Official Records, page 29, records of Santa Barbara County.

TOGETHER with all the improvements thereon."

KATHERINE S. BOYD, Secretary

I, Katherine S. Boyd, Secretary of the Santa Barbara Woman's Club, a corporation, do hereby state that the above is a full, true and correct copy of a resolution adopted at a special meeting of the Santa Barbara Woman's Club, a corporation, held on the 16th day of April 1926, as appears from the minutes of said meeting.

o o

KATHERINE S. BOYD, Secretary

RECORDED AT REQUEST OF Pacific-Southwest Trust & Savings Bank Apr. 27, 1926 at 50 min. past 9 o'clock A.M.

File No. 4044

YRIS GOVARRUBIAS, County Recorder

Compared by: B. KING  
L. E. STROTHER

By *[Signature]* Deputy Recorder

WM. W. WAY, ET AL.,

TO

H. P. HARSHBERGER, ET UX.,

THIS INDENTURE, made the 25th day of February, in the year of our Lord, one thousand nine hundred and twenty-six,

BETWEEN Wm. W. Way and Adah G. Way, his wife, and W. P. Morgan, a widower, the parties of the first part, and H. P. Harshberger and Edith Harshberger, his wife, as joint tenants with the right of survivorship as such and not as tenants in common, of the County of Santa Barbara, State of California; the parties of the second part,

WITNESSETH: That said parties of the first part, for and in consideration of the sum of Ten Dollars, in gold coin of the United States of America, to them in hand paid by said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto said parties of the second part, as joint tenants with the right of survivorship as such and not as tenants in common all that certain lot, piece or parcel of land, situate, lying and being in the City of Santa Barbara, County of Santa Barbara, State of California, and bounded and particularly described as follows, to wit:

Commencing at the intersection of the northeasterly line of Hillside Road with the center line of West Valerio Street in the said City of Santa Barbara, as said streets and roads are shown and designated on a map filed in Map Book 15, on page 74, in the office of the County Recorder of the County of Santa Barbara, State of California, thence in a southwesterly direction along a curve to the right with an initial tangent which bears S. 41°30' W. a central angle of 20°56'35" a radius of 656.10 feet, for a distance of 239.82 feet to the end of the curve and the beginning of a curve to the left having an initial tangent which bears S. 62°26'35" W. a central angle of 31°03'35" and a radius of 201.49 feet; thence along said curve to the left a distance of 109.22 feet to the end of the curve and the beginning of a tangent to said curve; thence along said tangent S. 31°23' W. 209.04 feet to

# Conveyance of Real Estate

SOLD FOR THE NON-PAYMENT OF CITY TAXES FOR THE YEAR 19 47

Sale No. 669

THIS INDENTURE, Made the 1st day of July A.D. 19 53, between Robert W. Hutton, Tax Collector of the City of Santa Barbara, County of Santa Barbara, State of California, first party, and the City of Santa Barbara, second party, witnesseth:

THAT WHEREAS, The real property hereinafter described was duly assessed for taxation in the year A.D. 19 47 to Unknown Owner and was thereafter on the 28th day of June A.D. 19 48, duly sold to the City of Santa Barbara by the City Tax Collector of said City of Santa Barbara, for non-payment of delinquent taxes which had been legally levied in said year A.D. 19 47, for the year 19 47; and were a lien on said real property, the total amount for which the same was sold being Eight and 61/100 (\$8.61) Dollars;

AND WHEREAS, The period of five years has elapsed since said sale and no person has redeemed the said property;

NOW THEREFORE, The said first party in consideration of the premises, and in pursuance of the statute in such case made and provided, does hereby grant to the said second party that certain real property in the City of Santa Barbara, County of Santa Barbara, State of California, more particularly described as follows, to-wit:

Lot Block 75

IN WITNESS WHEREOF, Said first party has hereunto set his hand the 1st day of July 19 53 first above written.

*Robert W. Hutton*  
Tax Collector of the City of Santa Barbara, State of California.

STATE OF CALIFORNIA, )  
County of Santa Barbara, ) ss.

On this 1st day of July in the year one thousand nine hundred fifty-three before me, \_\_\_\_\_, Notary Public in and for the County of Santa Barbara, State of California, personally appeared the within named Robert W. Hutton known to me to be the Tax Collector of said City of Santa Barbara, whose name is subscribed to the within instrument, and personally known to me to be the person who executed the within instrument and subscribed his name thereto as Tax Collector, and he duly acknowledged to me that he executed the same as such Tax Collector.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal this 1st day of July 19 53

*James G. Fowler*  
Notary Public in and for the City of Santa Barbara, County of Santa Barbara, State of California.

Filed for record at the request of City Tax Collector \_\_\_\_\_ A.D. 19 \_\_\_\_\_ at \_\_\_\_\_ min. past \_\_\_\_\_ o'clock, \_\_\_\_\_ M., and recorded in Vol. \_\_\_\_\_ of Official Records, page \_\_\_\_\_

County Recorder  
By \_\_\_\_\_ Deputy Recorder

T.C. 500-548

10806  
RECORDED AT REQUEST OF  
City Tax Collector  
JUL 1 1953 at 9:22 AM  
BOOK 1164 PAGE 66  
OFFICIAL RECORDS  
Santa Barbara County, Calif.  
JAMES G. FOWLER, Recorder  
*J. G. Fowler* Deputy  
FEE \$

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA DESIGNATING THE DOLORES/NOTRE  
DAME SCHOOL AT 33 EAST MICHELTORENA STREET  
AS A CITY LANDMARK

WHEREAS, Section 22.22.050 of the Municipal Code of the City of Santa Barbara grants the Historic Landmarks Commission the authority to initiate a designation process to recommend to the City Council the designation as a City Landmark of any structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance;

WHEREAS, the owner of the property is the Archdiocese LA Ed/Welf Corp, 324 Wilshire Boulevard, Los Angeles, California, 90010;

WHEREAS, the legal description as per the deed of the property is attached as Exhibit A;

WHEREAS, historic research in the form of a Staff Report concluded that the Catholic School at 33 East Micheltorena Street, completed in 1926 in the Spanish Renaissance subset of the Spanish Colonial Revival style with intricate cast stone details surrounding the entrance and windows, is significant for its historical and architectural influence on the heritage of the City;

WHEREAS, under the provisions of Article 19, Section 15308 of the California Environmental Quality Act Guidelines and the City List of Activities Determined to Qualify for a Categorical Exemption (City Council Resolution Dated November 10, 1998), staff has determined that designation of the Dolores/Notre Dame School as a City Landmark is eligible for a Categorical Exemption;

WHEREAS, on January 27, 2016, the Historic Landmarks Commission adopted Resolution of Intention 2016-2 to hold a public hearing to begin the City Landmark designation process for the Dolores/Notre Dame School, Assessor's Parcel No. 027-232-014;

WHEREAS, the Historic Landmarks Commission held a public hearing on February 24, 2016, during which hearing public comments were invited on the proposed City Landmark designation and the Historic Landmarks Commission adopted Resolution No. 2016-5 to recommend to the City Council designation as a City Landmark the Dolores/Notre Dame School, located at 33 East Micheltorena; and

WHEREAS, Section 22.22.050 of the Municipal Code of the City of Santa Barbara states that the City Council may designate as a Landmark any structure, natural feature, site or area having historic, architectural, archeological, cultural, or aesthetic

significance by adopting a resolution of designation within 90 days following receipt of a recommendation from the Historic Landmarks Commission.

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

SECTION 1. The Dolores/Notre Dame School located at 33 East Micheltorena Street, Assessor's Parcel No. 027-232-014; is designated as a City Landmark based on the historic and cultural significance of facts presented in the City Landmark Designation Staff Report dated February 24, 2016.

SECTION 2. The proposed boundary of the City Landmark designation be five feet around the 1926 structure and includes the front sandstone wall. The school playground, fields and the 1965 convent building are excluded from the designation as they do not contribute to the significance of the 1926 building.

SECTION 3. The City Council finds that the subject property meets the following City Landmark criteria listed in section 22.22.040 of the Municipal Code:

- A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation;
- D. Its exemplification of a particular architectural style or way of life important to the City, the State, or the Nation;
- F. Its identification as the creation, design, or work of a person or persons whose effort significantly influenced the heritage of the City, the State, or the Nation;
- G. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials and craftsmanship;
- I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;

SECTION 4. The City Clerk shall cause this resolution, upon adoption, to be recorded in the Office of the recorder of the County of Santa Barbara pursuant to Santa Barbara Municipal Code Section 22.22.055.

BOOK 1132 PAGE 345

CONSIDERATION LESS THAN \$100.

CORPORATION GRANT DEED

For a valuable consideration, receipt of which is hereby acknowledged, THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, a corporation sole organized and existing under and by virtue of the laws of the State of California and having the principal office for the transaction of the business of said corporation in the County of Los Angeles in said State, does hereby grant and convey to.....

....ARCHDIOCESE OF LOS ANGELES EDUCATION & WELFARE CORPORATION.... a corporation organized and existing under and by virtue of the laws of said State of California and having the principal office for the transaction of the business of said corporation in said County of Los Angeles, all that certain real and personal property described, set forth and/or referred to in EXHIBIT A hereto annexed and hereby referred to and made a part hereof, said property being in Santa Barbara County, State of California.

IN WITNESS WHEREOF said THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, a corporation sole, has executed this instrument and affixed hereto the corporate seal of said corporation by its undersigned incumbent this 26<sup>th</sup> day of February, 1953.

THE ROMAN CATHOLIC ARCHBISHOP  
OF LOS ANGELES, a corporation sole

By   
J. FRANCIS A. McINTYRE  
Its Incumbent.

STATE OF CALIFORNIA )  
 )  
COUNTY OF LOS ANGELES ) SS

On this *24* day of February, 1953, before me the undersigned notary public in and for said county and state, personally appeared...

...J. FRANCIS A. McINTYRE...known to me to be the Roman Catholic Archbishop of Los Angeles and the incumbent of the Roman Catholic Archbishop of Los Angeles, a corporation sole, the corporation that executed the within and foregoing instrument, and known to me to be the person who executed the within and foregoing instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal the day and year in this certificate first above written.



Notary Public  
in and for said County and State.

*R. R. [Signature]*  
My Commission Expires April 30, 1954

BOOK 1132 PAGE 347

EXHIBIT "A"

Consisting of eight (8) pages hereto annexed

and hereby referred to and made a part hereof.

BOOK 1132 PAGE 348

Lots 1c, 2c & 3c Block 54, Carpenteria,  
Co of Santa Barbara.

\$120

1132 349

Lot 44, Frank E. Dow -  
Subdivision.

141

OWN 1132 PAGE 350

Guadalupe Sub 1 Lot 130

Lots 5 & 8 Blk 9

Lots 2, 3, 5, 8, 9 & 12 Blk 22.

8142

That certain lot, piece or parcel of real property, being a portion of the Outside Pueblo Lands of the City of Santa Barbara, located in El Montecito (so-called) in the County of Santa Barbara, State of California, described as follows:

Commencing at an old iron spike driven into the pavement at the intersection point of Valley Road with the center line of Hot Springs Road, said point being more fully shown on a survey map of the Roman Catholic Bishop Tract, filed in Book 13, Page 53 of Maps in the Santa Barbara County Records.

Thence 1st, N 9°18' W along the center line of said Hot Springs Road, 502.40 feet to a point, from which a one inch survey pipe set on the easterly side of said road bears N 85°03' E 30.00 feet distant.

Thence 2nd, N 85°03' E leaving said road and following along the northerly line of the real property conveyed to George Montgomery, Roman Catholic Bishop of Monterey by deed dated August 31, 1896 and recorded in Book 58, Page 297 of Deeds in the said County Records, 431.36 feet to a point, from which a two-inch survey pipe marked Dozier #5 bears N 85°03' E 100.00 feet distant.

Thence 3rd, S 8°50' E along the westerly line of the real property conveyed to Federic A. Juarez, et al, by deed dated March 3, 1945 and recorded in Book 615, Page 223 of Official Records in the said County Records, 468.70 feet, more or less, to a point on the center line of said Valley Road.

Thence 4th, S 80°58' W along the said center line, 214.85 feet to an angle point, from which a 1/2 inch survey pipe set on the southerly side of said road bears S 9°56' E 25.00 feet distant.

Thence 5th, S 80°04' W continuing along said center line, 211.50 feet to the place of beginning.

Subject to the rights, title and interests of the public in the easterly one-half of Hot Springs Road and the northerly one-half of Valley Road as shown upon said survey map as above mentioned and filed in Book 13, Page 53 of Maps of said County Records.

Excepting therefrom the Sly 208 ft of Wly 272 ft.

Also excepting therefrom the Wly 30 ft & Sly 20 ft of sd land for street purposes.

BOOK 1132 PAGE 352

Rutherford Tract, Parcel No. 2.

Lot 145, Block P; and Lots 131, 132, 133

134, 139, 140, 141, 142, 143, 144, Block M,

In the County of Santa Barbara.

4215-1

City & County of Santa Barbara

Lots 1, 3, 4, 16 & 22 Blk 233.

Lots 1 & 2, Blk 279.

Lots 1, 11, & 21 Blk 290.

That portion of Block 60 in the City of Santa Barbara, State of California, according to the Official Map thereof described as follows:

Beginning at the most Northerly corner of said Block being the intersection of Arrellaga and Anacapa Street; thence Southeasterly along the Southerly line of Anacapa Street 227.39 feet to a point; thence at right angles Southwesterly 277.39 feet to a point; thence at right angles Northwesterly 79.79 feet to a point; thence at right angles Northeasterly 61 feet to a point; thence at right angles Northwesterly 227.79 feet to a point on the Southwesterly line of Arrellaga Street; thence along Arrellaga Street Northeasterly 226.36 feet to the point of beginning.

That portion of Block 60 in the City of Santa Barbara, State of California, according to the Official Map thereof described as follows:

Beginning at the most Easterly corner of said Block being the intersection of Anacapa and Micheltorena Street; thence along the Northwesterly line of Micheltorena Street in a Southwesterly direction 177.4 feet to a point; thence at right angles Northwesterly 225 feet to a point; thence at right angles Northeasterly 177.4 feet to a point in the Southerly line of Anacapa Street; thence along Anacapa Street Southeasterly 225 feet to the point of beginning.

That portion of Block 60 in the City of Santa Barbara, State of California, according to the Official Map thereof described as follows:

Commencing at a point in the Northwesterly line of Micheltorena Street distance thereon 177.36 feet from the most Southerly corner of said Block; thence at right angles Northwesterly 100 feet to the true point of beginning; thence continuing along said line 125 feet to a point; thence at right angles Northeasterly 97.6 feet to a point; thence at right angles Southeasterly 125 feet to a point; thence at right angles Southwesterly 97.6 feet to the true point of beginning.

That portion of Block 46 in the City of Santa Barbara, State of California, according to the Official Map thereof described as follows:

Beginning at a point on the Southwesterly line of Anacapa Street distant 100 feet NORTHWESTERLY from the Easterly corner of said block; thence at right angles Southwesterly 150 feet; thence at right angles Northwesterly 50 feet; thence at right angles Northeasterly 150 feet to the Southwesterly line of Anacapa Street; thence at right angles Southeasterly along the Southwesterly line of Anacapa Street 50 feet to the point of beginning.

Parcel A:

Lots 8 to 14 incl of Blk 6 of Cook's Addn  
#2, Co of Santa Barbara.

Parcel B:

Lots 9 to 22 incl of Blk 1 of Cook's Addn  
#2, Co of Santa Barbara.

44

FEB 22 90

*L. Shuren* Deputy

JAMES C. FOWLER, Recorder  
Santa Barbara County, Calif.

BOOK 1132 PAGE 345

RECORDED AT REQUEST OF  
*J. E. Delmonico*  
FEB 26 1953 at 3:50 PM

3012

#218

PHOTOSTATED BY: *L. Shuren*  
Deputy

CHECKED BY: *L. Shuren*  
Deputy

JAMES O. FOWLER,  
County Recorder



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 17, 2016  
**TO:** Mayor and Councilmembers  
**FROM:** City Clerk's Office, Administrative Services Department  
**SUBJECT:** Interviews For City Advisory Groups

**RECOMMENDATION:** That Council:

- A. Hold interviews of applicants for various City Advisory Groups; and
- B. Continue interviews of applicants to May 24, 2016, and June 14, 2016.

**DISCUSSION:**

Interviews of applicants for various positions on City Advisory Groups are to be held on May 17, 2016, at an estimated time of 4:00 p.m. Applicants will also have the option to be interviewed on May 24, 2016, at 6:00 p.m. and June 14, 2016, at an estimated time of 2:00 p.m.

For the current 41 vacancies, 54 individuals submitted 68 applications. A list of eligible applicants and pertinent information about the City Advisory Groups is attached to this report.

Applicants have been notified that to be considered for appointment they must be interviewed. Applicants have been requested to prepare a two to three minute verbal presentation in response to a set of questions. Those questions are specific to the group for which they are applying. Applicants applying to more than one advisory group may have up to five minutes for their presentation.

Appointments are scheduled to take place on June 28, 2016.

- ATTACHMENTS:**
- 1. List of Applicants
  - 2. Memorandum from Community Development Department

**PREPARED BY:** Deborah L. Applegate, Deputy City Clerk

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

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

**BUILDING AND FIRE CODE BOARD OF APPEALS**

- Vacancy: Open (The Municipal Code does not specify a maximum number of members on the appeals board).
- Term Expiration:
  - One term: Open
- Qualifications/Category: Resident of the City or adjoining unincorporated areas of Santa Barbara County. Appointee shall demonstrate knowledge and expertise in specialty areas governed by the construction and fire codes of the City.
- Appointees may not hold any full-time paid office or employment in City government.

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<b><i>Resident of the City (Open)</i></b>	John Maloney			
	Eric Norton Pedersen			
	Paul Spieler			
	Kevin Steenberge			

**CENTRAL COAST COMMISSION FOR SENIOR CITIZENS**

- One vacancy.
- Term Expiration:
  - One term: June 30, 2020
- Qualifications/Category:
  - Resident of the City.
- Appointees may not hold any full-time paid office or employment in City government.

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<b><i>Resident of the City (1)</i></b>	Katheryn M. Keller		1) Central Coast Commission for Senior Citizens 2) Neighborhood Advisory Council	
	Jim D. Machen		1) Downtown Parking Committee 2) Fire and Police Pension Commission 3) Central Coast Commission For Senior Citizens	

## COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE

- Three vacancies.
- Term Expirations:
  - One term expires December 31, 2016 (Lower Westside Neighborhood)
  - One term expires December 31, 2018 (Latino Community)
  - One term expires December 31, 2019 (Youth Oriented Services)
- Must be residents or employees of the designated organizations, but need not be qualified electors of the City, and must represent one of the specified categories or organizations. One representative from each:
  - Lower Westside Neighborhood
  - Latino Community
  - Youth Oriented Services
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Lower Westside Neighborhood (1)</i>	None			
<i>Latino Community (1)</i>	Andria Martinez Cohen		1) Parks and Recreation Commission 2) Neighborhood Advisory Council 3) Community Development and Human Services Committee	
	Joanna Romo			
<i>Youth Oriented Services (1)</i>	Joanna Romo			

## CREEKS ADVISORY COMMITTEE

- Two vacancies.
- Term Expirations:
  - Two terms: December 31, 2019
- Qualifications/Category:
- Member must be a resident of the City or County of Santa Barbara and shall have some experience in ocean use, business, environmental issues and provide community-at-large representation.
  - One member must represent the Hotel/Lodging Industry.
  - One member must be a resident of the City or County of Santa Barbara.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Representative of the Hotel/Lodging Industry (1)</i></b>	Paul Bullock	6/30/2009 – 6/30/2016 (7 Years)		
<b><i>Resident of the City or County of Santa Barbara (1)</i></b>	Paul Bullock	6/30/2009 – 6/30/2016 (7 Years)		
	Kristie A. Klose			

## DOWNTOWN PARKING COMMITTEE

- One vacancy.
- Term Expiration:
  - One term: December 31, 2019
- Qualifications/Category:
  - Appointee shall demonstrate an interest and knowledge of downtown parking issues and must be a resident of the City or County\*.
    - \*(Five members must be residents of the City and two members may be residents of the City or County.)
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Resident of the City or County (1)</i>	Trish Allen			County
	Robert Janeway			City
	Tracy Pfautch			County
	Jim D. Machen			City
	James F. Scafide			City
	Ethan Shenkman			City
	John (Jack) Ucciferri			City

## FIRE AND POLICE PENSION COMMISSION

- Two vacancies.
- Term Expirations:
  - One term expires December 31, 2018 (Qualified Elector)
  - One term expires December 31, 2017 (Active/Retired Police Officer)
- Qualifications/Categories:
  - One qualified elector of the City who are not an active firefighter or police officer.
  - One active or retired police officer who is a member of the Fire and Police Pension System who need not be a resident or elector of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Elector (1)</i></b>	Jim D. Machen		1) Downtown Parking Committee 2) Fire and Police Pension Commission 3) Central Coast Commission For Senior Citizens	
<b><i>Active or Retired Police Officer Who is a Member of the Fire and Police Pension System (1)</i></b>	None			

## HARBOR COMMISSION

- Two vacancies.
- Term Expirations:
  - One term: December 31, 2017
  - One term: December 31, 2019
- Qualifications/Categories:
  - Qualified elector of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Elector of the City (2)</i></b>	Ken Baxter		1) Housing Authority Commission 2) Harbor Commission 3) Neighborhood Advisory Council	
	Laurie Dalton			
	Jeff Escola			
	Merit McCrea			
	Lang Sligh		1) Harbor Commission 2) Housing Authority Commission 3) Community Development & Human Services Commission	
	Carey Villasenor			

## HOUSING AUTHORITY COMMISSION

- Three vacancies.
- Term Expirations:
  - One term: June 30, 2020 (Tenant)
  - One term: September 14, 2020 (Public at Large)
  - One term: February 15, 2020 (Senior Tenant)
- Qualifications/Categories:

Members must be qualified electors\* of the City and should have some interest and background in housing development, management or other comparable experience.

  - One member must be a tenant who is receiving housing assistance from the City Housing Authority.
  - One member must be a tenant who is receiving housing assistance from the City Housing Authority and be 62 years of age or older.
  - One member shall represent the Public at Large.
- Appointees may not hold any full-time paid office or employment in City government.

(Please see next page.)

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<b><i>Tenant Who Is Receiving Housing Assistance From The City Housing Authority (1)</i></b>	Dianna J. Cibrian			
	Lawrence G. Larsson			
	Victor Suhr	12/13/2011 – 2/15/2016 5 years, 2 months		
<b><i>Tenant Who Is Receiving Housing Assistance From The City Housing Authority and Is 62 Years of Age or Older (1)</i></b>	Victor Suhr	12/13/2011 – 2/15/2016 5 years, 2 months		
	Lawrence G. Larsson			
<b><i>Public at Large (1)</i></b>	Ken Baxter		1) Housing Authority Commission 2) Harbor Commission 3) Neighborhood Advisory Council	
	Dianna J. Cibrian			
	Geoff Green	7/1/2008 – 9/14/2016 8 years, 2 months		
	Svetlana Mancic- Johnson			
	Lawrence G. Larsson			
	Lang Sligh		1) Harbor Commission 2) Housing Authority Commission 3) Community Development & Human Services Commission	
	Victor Suhr	12/13/2011 – 2/15/2016 5 years, 2 months		

**COUNTY OF SANTA BARBARA LIBRARY ADVISORY COMMITTEE  
CITY OF SANTA BARBARA REPRESENTATIVE**

- One vacancy.  
One member from each County District (5), 8 City Nominees (Carpinteria, Santa Barbara, Lompoc, Santa Maria, Solvang, Guadalupe, Goleta, and Buellton), and 1 County Service Area 3 representative.
- Term Expiration:
  - June 30, 2017
- Qualifications/Categories:
  - Member must be a qualified elector of the City.
- Appointees may not hold any full-time paid office or employment in City government.

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<b><i>Qualified Elector (1)</i></b>	Patricia Saley	12/8/2015 – 6/30/2016 6 months		
	Joan Young		1) County Library Advisory Committee 2) Library Board	

## LIBRARY BOARD

- Two vacancies.
- Term Expirations:
  - Two terms: December 31, 2019
- Qualifications/Categories:
  - Qualified elector of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Elector (2)</i></b>	Pete Dal Bello		1) Library Board 2) Neighborhood Advisory Council	
	Susan C. Kinnevy		1) Sister Cities Board 2) Library Board 3) Rental Housing Mediation Board	
	Kathleen Rust			
	Susan Ryan			
	Joan Young		1) County Library Advisory Committee 2) Library Board	

**LIVING WAGE ADVISORY COMMITTEE**

- Two vacancies.
- Term Expirations:
  - Two terms: June 30, 2016 (Employee of Local Santa Barbara Area Non-Profit Entity and Nominee of the Santa Barbara Chamber of Commerce or Santa Barbara Downtown Organization)
- Qualifications/Categories: Members must represent one of the specified categories:
  - One member of the Committee shall be employed by a local Santa Barbara area non-profit entity.
  - One member shall be a nominee of the Santa Barbara Chamber of Commerce or Santa Barbara Downtown Organization.
- Appointees may not hold any full-time paid office or employment in City government.

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<i>Employed by a Local Santa Barbara Area Non-Profit Entity (1)</i>	Adrianna Marroquin			
<i>Nominee of the Santa Barbara Chamber of Commerce or Santa Barbara Downtown Organization (1)</i>	Kenneth Oplinger	12/17/2013 – 6/30/2016 2 years, 6 months		

## MEASURE P COMMITTEE

- Four vacancies.
- Term Expirations:
  - One term expires December 31, 2016 (Criminal Defense Attorney)
  - One term expires December 31, 2016 (Civil Liberties Advocate)
  - One term expires December 31, 2018 (Resident of the City)
  - One term expires December 31, 2018 (Drug Abuse, Treatment & Prevention Counselor)
- Qualifications/Categories:
 

<ul style="list-style-type: none"> <li>➤ Criminal Defense Attorney</li> <li>➤ Civil Liberties Advocate</li> </ul>	<ul style="list-style-type: none"> <li>➤ Resident of the City</li> <li>➤ Drug Abuse, Treatment &amp; Prevention Counselor</li> </ul>
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- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Criminal Defense Attorney (1)</i>	None			
<i>Civil Liberties Advocate (1)</i>	None			
<i>Resident of the City (1)</i>	None			
<i>Drug Abuse, Treatment &amp; Prevention Counselor (1)</i>	None			

## NEIGHBORHOOD ADVISORY COUNCIL

- Four vacancies.
- Term Expirations:
  - One term: December 31, 2018 (Lower Westside Neighborhood)
  - One term: December 31, 2019 (Eastside Neighborhood)
  - Two terms: December 31, 2019 (Public at Large)
- Qualifications/Categories: Members must be residents of the City and represent one of the specified categories:
  - Two members shall represent the Public at Large.
  - One representative must be from the Eastside Neighborhood.
  - One representative must be from the Lower Westside Neighborhood.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b>Public at Large (2)</b>	Ken Baxter		1) Housing Authority Commission 2) Harbor Commission 3) Neighborhood Advisory Council	
	Andria Martinez-Cohen		1) Parks and Recreation Commission 2) Neighborhood Advisory Council 3) Community Development and Human Services Committee	
	Pete Dal Bello		1) Library Board 2) Neighborhood Advisory Council	
	Brad Hardison (?)		1) Neighborhood Advisory Council 2) Parks and Recreation Commission	
	Katheryn Keller		1) Central Coast Commission for Senior Citizens 2) Neighborhood Advisory Council	
	Stacey Lydon			

(See next page)

<b><i>Eastside Neighborhood Representative (1)</i></b>	Brad Hardison		1) Neighborhood Advisory Council 2) Parks and Recreation Commission	
	Andria Martinez-Cohen		1) Parks and Recreation Commission 2) Neighborhood Advisory Council 3) Community Development & Human Services Committee	
<b><i>Lower Westside Neighborhood Representative (1)</i></b>	Stacey Lydon			

## PARKS AND RECREATION COMMISSION

- Two vacancies.
- Term Expirations:
  - One term: December 31, 2016
  - One term: December 31, 2019
- Qualifications/Categories:
  - Qualified elector of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Elector of the City (2)</i></b>	John Abrami			
	Jacob Lesner-Buxton			
	Andria Martinez Cohen		1) Parks and Recreation Commission 2) Neighborhood Advisory Council 3) Community Development & Human Services Committee	
	Brad Hardison		1) Neighborhood Advisory Council 2) Parks and Recreation Commission	
	John Thomas		Rental Housing and Mediation Board	

## RENTAL HOUSING MEDIATION BOARD

- Four vacancies.
- Term Expirations:
  - One term: 12/31/2018 (Landlord)
  - One term: 12/31/2019 (Tenant)
  - One term: 12/31/2019 (Landlord)
  - One term: 12/31/2019 (Homeowner)
- Qualifications/Categories: The majority of members must be residents of the City of Santa Barbara. Non-City resident members must reside in a jurisdiction which contracts with the Rental Housing Mediation Program for services. (City of Goleta, City of Carpinteria, and Unincorporated Areas of Santa Barbara County) Members must represent one of the specific categories:
  - One Tenant (City or County)  
Tenant: A Tenant Mediator must rent or lease his or her residence. A Tenant Mediator may not own residential property.
  - Two Landlords (City or County)  
Landlord: A Landlord Mediator must own or manage residential properties for consideration or compensation, whether single or multiple units.
  - One Homeowner (City or County)  
Homeowner: A Homeowner Mediator must own his or her residence. A Homeowner Mediator may not own any other residential property.
- Appointees may not hold any full-time paid office or employment in City government.

(See next page)

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<b><i>Tenant - City or County (1)</i></b>	David Brainard	6/28/2011 – 6/1/2016 5 years		City
	Susan C. Kinnevy		1) Sister Cities Board 2) Library Board 3) Rental Housing Mediation Board	City
	John Thomas		Parks and Recreation Commission	City
	Jayme Turla			City
<b><i>Landlord – City or County (2)</i></b>	None			
<b><i>Homeowner – City or County (1)</i></b>	None			

## SANTA BARBARA YOUTH COUNCIL

- Seven vacancies.
- Term Expirations:
  - One term: June 30, 2017 (Santa Barbara High School)
  - One term: June 30, 2018 (At Large)
  - One term: June 30, 2018 (Local Private High School)
  - One term: June 30, 2018 (Dos Pueblos High School)
  - Two terms: June 30, 2018 (Local Alternative, Community, or Continuation High School)
  - One term: June 30, 2018 (San Marcos High School)
- Qualifications/Categories: Members must be between the ages of 13-19 years.
  - Two members from Local Alternative, Community, or Continuation High School (City or County).
  - One member must be from a Local Private High School (City or County).
  - One member must be from Dos Pueblos High School (City or County).
  - One member must be from San Marcos High School (City or County).
  - One member must be from Santa Barbara High School (City or County).
  - One member may represent the Public at Large (City or County).

\*Applicants must appear for an interview before the Santa Barbara Youth Council and City Council.

(See next page)

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<b><i>Members From Local Alternative, Community, or Continuation High School (2)</i></b>	None			
<b><i>Member From A Local Private High School (1)</i></b>	Sullivan Montgomery Israel			
<b><i>Member From Dos Pueblos High School (1)</i></b>	Michelle Qin			
	Alexandra Xochil			
<b><i>Member From San Marcos High School (1)</i></b>	Michael Carrillo			
	Camille Cosio	6/24/2014 – 6/30/2016 2 years		
	Alexandria Marx			
	Logan Oas			
<b><i>Member From Santa Barbara High School (1)</i></b>	Quincy Ruggieri			
<b><i>Member Representing Public At Large (1)</i></b>	Michael Carrillo			
	Camille Cosio	6/24/2014 – 6/30/2016 2 years		
	Alexandria Marx			
	Sullivan Montgomery Israel			
	Logan Oas			
	Michelle Qin			
	Quincy Ruggieri			
	Alexandra Xochil			

## SINGLE FAMILY DESIGN BOARD

- One vacancy.  
Term Expiration:  
    One term: June 30, 2020
- Members shall reside within Santa Barbara County.
- Member shall be a licensed landscape architect and posses professional qualifications in the fields related to architecture, including, but not limited to, building design, structural engineering, industrial design, or landscape contracting.
- Members may serve on the Architectural Board of Review or the Historic Landmarks Commission and the Single Family Design Board.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Licensed Landscape Architect (1)</i>	None			



**City of Santa Barbara**  
Community Development

**Memorandum**

DATE: May 4, 2016

TO: Santa Barbara City Council

VIA: Paul Casey, City Administrator  
Ariel Calonne, City Attorney  
Sarah Gorman, City Clerk  
George Buell, Community Development Director  
Pat McElroy, Fire Chief

FROM: Andrew Stuffer, Chief Building Official  
Joe Poire, Fire Marshal

**SUBJECT: Building & Fire Code Board of Appeals – Additional Board Members**

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As you are aware, the City has been accepting applications for vacancies within the City's Boards and Commissions.

The Fire Marshal and I are offering this reminder that the City's Building & Fire Code Board of Appeals is a unique Board, in that our City Municipal Code does not limit the number of members appointed to the eligibility list for this Board. Instead, City Council can appoint as many local construction professionals as is necessary to give the City Fire Chief and City Community Development Director access to Board members with technical expertise needed for the hearing item(s) brought forward. Board hearing items can involve the following regulations:

- Building & Site Accessibility (Disabled Access)
- Fire Alarm/Sprinkler Systems
- Structural Building Design
- Electrical, Mechanical, and Plumbing Systems
- Substandard Housing & Dangerous Buildings
- Stormwater Pollution Prevention Systems

We understand that there are 3 applications filed with the City Clerk for prospective appointment to this Board and that those 3 applicants meet the above needs. We recommend that City Council appoint all 3 applicants to the eligibility list for this Board.

**B101.2 Membership of the Board.** The City Council shall appoint individuals to an eligibility list. Appeals shall be scheduled before five members selected from the eligibility list by the Community Development Director or the Fire Chief as may be appropriate based on the subject matter.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 17, 2016  
**TO:** Mayor and Councilmembers  
**FROM:** City Administrator's Office  
**SUBJECT:** Conference With Labor Negotiator

**RECOMMENDATION:**

That Council hold a closed session pursuant to the authority of Government Code Section 54957.6 to consider instructions to City negotiators Kristine Schmidt, Administrative Services Director, and Bruce Barsook, Liebert Cassidy Whitmore, regarding negotiations with the General Bargaining Unit, Firefighters Association, Police Officers Association, and regarding salaries and fringe benefits for unrepresented management.

**SCHEDULING:** Duration, 30 minutes; anytime  
**REPORT:** None anticipated  
**SUBMITTED BY:** Kristine Schmidt, Administrative Services Director  
**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 17, 2016  
**TO:** Mayor and Councilmembers  
**FROM:** City Attorney's Office  
**SUBJECT:** Conference With City Attorney – Anticipated Litigation

### RECOMMENDATION:

That Council hold a closed session to consider initiating litigation pursuant to subsection (d)(4) of Section 54956.9 of the Government Code and take appropriate action as needed (one potential case).

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 24, 2016  
**TO:** Mayor and Councilmembers  
**FROM:** City Attorney's Office  
**SUBJECT:** Conference With City Attorney – Pending Litigation

### RECOMMENDATION:

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

The pending litigation is *Linda Curtiss v. City of Santa Barbara*; SBSC Case No. 15CV00345.

**SCHEDULING:** Duration, 15 minutes; anytime  
**REPORT:** None anticipated  
**SUBMITTED BY:** Ariel Calonne, City Attorney  
**APPROVED BY:** City Administrator's Office