

**CITY OF SANTA BARBARA
CITY COUNCIL**

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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>

**OCTOBER 11, 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 for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ORDER OF BUSINESS

12:30 p.m. - Ordinance Committee Meeting, Council Chamber
2:00 p.m. - City Council Meeting

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

1. Subject: 2016 California Building Standards Codes Adoption

Recommendation: That the Ordinance Committee review and recommend for approval to the City Council An Ordinance of the Council of the City of Santa Barbara amending Santa Barbara Municipal Code Chapter 22.04; adopting by reference the 2016 California Building Code, Volumes 1 and 2; 2016 California Residential Code; 2016 California Electrical Code; 2016 California Mechanical Code; 2016 California Plumbing Code; 2016 California Energy Code; 2016 California Historical Building Code; 2016 California Existing Buildings Code; 2016 California Green Building Standards Code; 2016 California Referenced Standards Code; and the 2015 International Property Maintenance Code; adopting local revisions to those codes; and repealing Ordinance Number 5639 (Adoption of the previous California Building Standards Codes).

2. Subject: 2016 Fire Code Adoption

Recommendation: That the Ordinance Committee review and recommend for approval to the City Council An Ordinance of the Council of the City of Santa Barbara repealing Santa Barbara Municipal Code Chapter 8.04 and adopting a new Chapter 8.04 adopting by reference the 2015 Edition of the International Fire Code, including appendix Chapter 4 and Appendices B, BB, C, CC, and H of that code, and the 2016 California Fire Code with local amendments to both codes.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. **Subject: Proclamation Declaring October as National Arts and Humanities Month (120.04)**

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. **Subject: Adoption Of Ordinance For A License Agreement With Southern California Gas Company For Meter Data Collector Units On Streetlights (530.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a 20-Year License Agreement with Southern California Gas Company, for the Operation of Advanced Meter Data Collector Units on City Street Lights at Nine Separate Locations Throughout the City.

3. **Subject: Adoption Of An Ordinance For A Lease Agreement With Nature's Own Gallery, Inc. (570.03)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Waterfront Director to Execute a Lease Agreement with Nature's Own Gallery Inc., Located at 217 Stearns Wharf, Suite C, Commencing Upon the Effective Date of the Enabling Ordinance.

CONSENT CALENDAR (CONT'D)

4. Subject: Adoption Of An Ordinance For Amendment Number One To Lease Agreement With West Marine Products, Inc. (570.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Waterfront Director to Execute an Amendment to Lease Agreement No. 22,237 with West Marine Products, Inc. Located at 132-C Harbor Way Commencing Upon the Effective Date of the Enabling Ordinance.

5. Subject: Introduction Of Ordinance Authorizing Agreements For The Potential Refinancing Of The 2004 Sewer Revenue Bonds (240.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the City of Santa Barbara Authorizing the Execution and Delivery by the City of an Installment Sale Agreement, a Trust Agreement and a Continuing Disclosure Agreement in Connection with the Execution, Authentication and Delivery of Santa Barbara Financing Authority Sewer Revenue Bonds, Series 2016 (Payable Solely from Installment Payments Secured by Net System Revenues of the Wastewater Fund of the City of Santa Barbara), and Authorizing Related Actions.

6. Subject: Introduction Of An Ordinance For A Lease Agreement With Jon Marshall And Melissa Schumacher, Doing Business As Deep Blue Sea (570.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Waterfront Director to Execute a Lease Agreement with Jon Marshall and Melissa Schumacher, Doing Business as Deep Blue Sea, Located at 219 Stearns Wharf, Suite C, Commencing Upon the Effective Date of the Enabling Ordinance.

7. Subject: Contract Amendment For The Parks And Recreation Facility Sign Replacement Project (570.05)

Recommendation: That Council authorize the Parks and Recreation Director to execute an amendment to City Contract No. 25,272 with Hunt Design, Inc., to increase the scope of services for the Parks and Recreation Facility Sign Replacement Project and to increase the contract amount by \$27,730.

CONSENT CALENDAR (CONT'D)

8. Subject: Approval Of A Professional Services Contract For A Distribution System Water Quality Assessment (540.11)

Recommendation: That Council authorize the Public Works Director to execute a professional services contract with Water Quality Treatment Solutions, Inc., in the amount of \$79,900 for a distribution system water quality assessment, and approve \$10,000 for extra services, for a total contract amount of \$89,900.

NOTICES

9. The City Clerk has on Thursday, October 6, 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 ORDINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

10. Subject: Vacation Rental Enforcement Update (650.01)

Recommendation: That Council receive and review a report from staff on the current status of the City's enforcement efforts on short term rentals.

MAYOR AND COUNCIL REPORTS

11. Subject: Request From Councilmembers Dominguez And White Regarding Staff Review Of The Property Assessed Clean Energy Program (630.06)

Recommendation: That Council consider the request from Councilmembers Dominguez and White regarding staff review of the Property Assessed Clean Energy (PACE) Program.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

PUBLIC COMMENT (IF NECESSARY)

ADJOURNMENT

CITY OF SANTA BARBARA
ORDINANCE COMMITTEE MEETING

MEETING AGENDA

DATE: October 11, 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

Nicole Grisanti
Supervisor, City Administrator's Office

Ariel Pierre Calonne
City Attorney

ITEMS FOR CONSIDERATION

1. Subject: 2016 California Building Standards Codes Adoption (120.03)

Recommendation:

That the Ordinance Committee review and recommend for approval to the City Council An Ordinance of the Council of the City of Santa Barbara amending Santa Barbara Municipal Code Chapter 22.04; adopting by reference the 2016 California Building Code, Volumes 1 and 2; 2016 California Residential Code; 2016 California Electrical Code ; 2016 California Mechanical Code; 2016 California Plumbing Code; 2016 California Energy Code; 2016 California Historical Building Code; 2016 California Existing Buildings Code; 2016 California Green Building Standards Code; 2016 California Referenced Standards Code; and the 2015 International Property Maintenance Code; adopting local revisions to those codes; and repealing Ordinance Number 5639 (Adoption of the previous California Building Standards Codes).

2. Subject: 2016 Fire Code Adoption (120.03)

Recommendation:

That the Ordinance Committee review and recommend for approval to the City Council An Ordinance of the Council of the City of Santa Barbara repealing Santa Barbara Municipal Code Chapter 8.04 and adopting a new Chapter 8.04 adopting by reference the 2015 Edition of the International Fire Code, including appendix Chapter 4 and Appendices B, BB, C, CC, and H of that code, and the 2016 California Fire Code with local amendments to both codes.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: October 11, 2016

TO: Ordinance Committee Members

FROM: Building & Safety Division, Community Development Department

SUBJECT: 2016 California Building Standards Codes Adoption

RECOMMENDATION:

That the Ordinance Committee review and recommend for approval to the City Council An Ordinance of the Council of the City of Santa Barbara amending Santa Barbara Municipal Code Chapter 22.04; adopting by reference the 2016 California Building Code, Volumes 1 and 2; 2016 California Residential Code; 2016 California Electrical Code ; 2016 California Mechanical Code; 2016 California Plumbing Code; 2016 California Energy Code; 2016 California Historical Building Code; 2016 California Existing Buildings Code; 2016 California Green Building Standards Code; 2016 California Referenced Standards Code; and the 2015 International Property Maintenance Code; adopting local revisions to those codes; and repealing Ordinance Number 5639 (Adoption of the previous California Building Standards Codes).

DISCUSSION:

Every three years, the State of California adopts Building Standards Codes for uniform use throughout the State. That process is facilitated by the State Building Standards Commission. During that process, the State Building Standards Commission receives input from all State Agencies, local enforcement officials, industry professionals, and the general public relative to the statewide implementation of the following codes:

- 2015 International Building Code and 2015 Residential Code published by the International Code Council
- 2015 National Electrical Code published by the National Fire Protection Association
- 2015 Plumbing Code and 2015 Mechanical Code published by the International Association of Plumbing and Mechanical Officials
- 2016 editions of the Administrative Code, Existing Building Code, Energy Code, Historical Building Code, Green Building Code, and Referenced Standards published by the California Building Standards Commission

After consideration of the input, these codes are amended by the Building Standards Commission and adopted by the State under Title 24 of the California Code of

Regulations, Parts 1-8 and 10-12 (Part 9 is the Fire Code). This year, the State Building Standards Commission completed amendments to the codes and published them on July 1, 2016. Local jurisdictions have 180 days to amend them further before they become law on January 1, 2017.

The City of Santa Barbara has consistently adopted local building standards. Attached to this report is a summary of the City's Building Code Adoption History (Attachment 1). Since 1954, the City stopped drafting building standards at the local level and has since adopted and amended regional, state, national, and international building standards. The draft Ordinance (Attachment 3) represents the most recent cycle of building standards proposed for amendment and adoption.

As in the past, local amendments to the code are kept to a minimum and are designed to address situations based on local conditions. Staff proposes a coordinated adoption of these codes together with the City Fire Department's proposal to adopt the California Fire Code and International Fire Code. Our coordinated approach and jointly adopted sections make the City codes more consistent and comprehensible to stakeholders. Areas of common interest such as the Board of Appeals protocols, Fire Protection Systems, and High Fire Hazard Area construction requirements are finalized between the affected City Divisions before incorporation into the respective proposed ordinances. In this way, we attempt to eliminate ambiguous code language and potential conflicts while incorporating the administrative, climatic, geologic, and topographic amendments that promote safe, sustainable, and accessible development in the City of Santa Barbara.

In order to maintain compliance with the State Building Standards Codes and other State and local property-related regulations, the City also adopts regulations that enable enforcement. Accordingly, included in the attached Ordinance is the recommend continued adoption and amendment of the 2015 Property Maintenance Code published by the International Code Council.

This year, staff proposes only the following new amendments from the last adoption of these codes in 2013:

- Requiring the skills of a licensed architect for complex permit applications
- Honoring private Certified Access Specialist services during building permit plan check
- Improving fire safety by restricting metal panel roofing over wood shingle and shake roofs
- Recognizing the Santa Barbara County Environmental Health Department as the local health authority for one- and two-family septic systems

The attached Summary of Amendments (Attachment 2) summarizes the recommended amendments to these codes and standards.

Staff recommends that the Ordinance Committee forward the attached Ordinance to the City Council for approval. If forwarded, the Ordinance will be presented to the City Council for introduction on October 25, 2016.

ATTACHMENT:

1. City's Building Code Adoption History
2. Summary of Amendments
3. Ordinance Adopting the 2016 California Building Standards Codes

PREPARED BY: Andrew Stuffer, Chief Building Official

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

CITY'S BUILDING CODE ADOPTION HISTORY

Ordinance No. 355, adopted 11/9/00:

An Ordinance Establishing a Fire District and Determining the Character of Buildings that May Be Erected Therein and the Nature of Materials to be Used in the Construction, Alteration and Repair of Such Buildings.

Ordinance No. 1234, adopted 4/23/25:

An Ordinance Regulating and Classifying Building Within the City.

Ordinance No. 1264, adopted 8/27/25:

An Ordinance Establishing Fire Districts and Regulating the Buildings Therein.

Ordinance No. 1278, adopted 12/17/25:

Adopted Building Code to Regulate the Construction, Erection, Enlargement, etc. of Buildings or Structures in the City.

Ordinance No. 1323, adopted 1/13/27:

Regulated types of construction, maintenance, use and occupancy of buildings in the fire districts of the City.

Ordinance No. 2077, adopted 4/18/46:

Regulates Erection, Construction, Enlargement, etc. of Buildings.

Ordinance No. 2429, adopted 2/4/54:

This was first instance of adoption by reference of the Uniform Building Code (1952 Edition).

Ordinance No. 2530, adopted 3/1/56:

Adopted 1955 Edition.

Ordinance No. 2860, adopted 2/6/62:

Adopted 1961 Edition.

Ordinance No. 3043, adopted 4/27/65:

Adopted 1964 Edition.

Ordinance No. 3349, adopted 1/14/69:

Adopted 1967 Edition.

Ordinance No. 3827, adopted 3/30/76:

Adopted 1973 Edition.

Ordinance No. 3905, adopted 5/24/77:

Adopted 1976 Edition.

Ordinance No. 4064, adopted 7/15/80:

Adopted 1979 Edition.

Ordinance No. 4221, adopted 9/6/83:

Adopted 1982 Edition.

Ordinance No. 4604, adopted 12/12/89:

Adopted 1988 Edition.

Ordinance No. 4770, adopted 6/2/92:

Adopted 1991 Edition.

Ordinance No. 4931, adopted 12/12/95:

Adopted 1994 Edition.

Ordinance No. 5104, adopted 5/11/99:

Adopted 1998 Edition of California Building Code.

Ordinance No. 5256, adopted 10/1/02:

Adopted 2001 Edition of California Building Code.

Ordinance No. 5365, adopted 6/28/05:

Adopted 2004 Edition of California Building Code.

Ordinance No. 5440, adopted 11/4/07:

Adopted 2007 Edition of California Building Code.

Ordinance No. 5536, adopted 11/9/10:

Adopted 2010 Edition of California Building Code.

Ordinance No. 5639, adopted 10/29/13:

Adopted 2013 Edition of California Building Code.

Santa Barbara City Building & Safety Division

2016 California Building Standards Codes Adoption Summary of Amendments

October 11, 2016

#	Code & Section	Subject	Concept	Types: New, Existing, or Revised	Findings: Administrative, Climatic, Geologic, Topographic
1	Building Code Section 105.1.3 & 105.1.4 Residential Code Section R105.1.1 & R105.1.2	Permits Required	Requires permits for paving and striping of parking lots and driveways. Describes the authorizations needed for demolition permits.	Existing	Admin
2	Building Code Section 105.2 Residential Code Section R105.2	Exemptions from Permits	Adds or limits construction projects to the list of work exempt from permit.	Existing	Admin
3	Building Code Section 105.4.1	Permit Issuance	Requires a licensed contractor for work on other than single homes, duplexes, and accessory structures thereto.	Existing	Admin
4	Building Code Section 105.5, Residential Code Section R105.5, Plumbing Code Section 104.4.3, Mechanical Code Section 104.4.3	Permit Expiration	Defines the means by which the City determines that a permit has expired.	New	Admin
5	Building Code Section 107.1.1 Residential Code Section R106.6	Licensed Architect Required	Requires that a licensed architect be responsible for complex permit applications.	New	Admin
6	Building Code Section 107.2.7	Certified Access Specialist (CASp) Approval	Allows property owners that utilize a CASp to receive expedited access compliance plan review.	New	Admin

7	Building Code Section 117 Residential Code Section R115	Post-Damage Assessment	This section is recommended by the State Office of Emergency Services as part the State's Safety Assessment Program – a program employed after disasters to confirm building safety.	New	Admin
8	Building Code Section 113 Residential Code Section R112	Board of Appeals	Combines the current City code amendments and procedures. Revised to include administrative procedures.	Revised	Admin
9	Building Code Sections 701A.1 & 701A.3 Residential Code Section R337.1.1 & R337.1.3	Scope & Application	Makes “additions and remodels” subject to high-fire building design when in a high-fire area. Allows City Official discretion in allowing exemptions.	Existing	Climatic Topographic
10	Building Code Section 705A.4 Residential Code Section R337.5.4	Roof Gutters	Requires high-fire area roof gutters to be non-combustible.	Existing	Climatic Topographic
11	Building Code Section 708A.2 Residential Code Section R337.8.2	Exterior Glazing	Makes skylights subject to the high-fire area special glazing requirements.	Existing	Climatic Topographic
12	Building Code Section 903 – all, Residential Code Section R313	Automatic Fire Sprinkler System	Same amendment as prior cycle. Revised to specify September 11, 2009 as the beginning date for determining the improvement thresholds.	Revised	Climatic Topographic
13	Building Code Section 1208.4 Residential Code Section R304.5	Efficiency Dwelling Units	Inserts an exception to the minimum dwelling size for Affordable and Lower Income dwellings.	Existing	Admin
14	Building Code Section T1505.1 & 1505.1.3 Residential Code Section R902.1- R902.1.3	Minimum Roof Covering Rating	Changes the minimum fire resistance for all roofs from Class C to Class B.	Existing	Climatic Topographic
15	Building Code Section 1505.1.4 Residential Code Section R337.5 - all	Roofing in Wildland-Urban Interface Fire Area	Requires a minimum of Class A non-combustible roof in these high-fire risk areas.	Existing	Climatic Topographic

16	Building Code Section 1507.4.1 Residential Code Section R905.10.1	(Roof) Deck Requirements	Clarifies that metal panel roofing cannot be placed over wood shingles of shakes.	New	Climatic Topographic
17	Building Code Section 1705.12.2	Structural Wood (Special Inspections)	Allows for an exchange of reduced calculated load carrying values when continuous special inspection of nailing is not made.	Existing	Geologic
18	Building Code Section 3109.4.1	(Pool) Barrier Height and Clearances	Increases the minimum public pool fence height from 48" to 60" so that it affords the same height safety as private pools.	Existing	Admin
19	Building Code Appendix G	Flood Resistant Construction	Consolidates the City, State, and Federal regulations for development within a flood zone.	Existing	Admin
20	Building Code Appendix J	Grading Regulations	Establishes the City's grading regulations.	Existing	Geological Topographical
21	Residential Code Section R337.6.2	(Ventilation) Requirements	Prescribes specific fire-safe methods for providing attic ventilation in high-fire risk areas.	Existing	Climatic Topographic
22	Residential Code Section R341 & R342	Encroachments Safeguards	Requires residential projects to meet the standard Public Way Encroachment and Safeguards During Construction requirements of the Building Code.	New	Admin
23	Residential Code Section R401.4	Soils Reports	Clearly establishes the situations that require a soils report.	Existing	Geological Topographical
24	Residential Code Section R401.5	Grading	Consolidates grading regulations in Appendix J of the Building Code.	Existing	Geological Topographical
25	Residential Code Section R403.1.2	Continuous Footings	Requires continuous footings under braced walls that carry lateral loads.	Revised	Geological Topographical
26	Residential Code Section R403.1.5	(Footing) Slope	Clarifies the design criteria for footing on slopes.	Existing	Geological Topographical
27	Residential Code Section R404.2	Wood Foundation Walls	Prohibits wood foundation walls in high-risk seismic design areas.	Existing	Geological Topographical
28	Residential Code Appendix I, Plumbing Code Section 301.6.1	Private Sewage Disposal Systems	Establishes the Santa Barbara County Environmental Health Department as the local health authority for permitting one- and two-family on-site waste treatment systems (septic systems).	New	Geological Topographical
29	Residential Code Appendix V	Private Swimming Pools	Consolidates pool regulations in Section 3109 of the Building Code.	Revised	Admin

30	Plumbing Code Section 107, Mechanical Code Section 107, Property Maintenance Code Section 111	Board of Appeals	Consolidates the board of appeals regulations in Section 113 of the Building Code.	Existing	Admin
31	Plumbing Code Section 104.5, Mechanical Code Section 104.5	Fees	Consolidates permit-related fee information in the Residential Code or Building Code based on the nature of the work.	Existing	Admin
32	Plumbing Code Section 422.1	(Plumbing) Fixture Counts	Allows the Building Official to exercise discretion when determining the minimum number of required plumbing fixtures (toilets, sinks, etc.) in existing building applications.	Existing	Admin
33	Plumbing Code Section 423	Fountains	Requires a recirculation system.	Existing	Climatic
34	Plumbing Code Section 424	Car Wash Facilities	Requires special water conservation measures.	Existing	Climatic
35	Plumbing Code Section 603.1	Cross-Connection Control	Coordinates potable water cross-connection control regulations with State Title 17 drinking water supply regulations.	Existing	Admin
36	Plumbing Code Section 608.2	Excessive Water Pressure	Reduces the risk of building damage caused by excessive water pressure in the public water distribution system.	Existing	Topographical
37	Plumbing Code Section 710.14	Sewage Pump Signaling Device	Requires an audible alarm if system fails.	Existing	Topographical
38	Plumbing Code Section 710.15	Back Water Valve	Requires the installation of a sewer backwater valve to protect from damage caused by sewage backwater. Revised to include common compliance exceptions.	Revised	Topographical
39	Plumbing Code Section 713.2	Private Sewage Disposal System	Requires septic system abandonment and connection to the public sewer once the public sewer is available for connection.	Existing	Topographical
40	Electrical Code Section 90.4.1	Administration	Consolidates all of the administrative processes and regulations for the Electrical Code within the Building Code.	Revised	Admin
41	Green Building Code Sections 4.304.2 & 5.304.7	Fountains	Sets new fountain surface areas at a maximum of 25 square feet.	Existing	Climatic
42	Property Maintenance Code Section 101.1	Title	Establishes the "Property Maintenance Code of the City of Santa Barbara."	Revised	Admin

43	Property Maintenance Code Section 103.1	(Authority) General	Establishes the City Building Official as the Code Official.	New	Admin
44	Property Maintenance Code Section 108.1 & 108.4	(Unsafe Buildings) General Placarding	Requires that unsafe and unfit properties are placarded with "Unsafe" and/or "Limited Entry" placards when warranted.	New	Admin
45	Property Maintenance Code Section 108.7	Records	Requires that official records be retained.	New	Admin
46	Property Maintenance Code Section 112.4	Failure to Comply	Clarifies that a City Administrative Citation can be issued for violations.	Existing	Admin
47	Property Maintenance Code Section 302.4	Weeds	Sets maximum weed height at 12".	Existing	Admin
48	Property Maintenance Code Section 304.14	Insect Screens	Sets maximum screen mesh at 12 mesh per inch.	Existing	Admin
49	Property Maintenance Code Section 602.2	(Heating) Residential Occupancies	Coordinates the minimum heating system operating temperature with the State Housing Law minimum.	Existing	Admin
50	Property Maintenance Code Section 602.3 & 602.4	(Heating) Heat Supply Occupiable Work Spaces	Deletes these requirements for minimum heating system performance.	Existing	Admin

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SANTA BARBARA MUNICIPAL CODE CHAPTER 22.04; ADOPTING BY REFERENCE THE 2016 CALIFORNIA BUILDING CODE, VOLUMES 1 AND 2; 2016 CALIFORNIA RESIDENTAL CODE; 2016 CALIFORNIA ELECTRICAL CODE; 2016 CALIFORNIA MECHANICAL CODE; 2016 CALIFORNIA PLUMBING CODE; 2016 CALIFORNIA ENERGY CODE; 2016 CALIFORNIA HISTORICAL BUILDING CODE; 2016 CALIFORNIA EXISTING BUILDINGS CODE; 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; 2016 CALIFORNIA REFERENCED STANDARDS CODE; AND THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING LOCAL REVISIONS TO THOSE CODES; AND REPEALING ORDINANCE NUMBER 5639.

WHEREAS, uniform international construction codes are developed, updated, and published regularly via a transparent public hearing process, by professional organizations consisting of architects, engineers, designers, code officials, private industry experts, and contractors; and

WHEREAS, these codes are adopted by the State of California and by local communities with amendments pertinent to local conditions; and

WHEREAS, the City of Santa Barbara relies on local ground and surface water for its local water supplies, and drought conditions are common within Santa Barbara and the surrounding areas; and

WHEREAS, local topography and climate present unique flooding, fire hazard, and fire abatement conditions; and

WHEREAS, local geological conditions such as very problematic soils and intense earthquake faults present unique geophysical hazards; and

WHEREAS, the majority of the buildings in the City of Santa Barbara pre-date the Americans with Disabilities Act; many of the parcels of land supporting these older buildings are fully developed; and because of the topography of these parcels, determining accessibility compliance can be very complex; and

WHEREAS, the City of Santa Barbara has the authority to establish appropriate administrative building permit process amendments for the purposes of enforcing the State Building Standards Codes; and

WHEREAS, the City Council of the City of Santa Barbara finds that such local geological, topographic, climatic, and existing building conditions warrant certain amendments to the model uniform codes related to construction;

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

Ordinance Committee

SECTION 1. Section 22.04.010 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.010 Adoption of California Codes by Reference.

Subject to the amendments specified in Sections 22.04.020 through 22.04.070, the following Codes, certain appendix chapters, and the standards and secondary codes referenced therein are adopted, regardless of the California Matrix Adoption Tables, and shall be known as the City of Santa Barbara Building Codes.

A. The “California Building Code Volumes 1 and 2” (2016 Edition), as published by the California Building Standards Commission, based on the 2015 International Building Code (also known as Part 2 of Title 24 of the California Code of Regulations), including Appendix Chapters G and J.

B. The “California Residential Code” (2016 Edition), as published by the California Building Standards Commission, based on the 2015 International Residential Code (also known as Part 2.5 of Title 24 of the California Code of Regulations) including Appendix Chapters I and V.

C. The “California Electrical Code” (2016 Edition), as published by the California Building Standards Commission, based on the 2014 National Electrical Code (also known as Part 3 of Title 24 of the California Code of Regulations).

D. The “California Mechanical Code” (2016 Edition), as published by the California Building Standards Commission, based on the 2015 Uniform Mechanical Code (also known as Part 4 of Title 24 of the California Code of Regulations).

E. The “California Plumbing Code” (2016 Edition), as published by the California Building Standards Commission, based on the 2015 Uniform Plumbing Code (also known as Part 5 of Title 24 of the California Code of Regulations), including Appendix Chapters I (Installation Standards) and K.

F. The “California Energy Code” (2016 Edition), as published by the California Building Standards Commission (also known as Part 6 of Title 24 of the California Code of Regulations).

G. The “California Historical Building Code” (2016 Edition), as published by the California Building Standards Commission (also known as Part 8 of Title 24 of the California Code of Regulations).

H. The “California Existing Building Code” (2016 Edition), as published by the California Building Standards Commission, based on the 2015 International Existing Building Code (also known as Part 10 of Title 24 of the California Code of Regulations).

I. The “California Green Building Standards Code” (2016 Edition), as published by the California Building Standards Commission (also known as Part 11 of Title 24 of the California Code of Regulations).

J. “The California Referenced Standards Code” (2016 Edition), as published by the California Building Standards Commission. (also known as Part 12 of Title 24 of the California Code of Regulations).

K. The “International Property Maintenance Code” (2015 Edition), as published by the International Code Council, including Appendix A.

SECTION 2. Section 22.04.020 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.020 Amendments to the California Building Code.

The California Building Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.020.

A. Sections 105.1.3 and 105.1.4 are added to read as follows:

105.1.3 Paving and Striping. *Building permits shall be required for all paving, re-paving (including slurry coating), striping, re-striping, signage, and re-signage of parking spaces in parking lots and structures. Accessible parking spaces, access aisles, and signage shall be provided that meets currently adopted codes.*

105.1.4 Demolition Permits. *Building permits shall be required to demolish any building, portion of a building, or structure within the City of Santa Barbara and shall be subject to the following conditions:*

1. *The applicant shall ensure all utility connections have been removed by the appropriate utility providers, except such utility services that are approved for use in connection with the work of the demolition. The applicant shall provide verification from the utility providers that utility service has been disconnected.*

2. *The applicant shall obtain clearance from the Santa Barbara Air Pollution Control District for all commercial demolition, renovations and alterations.*

3. *All resulting building debris, trash, junk, vegetation, dead organic matter, rodent harborage, or combustible material that constitutes a threat to life, health, or property, or is detrimental to the public welfare or which may reduce adjacent property value shall be removed from the site within thirty (30) days after the demolition of the structure.*

B. Section 105.2 "Work Exempt From Permit" is amended to read as follows:

Section 105.2 Work Exempt From Permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following (*Note - For work involving detached one- and two-family dwellings or townhouses or buildings accessory to detached one- and two-family dwellings or townhouses, see Section 105 of the California Residential Code as amended by the City of Santa Barbara in this Ordinance*):

Building:

1. One-story detached *residential* accessory structures used as tool and storage sheds, playhouses, *portable and fixed playground equipment, bicycle or skateboard ramps and similar uses*, provided the floor area does not exceed 120 square feet (11 m²) *and the height does not exceed ten (10) feet at the highest point; and further provided the structure does not encroach into required setbacks or required open yards, does not obstruct required parking, and is not served by any utilities. The combined square footage of exempt accessory structures may not exceed 200 square feet on any single parcel.*
2. *Residential fences and walls not over 3 ½ feet high, as measured from the lowest adjacent grade within 5 feet of the fence or wall, that do not adversely affect drainage or cause erosion.*
3. Oil derricks.
4. *Residential retaining walls which are not over 4 feet in height as measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids, is installed on a slope 20% or greater, or the wall will tend to adversely affect drainage or cause increased erosion.*
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
6. *Uncovered residential platforms, decks, porches, walks, and similar structures not more than 10 inches above adjacent grade, not over any basement or story below, and not part of the means of egress from a normally occupied space.*
7. Interior painting, papering, and similar finish work.
8. Temporary motion picture, television, and theater stage sets and scenery.
9. *Ground mounted radio, television and other masts or antenna or dish shaped communication reception or transmitting structures less than 3 feet in diameter, which do not extend more than 15 feet above grade and are not served by electrical circuits regulated under the National Electrical Code (NEC). Light-weight roof-mounted radio, television, and other masts or antenna or dish shaped communication reception or transmitting structures less than 2 feet in diameter, which do not extend more than 15 feet above the roof, are not served by electrical circuits regulated under the NEC, and which are not subject to design review by the Architectural Board of Review, Historic Landmarks Commission, or Single Family Design Board.*
10. Freestanding or movable cases, counters, and interior partitions not over 5 feet 9 inches in height, *and not containing or requiring connections to electrical power or plumbing systems.*
11. *Permit applications submitted for other miscellaneous and minor work may be exempted by the Chief Building Official from permits, fees and inspections.*

Electrical:

Repairs and maintenance. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations. The provisions of this code shall not apply to electrical equipment used for radio and televisions transmissions, but do apply to equipment and wiring for power supply and installations of towers and antennas.

Temporary testing systems. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

C. Section 105.4.1 added to read as follows:

105.4.1 Issuance. *All work authorized by building permit for other than R-3 or U occupancies shall be issued to an appropriate contractor licensed in accordance with the provisions of California State Law.*

D. Section 105.5 “Expiration” is amended to read as follows:

105.5 Expiration. Unless extended by the Building Official, every permit issued shall become invalid when:

1. The work on the site, authorized by such permit, is not commenced within 180 days of the permit issuance date, or
2. During any period of more than 180 days after permit issuance, the work on site *does not receive a City Inspection approval for any one of the inspections found in Section 110.3*

Prior to the permit expiration above, when requested in writing, the Building Official may grant administrative permit extensions for circumstances, out of the permit holder’s control, that caused the construction to stop. However, no permit will be active for more than 6 years.

E. Section 107.1.1 “Licensed Architect Required” is added to read as follows:

107.1.1 Licensed Architect Required. *All permit applications and construction documents for multi-family residential buildings of greater than 2 units and non-residential projects with construction valuations greater than 20% of the current building value shall be reviewed for consistency and compliance and submitted with the seal and signature of a State licensed architect unless specifically allowed to do otherwise by the Building Official.*

F. Section 107.2.7 “Certified Access Specialist (CASp) Approval” is added to read as follows:

107.2.7 Certified Access Specialist (CASp) Approval. *Building permit applications and the associated construction drawings that include a CASp report per State Civil Code Section 55.53 and include the following statement, signed by a State licensed CASp, will receive an expedited plan review of Chapters 11A and 11B by the City:*

“I, __ (CASp Full Name) __, have inspected the property and provided the property owner with a report in accordance with California Civil Code Sections 55.51-55.545. I have reviewed:

- ***The prior 3-years of “adjusted construction cost”, as defined in this code, for this parcel, and***
- ***These construction plans and documents for the project submitted under City permit __ (PERMIT #) __ for compliance with the State Title 24, Part 2, Volume 1, Chapters 11A and/or 11B***

I find these plans and documents to be, to the best of my knowledge, in compliance the applicable State access compliance standards.

Signature: _____ **Date:** _____

CASp #: _____”

G. Section 113 “Board of appeals” is amended to read as follows:

113. Board of Appeals. *In order to hear and decide appeals of orders, decisions or determinations made by the Fire Code Official or Building Official relative to the application and interpretations of the technical codes, there shall be and is hereby created a Building and Fire Code Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and building service equipment and who are not employees of the jurisdiction. The Building and Fire Code Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board is not empowered to waive requirements of the State Title 24 codes. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official or Building Official.*

113.1.1 Alternatives. *The Board may consider any alternate provided that it finds that the proposed design, material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in accessibility, suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation. The Board shall have no authority to waive the requirements of the applicable Code.*

113.1.2 Appointments. *The City Council shall appoint qualified 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 Code Official as may be appropriate based on the subject matter.*

113.1.3 Quorum. *For other than appeals and ratifications relative to Chapter 11, it shall take a quorum of three members to hear an appeal and majority vote of the Board convened to sustain an appeal. Appeals and ratifications relative to the enforcement of Chapter 11, at least 2 of the Board members hearing the item must be disabled. (ref: State Health & Safety Code, Section 19957.5)*

113.1.4 Chairperson. *The chairperson shall be selected annually by the convened Board. The chairperson shall maintain order and conduct the meeting in accordance with Section 113.1.7.*

113.1.5 Meetings. *The Board shall meet when needed to hear an appeal or when needed to transact business of the Board. Either the Chief Building Official or the Fire Code Official or their designee shall act as Secretary of the Board.*

113.1.6 Board Decisions. *The decision of the Building and Fire Code Board of Appeals shall be final on all matters of appeals and shall become an order to the Appellant, Building Official or Fire Code Official as may be appropriate.*

113.1.7 Procedural Rules. *Appeal hearings shall be conducted substantially in accordance with the following format:*

1. *Any person may appeal a decision of the Chief Building Official or Fire Code Official by filing a written appeal with the Building Official or Fire Code Official within 10-days of the issuance of the decision. The notice of appeal shall state the grounds for the appeal.*
2. *No notice of appeal shall be accepted unless the notice is accompanied by the fee specified by resolution of the City Council..*
3. *All appeals shall be heard not less than 10-days and not more than 60-days from the date on which the Chief Building Official or Fire Code Official receives the written appeal.*
4. *The filing of a timely appeal with the Chief Building Official or Fire Code Official shall place a stay on further enforcement of the specific matter appealed, except for instances of immediate danger to life or property.*
5. *The Chairperson shall call the meeting to order.*
6. *The Chairperson shall note the Board members present for the minutes.*
7. *The Chairperson shall recognize the Chief Building Official or Fire Code Official for presentation of the appeal. The Chief Building Official or the Fire Code Official shall read his/her recommendation to the Board.*
8. *The Chairperson shall recognize the Appellant for presentation of rebuttals.*
9. *All witnesses must be called by either the Appellant or the Chief Building Official or the Fire Code Official and may be questioned.*
10. *The Board may entertain comments from the public.*
11. *The Board may affirm, deny, or amend the decision of the Chief Building Official or the Fire Code Official.*
12. *The Board shall issue its decisions in writing and shall include a statement of the decision appealed, the decision of the Board and the findings made by the Board in reaching their decision.*
13. *The Chairperson shall adjourn the meeting at the end of business.*
14. *The Secretary shall prepare minutes for the record and shall serve as custodian of case records and said minutes.*
15. *This Board shall serve as the appeals boards defined in Section 1.8.8 and 1.9.1.5.*

H. Section 701A.1 “Scope” is amended to read as follows:

701A.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings, *remodels or additions to existing buildings* located within a Wildland-Urban Interface Fire Area as defined in Section 702A.

I. Section 701A.3 “Application” is amended to read as follows:

701A.3 Application. New buildings, *remodeled buildings or additions to existing buildings* in any Fire Hazard Severity Zone or Wildland-Urban Interface Area designated by the enforcing agency constructed after the application date shall comply with this chapter.

Exception: Accessory and/or Group U occupancy buildings may be exempted from all or portions of this chapter *upon approval of the Fire Marshall and/or Chief Building Official.*

J. Section 705A.4 “Roof Gutters” is amended to read as follows:

705A.4 Roof Gutters. Roof gutters shall be provided with the means to prevent the accumulation of leaves and debris in the gutter. *All roof gutters and downspouts shall be constructed of non-combustible materials.*

K. Section 708A.2 “Exterior Glazing” is amended to read as follows:

708A.2 Exterior Glazing. The following exterior glazing materials and/or assemblies shall comply with this section:

1. *Exterior windows and/or skylights.*
2. Exterior glazed doors.
3. Glazed openings within exterior doors.
4. Glazed openings within exterior garage doors.
5. Exterior structural glass veneer.
6. *Glazing frames made of vinyl materials shall have welded corners, metal reinforcement in the interlock area, and be certified to the most current edition of ANSI/AAMA/NWDA 101/I.S.2 structural requirements.*

L. Section 903.2.20 “Local Requirements” is added to read as follows:

903.2.20 Local Requirements. *Approved automatic sprinkler systems shall be installed throughout buildings and structures as specified elsewhere in this Section 903.2 or as specified in this Section 903.2.20, whichever is more protective.*

903.2.20 .1 New Buildings, Generally. *The construction of a new building containing any of the following occupancies: A, B, E, F, H, I, L, M, R, S or U.*

Exceptions: A new building containing a Group U occupancy that is constructed in the City’s designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area. A new building containing a U occupancy that is constructed outside the City’s designated High

Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 5000 square feet of floor area.

903.2.20.2 New Buildings in the High Fire Hazard Area. *The construction of any new building within the City’s designated High Fire Hazard Area.*

Exception: A new building containing a Group U occupancy that is constructed in the City’s designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area.

903.2.20.3 Additions to Buildings Other than Single Family Residences. *The addition of floor area to an existing building that contains any occupancy other than Group R, Division 3.*

903.2.20.4 Remodels of Buildings Other than Single Family Residences. *The remodel or alteration of the interior of an existing building that contains any occupancy other than Group R, Division 3, where the floor area of the portion of the building that is modified or altered exceeds 50% of the existing floor area of the building. For purposes of this section, all modifications or alterations to an existing building that occur after September 11, 2009 shall be counted in the aggregate toward the 50% threshold measured against the floor area of the building. It shall be the responsibility of the building owner to install the sprinkler system throughout the building when the threshold has been exceeded.*

Exception: *Nothing in this section shall prevent the building owner from negotiating a written agreement with the tenant or tenants for allocating the cost of the sprinkler system in any proportion.*

903.2.20.5 Change of Occupancy to a Higher Hazard Classification. *Any change of occupancy in an existing building where the occupancy changes to a higher hazard classification*

903.2.20.6 Computation of Square Footage. *For the purposes of this Section 903.2.19, the floor area of buildings shall be computed in accordance with the definition of “Floor area, Gross” provided in Section 1002.1 of the California Building Code.*

903.2.20.7 Existing use. *Any existing building not classified as Group R, Division 3, in existence at the time of the effective date of this code may have their use continued if such use was legal at the time. Additions to existing buildings shall require an automatic fire sprinkler system installed throughout, including areas not previously protected.*

M. Section 907.2.30 is added to read as follows:

907.2.30 Mixed Use Occupancies. *Where residential occupancies are combined with commercial occupancies, a fire alarm system shall be installed which notifies all occupants in the event of a fire. The system shall include automatic smoke detection throughout the commercial and common areas. In addition, a notification system shall*

be installed in a manner and location approved by the fire code official that indicates the presence of residential dwelling units in accordance with Municipal Code Section 8.04.030 B.

N. Section 1208.4 “Efficiency Dwelling Units” is amended to read as follows:

1208.4 Efficiency Dwelling Units. Unless modified by local ordinance pursuant to Health and Safety Code Section 17958.1, efficiency dwelling units shall comply with the following:

1. The unit shall have a living room of not less than 220 square feet (20.4 m²) of floor area. An additional 100 square feet (9.3 m²) of floor area shall be provided for each occupant of such unit in excess of two.

Exception:

Notwithstanding the provisions of subsection 1 above, for projects constructed or operated by a nonprofit or governmental agency offering housing at an Affordable Housing Cost to Lower Income Households (as those terms are defined in sections 50052.5 and 50079.5 of the California Health and Safety Code), the City may permit efficiency dwelling units for occupancy by no more than two persons who qualify as either very low or low income households where the units have a minimum useable floor area, (excluding floor area in the kitchen, bathroom and closet), of not less than 150 square feet. In all other respects, such efficiency dwelling units shall conform to the minimum standards specified in this code.

2. The unit shall be provided with a separate closet.

3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

O. Table 1505.1 is amended to read as follows:

**TABLE 1505.1
MINIMUM ROOF COVERING CLASSIFICATION
FOR TYPES OF CONSTRUCTION**

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

P. Section 1505.1.3 “Roof coverings within all other areas” is amended to read as follows:

1505.1.3 Roof coverings within in all other areas. *The roof covering or roofing assembly of any new building or the re-roofing of any existing building, regardless of*

type or occupancy classification, shall be no less than Class B, except that Group H, Division 1 and Group I occupancies shall be Class A. Treated or untreated wood shakes or shingles shall not be permitted, except on existing structures which are constructed with shake or shingle roofs where less than 20 % of the existing roof is being replaced within a two 2 year period, provided such replacement roofing is fire retardant treated wood shakes or shingles.

Exception: In the High Fire Hazard District, roof coverings shall be in accordance with Chapter 7A as amended.

Q. Section 1505.1.4 “Roofing Requirements in a Wildland-Urban Interface Fire Area” is amended to read as follows:

1505.1.4 Roofing Requirements in a Wildland-Urban Interface Fire Area. *Roof coverings on all buildings shall be class A noncombustible in accordance with adopted CBC Standards or otherwise as may be approved by the Chief Building Official.*

Treated or untreated wood shakes or shingles shall not be permitted, except on existing structures which are constructed with shake or shingle roofs where less than 20% of the existing roof is being replaced within a two 2) year period, provided such replacement roofing is fire retardant treated wood shakes or shingles.

“Green” or “Vegetated” roofs shall not be used in the Wildland-Urban Interface Fire Area.

R. Section 1507.4.1 “Deck Requirements” is amended to read as follows:

1507.4.1 Deck Requirements. *Metal roof panel roof coverings shall be applied to a solid or closely fitted deck, except where the roof covering is specifically designed to be applied to braced supports. Metal roof panel coverings shall not be installed over combustible shingles or shakes.*

S. Section 1705.12.2 “Structural wood” subsection “Exceptions” is amended to read as follows:

1705.12.2 Structural wood.

Exceptions:

1. *Special Inspections are not required for wood shear walls, shear panels and diaphragms, including nailing, bolting, anchoring and other fastening to other elements of the seismic force-resisting system, where the fastener spacing of the sheathing is more than 4 inches (102 mm) on center (o.c.).*

2. *Special Inspection is not required if the building is designed in accordance with AWC SDPWS-2008 (NDS) Table 4.3A (Note: PLF values must be divided in half per 4.3.3) assuming that the allowable shear values reflected are reduced by 25%.*

T. Section 3109.4.1 “Barrier Height and Clearances” is amended to read as follows:

3109.4.1 Barrier Height and Clearances. *The top of the barrier shall be at least 60 inches (1524mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the*

bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, relative to the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

U. Appendix G Section G101 “Flood Resistant Construction” is amended to read as follows:

G101. Flood Resistant Construction

G101. General. Construction and development within a Federal Emergency Management Agency (FEMA) Special Flood Hazard Area depicted on a FEMA Flood Insurance Rate Map shall be completed in accordance with the City’s Municipal Code, Chapter 22.24 and FEMA’s National Flood Insurance Program standards for construction and development within Special Flood Hazard Areas.

V. Appendix G Sections G102-G1101 “Flood Resistant Construction” are deleted without replacement.

W. Appendix J “Grading” is amended to read as follows:

J101. GRADING GENERAL

J101.1 Scope. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments, and the control of grading site runoff, including erosion sediments and construction-related pollutants. The purpose of this appendix is to safeguard life, limb, property and the public welfare by regulating grading on private property. *Where technical conflict occur between this chapter and geotechnical report filed by a licensed civil engineer, the Building Official may allow the geotechnical report to govern.*

J101.2 General Hazards. Whenever the Building Official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Building Official, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

J101.3 Safety Precautions. If at any stage of the work the Building Official determines by inspection that further grading as authorized is likely to endanger any public or private property or result in the deposition of debris on any public way or interfere with any existing drainage course, the Building Official may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such person shall forthwith stop such work. The Building Official may authorize the work to proceed if the Building Official finds adequate safety precautions can be taken or corrective measures incorporated in the work to avoid likelihood of such danger, deposition or interference.

If the grading work as done has created or resulted in a hazardous condition, the Building Official shall give written notice requiring correction thereof as specified in California Building Code - Section 114 "Violations" or California Residential Code - Section R113 "Violations".

J101.4 Protection of Utilities. The owner of any property on which grading has been performed, and which requires a grading permit under Section J103, shall be responsible for the prevention of damage to any public utilities or services.

J101.5 Protection of Adjacent Property. The owner of any property on which grading, has been performed and which requires a grading permit under Section J103 is responsible for the prevention of damage to adjacent property and no person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property without supporting and protecting such property from settling, cracking or other damage which might result. Special precautions approved by the Building Official shall be made to prevent imported or exported materials from being deposited on the adjacent public way and/or drainage courses.

J101.6 Storm Water Control Measures. The owner of any property on which grading, has been performed and which requires a grading permit under Section J103 shall put into effect and maintain all precautionary measures necessary to protect adjacent water courses and public or private property from damage by erosion, flooding, and deposition of mud, debris, and construction-related pollutants originating from the site during grading and related construction activities as required in Chapter 22.85 and/or any special conditions imposed on a project as a result of the issuance of a discretionary permit by the City.

J101.7 Maintenance of Protective Devices. The owner of any property on which grading has been performed pursuant to a permit issued under the provisions of this code, or any other person or agent in control of such property, shall maintain in good condition and repair all drainage structures and other protective devices when they are shown on the grading plans filed with the application for grading permit and approved as a condition precedent to the issuance of such permit.

J101.8 Conditions of Approval. In granting any permit under this code, the Building Official may include such conditions as may be reasonably necessary to prevent creation of a nuisance or hazard to public or private property. Such conditions may include, but shall not be limited to:

1. Improvement of any existing grading to comply with the standards of this code.
2. Requirements for fencing of excavations or fills which may otherwise be hazardous.
3. Storm water control measures beyond those required by Section J101.6 of this Appendix J.

SECTION J102 DEFINITIONS

J102.1 Definitions. For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

APPROVAL. shall mean that the proposed work or completed work conforms to this chapter to the satisfaction of the Building Official.

AS-GRADED. is the extent of surface conditions on completion of the approved grading project.

BEDROCK. is in-place solid rock. is the relatively solid, undisturbed rock in place either at the ground surface or beneath superficial deposits of alluvium, colluvium and/or soil.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

BEST MANAGEMENT PRACTICE (BMP). is a stormwater pollution mitigation measure which is required to be employed in order to comply with the requirements of the NPDES permit issued to the City of Santa Barbara by the California Regional Water Quality Control Board.

BORROW is earth material acquired from an off-site location for use in grading on a site.

CIVIL ENGINEER is a professional engineer registered in the state to practice in the field of civil works.

CIVIL ENGINEERING is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

COMPACTION. The densification of a fill by mechanical means.

CUT. See Excavation.

DESILTING BASINS are physical structures, constructed to allow the removal of sediments from surface water runoff.

DESIGN ENGINEER. Shall mean the civil engineer responsible for the preparation of the grading plans for the site grading work.

DOWN DRAIN. a device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility

EARTH MATERIAL. is any rock, natural soil or fill or any combination thereof.

ENGINEERING GEOLOGIST. is a geologist experienced and knowledgeable in

engineering geology. Shall mean a person holding a valid certificate of registration as a geologist in the specialty of engineering geology issued by the State of California under the applicable provisions of the Geologist and Geophysicist Act of the Business and Professions Code.

ENGINEERING GEOLOGY. is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EROSION/SEDIMENTATION CONTROL PLAN (ESC). is a site drawing with details, notes, and related documents that identify the measures taken by the permittee to (1) control construction-related erosion and prevent construction-related sediment and pollutants from being carried offsite by stormwater, and (2) prevent construction-related non-stormwater discharges from entering the storm drain system that complies with the latest version of the Building & Safety Division's ESC Policy.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FIELD ENGINEER. shall mean the civil engineer responsible for performing the functions as set forth in Section J105.4.

FILL. deposition of earth materials by artificial means.

GEOTECHNICAL ENGINEER. See "soils engineer."

GEOTECHNICAL HAZARD. is an adverse condition due to landslide, settlement, and/or slippage. These hazards include loose debris, slopewash, and the potential for mud flows from natural or graded slopes.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The final grade of the site that conforms to the approved plan.

GRADE, ROUGH. A stage at which the grade approximately conforms to the approved plan.

GRADING. An excavation or fill or combination thereof.

KEY. a compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

LANDSCAPE ARCHITECT. shall mean a person who holds a certificate to practice landscape architecture in the State of California under the applicable landscape

architecture provisions of Division 3, Chapter 3.5 of the Business and Professions Code.

LINE. shall refer to horizontal location of the ground surface.

NATURAL GRADE. is the vertical location of the ground surface prior to any excavation or fill.

PRIVATE SEWAGE DISPOSAL SYSTEM. is a septic tank with effluent discharging into a subsurface disposal field, into one or more seepage pits or into a combination of subsurface disposal field and seepage pit or of such other facilities as may be permitted.

PROJECT CONSULTANTS. shall mean professional consultants required by this code which may consist of the design engineer, field engineer, soils engineer, engineering geologist, and architect as applicable to this chapter.

PROFESSIONAL INSPECTION. is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include those performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

SITE. is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

SLOPE. is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SOIL. is naturally occurring superficial deposits overlying bedrock.

SOILS ENGINEER (GEOTECHNICAL ENGINEER). is an engineer experienced and knowledgeable in the practice of soils (geotechnical) engineering.

SOILS ENGINEERING (GEOTECHNICAL ENGINEERING). is the application of the principals of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of construction thereof.

STORM DRAIN SYSTEM. is a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, pipes, ditches and man-made channels, designed or used for collecting, dissipating, or conveying stormwater.

SURFACE DRAINAGE. shall refer to flows over the ground surface.

SOIL TESTING AGENCY. is an agency regularly engaged in the testing of soils and rock under the direction of a civil engineer experienced in soil testing.

TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

SECTION J103 PERMITS REQUIRED

J103.1 Permits required. Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefore from the Building Official. A grading permit does not include the construction of retaining walls or other structures. A separate permit shall be obtained for each site and may cover both excavations and fills. Any Engineered Grading as described in Section J104 shall be performed by a contractor licensed by the State of California to perform the work described herein. Regular Grading less than 5,000 cubic yards may require a licensed contractor if the Building Official determines that special conditions or hazards exist.

J103.2 Exemptions. A grading permit shall not be required for the following:

1. When approved by the Building Official, grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.

2. Excavation for the construction of a structure permitted under this code.

3. Cemetery graves.

4. Excavations for wells, or trenches for utilities.

5. Exploratory excavations performed under the direction of a Soils Engineer or Engineering Geologist. This shall not exempt grading of access roads or pads created for exploratory excavations. Exploratory excavations must be restored to existing conditions, unless approved by the Building Official.

6. An excavation that is less than 50 cubic yards (38.3 m³) and complies with one of the following conditions:

a) is less than 2 feet (610 mm) in depth, or

b) does not create a cut slope greater than 5 feet (1524 mm) measured vertically upward from the cut surface to the surface of the natural grade and is steeper than 2 units horizontal to 1 unit vertical (50% slope).

7. A fill not intended to support a structure which does not obstruct a drainage course and complies with one of the following conditions:

a) is less than 1 foot (305 mm) in depth and is placed on natural terrain with a slope flatter than 5 units horizontal to 1 unit vertical in (20% slope),

b) is less than 3 feet (914 mm) in depth at its deepest point measured vertically upward from natural grade to the surface of the fill, and does not exceed 50 cubic yards and creates a fill slope no steeper than 2 units horizontal to 1 unit vertical (50% slope), or

c) is less than 5 feet (1524 mm) in depth at its deepest point measured vertically upward from natural grade to the surface of the fill, and does not exceed 20 cubic

yards and creates a fill slope no steeper than 2 units horizontal to 1 unit vertical (50% slope).

EXCAVATIONS		FILLS	
		- NOT INTENDED TO SUPPORT STRUCTURES - DO NOT OBSTRUCT A DRAINAGE COURSE	
AN EXCAVATION WHICH IS LESS THAN 2 FT IN DEPTH AND DOES NOT EXCEED 50CY		FILL PLACED ON NATURAL GRADE NOT STEEPER THAN 5:1 AND LESS THAN 1FT DEEP	
AN EXCAVATION WHICH CREATES A CUT SLOPE NOT GREATER THAN 5FT IN HEIGHT, NOT STEEPER THAN 2:1, AND DOES NOT EXCEED 50CY		FILL LESS THAN 3FT DEEP AT ITS DEEPEST POINT THAT DOES NOT EXCEED 50CY	
		FILL LESS THAN 5FT DEEP AT ITS DEEPEST POINT THAT DOES NOT EXCEED 20CY	

8. Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

J103.3 Unpermitted Grading. A person shall not own, use, occupy or maintain any site containing unpermitted grading. For the purposes of this Code, unpermitted grading shall be defined as any grading that was performed, at any point in time, without the required permit(s) having first been obtained from the Building Official, pursuant to Section 103.1.

J103.4 Availability of Permit at Site. No person shall perform any grading for which a permit is required under this chapter unless a copy of the grading permit and approved grading plans is in the possession of a responsible person and available at the site.

J103.5 Grading Plan Review, Inspection and Permit Fees. Fees shall be assessed in accordance with the provisions set forth in the City of Santa Barbara's most currently adopted fee schedule.

J103.6 Grading Security. The Building Official may require a security in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. If required, a permit shall not be issued for grading unless the owner posts with the Building Official a security in one of the following forms:

1. A bond furnished by a corporate surety authorized to do business in this state.

2. A cash bond.
3. Savings and loan certificates or shares deposited and assigned to the City of Santa Barbara.
4. An instrument of credit from a financial institution subject to regulation by the State or Federal government and pledging that the funds necessary to carry out the grading are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution.
5. Where unusual conditions or special hazards exist, the Building Official may require security for grading involving less than 1,000 cubic yards (764.6 m³). Security required by this Section may include incidental off-site grading on property contiguous with the site to be developed, provided written consent of the owner of such contiguous property is filed with the Building Official.
6. The Building Official may waive the requirements for a security for:
 - a) Grading being done by or for a governmental agency.
 - b) Grading necessary to remove a geotechnical hazard, where such work is covered by an agreement and security posted pursuant to the provisions of the City's "Subdivision Ordinance".
 - c) Minor grading on a site, not exceeding a slope of three horizontal to one vertical, provided such grading as determined by the Building Official will not affect drainage from or to adjacent properties.
 - d) Filling of holes or depressions, provided such grading will not affect the drainage from or to adjacent properties, or affect a rare, threatened or endangered species or its habitat, or other sensitive habitat.

J103.6.1 Amount of Security. The amount of security shall be based on the number of cubic yards of material in either excavation or fill, whichever is greater, plus the cost of all drainage or other protective devices or work necessary to eliminate geotechnical hazards. That portion of the security valuation based on the volume of material in either excavation or fill shall be computed as follows:

1. 100,000 cubic yards or less - 50 percent of the estimated cost of grading work.
2. Over 100,000 cubic yards - 50 percent of the cost of the first 100,000 cubic yards plus 25 percent of the estimated cost of that portion in excess of 100,000 cubic yards.
3. When the rough grading has been completed in conformance with the requirements of this code, the Building Official may at his or her discretion consent to a proportionate reduction of the security to an amount estimated to be adequate to ensure completion of the grading work, site development or planting remaining to be performed.

The costs referred to in this section shall be as estimated by the Building Official.

J103.6.2 Conditions. All security shall include the conditions that the principal shall:

1. Comply with all of the provisions of this code, applicable laws, and ordinances;
2. Comply with all of the terms and conditions of the grading permit; and
3. Complete all of the work authorized by the permit.

J103.6.3 Term of Security. The term of each security shall begin upon the filing thereof with the Building Official and the security shall remain in effect until the work authorized by the grading permit is completed and approved by the Building Official.

J103.6.4 Default Procedures. In the event the owner or the owner's agent shall fail to complete the work or fail to comply with all terms and conditions of the grading permit, it shall be deemed a default has occurred. The Building Official shall give notice thereof to the principal and security or financial institution on the grading permit security, or to the owner in the case of a cash deposit or assignment, and may order the work required to complete the grading in conformance with the requirements of this code be performed. The surety or financial institution executing the security shall continue to be firmly bound under an obligation up to the full amount of the security, for the payment of all necessary costs and expenses that may be incurred by the Building Official in causing any and all such required work to be done. In the case of a cash deposit or assignment, the unused portion of such deposit or funds assigned shall be returned or reassigned to the person making said deposit or assignment.

J103.6.5 Right of Entry. The Building Official or the authorized representative of the surety company or financial institution shall have access to the premises described in the permit for the purpose of inspecting the work.

In the event of default in the performance of any term or condition of the permit, the surety or financial institution or the Building Official, or any person employed or engaged in the behalf of any of these parties, shall have the right to go upon the premises to perform the required work.

The owner or any other person who interferes with or obstructs the ingress to or egress from any such premises, of any authorized representative of the surety or financial institution or of the City of Santa Barbara engaged in the correction or completion of the work for which a grading permit has been issued, after a default has occurred in the performance of the terms or conditions thereof, is guilty of a misdemeanor.

SECTION J104 PERMIT APPLICATION AND SUBMITTALS

J104.1 Submittal requirements. In addition to the provisions of Sections J106 and J107, the applicant shall state the estimated quantities of excavation and fill.

J104.2 Site plan requirements. In addition to the provisions of Section J106, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

J104.2.1 Grading Designation. Grading in excess of 5,000 cubic yards or for the support of a structure shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as “engineered grading.” Grading involving less than 5,000 cubic yards (3825 m³) shall be designated “regular grading” unless the permittee chooses to have the grading performed as engineered grading, or the Building Official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

J104.2.2 Regular Grading Requirements. In addition to the provisions of Section J106 and Section J104.2, an application for a regular grading permit shall be accompanied by three sets of plans in sufficient clarity to indicate the nature and extent of the work. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications.

Plans shall be drawn to scale upon substantial paper or mylar and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. Each sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

The plans shall include, but shall not be limited to, the following information:

1. General vicinity of the proposed site.
2. Limiting dimensions and depth of cut and fill.
3. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within 15 feet of the proposed grading.
4. Contours, flow areas, elevations, or slopes which define existing and proposed drainage patterns.
5. Erosion/Sedimentation, Storm water, and dust control provisions are required to be shown on the grading plan in accordance with the requirements of Sections J110, J111 & 112 of this appendix.

J104.2.3 Engineered Grading Requirements. In addition to the provisions of Sections J104.2 and J106, an application for an engineered grading permit shall be accompanied by specifications and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared

and signed by an individual licensed by the state to prepare such plans or specifications when required by the Building Official.

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to scale upon substantial paper or mylar and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. Each sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

The plans shall include, but shall not be limited to, the following information:

1. A vicinity map showing the proposed site.
2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains.
5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 15 feet of the property or that may be affected by the proposed grading operations.
6. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the Building Official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.
7. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.
8. A statement of the quantities of material to be excavated and/or filled and the amount of such material to be imported to, or exported from the site.

9. A statement of the estimated starting and completion dates for work covered by the permit.

10. A statement signed by the owner acknowledging that a field engineer, soils engineer and engineering geologist, when appropriate, will be employed to perform the services required by this code, whenever approval of the plans and issuance of the permit are to be based on the condition that such professional persons be so employed.

11. Erosion/Sedimentation, Storm water, and dust control provisions are required to be shown on the grading plan in accordance with the requirement of sections J110, J111 & J112 of this appendix.

12. A drainage plan for that portion of a lot or parcel to be utilized as a building site (building pad), including elevations of floors with respect to finish site grade and locations of proposed stoops, slabs and fences that may affect drainage.

13. Location and type of any proposed private sewage disposal system.

14. Location of existing utilities and drainage facilities and recorded easements. (public and private).

15. Location of all flood zones as designated and defined in Title 44, Code of Federal Regulations.

J104.3 Soils Engineering Report. The soils engineering report required by Section J104.2.2 shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes. All reports shall conform with the requirements of this Code and shall be subject to review by the Building Official. Supplemental reports and data may be required as the Building Official may deem necessary. Recommendations included in the reports and approved by the Building Official shall be incorporated in the grading plan or specifications.

J104.4 Engineering Geology Report. The engineering geology report required by Section J104.2.2 shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. The engineering geology report shall include a geologic map and cross sections utilizing the most recent grading plan as a base. All reports shall conform with the requirements of this Code and shall be subject to review by the Building Official. Supplemental reports and data may be required as the Building Official may deem necessary. Recommendations included in the reports and approved by the Building Official shall be incorporated in the grading plan or specifications.

Exception: A soils engineering or engineering geology report is not required where the Building Official determines that the nature of the work applied for is such that a report is not necessary.

J104.5 Liquefaction study. A geotechnical investigation may be required when the proposed work is a "Project" as defined in California Public Resources Code section 2693, and is located in an area designated as a "Seismic Hazard Zone" as defined in Title 14, Section 3722 of California Code of Regulations on Seismic Hazard Zone Maps issued by the State Geologist under Public Resources Code section 2696.

Exception: A liquefaction study is not required where the Building Official determines from established local data that the liquefaction potential is low.

SECTION J105 INSPECTION

J105.1 General. Grading inspections shall be governed by Section J109 of this Appendix J and as indicated herein. Grading operations for which a permit is required shall be subject to inspection by the Building Official. Professional inspection of grading operations shall be provided by the Civil Engineer, Soils Engineer and the Engineering Geologist retained to provide such services in accordance with this Section for engineered grading and as required by the Building Official for regular grading.

J105.2 Special and Supplemental inspections. The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the Building Official. In addition to the called inspections specified in Section J109, the Building Official may make such other inspections as may be deemed necessary to determine that the work is being performed in conformance with the requirements of this code. Investigations and reports by an approved soil testing agency, Soils Engineer and/or Engineering Geologist, and Field Engineer may be required. Inspection reports shall be provided when requested by the Building Official.

Inspection of drainage devices by the Field Engineer in accordance with this section may be required when the Building Official determines the drainage devices are necessary for the protection of the structures in accordance with this code.

J105.3 Field Engineer Inspections. When required, the field engineer shall provide professional inspection within such engineer's area of technical specialty, oversee and coordinate all field surveys, set grade stakes, and provide site inspections during grading operations to ensure the site is graded in accordance with the approved grading plan and the appropriate requirements of this code. During site grading, and at the completion of both rough grading and final grading, the field engineer shall submit statements and reports required by Sections J105.11 and J105.12. If revised grading plans are required during the course of the work, they shall be prepared by a Civil Engineer and approved by the Building Official.

J105.4 Soils Engineer Inspections. When required, the Soils Engineer shall provide professional inspection within such engineer's area of technical specialty, which

shall include observation during grading and testing for required compaction. The Soils Engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the Building Official and the Field Engineer.

J105.5 Engineering Geologist Inspection. When required, the Engineering Geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

J105.6 Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code. The permittee shall engage project consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the project consultants, the contractor and the Building Official. In the event of changed conditions, the permittee shall be responsible for informing the Building Official of such change and shall provide revised plans for approval.

J105.7 Building Official Inspections. The Building Official may inspect the project site at the following various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants:

1. **Pregrade.** Before any construction or grading activities occur at the site; the permittee shall schedule a pregrade inspection with the Building Official. The permittee is responsible for coordinating that all project consultants are present at the pregrade inspection.
2. **Initial.** When the site has been cleared of vegetation and unapproved fill and it has been scarified, benched or otherwise prepared for fill. No fill shall have been placed prior to this inspection. All measures as shown on the Erosion/Sedimentation Control Plan shall be installed and/or materials stockpiled for use as needed.
3. **Rough.** When approximate final elevations have been established; drainage terraces, swales and other drainage devices necessary for the protection of the building sites from flooding are installed; berms installed at the top of the slopes; and the statements required by Section J105.12 have been received.
4. **Final.** When grading has been completed; all drainage devices necessary to drain the building pad and project site are installed; slope planting established, irrigation systems installed; and the as-graded plans and required statements and reports have been submitted.

J105.8 Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the Field Engineer, the Soils Engineer or the Engineering Geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies and corrective measures which should be taken shall be reported immediately in writing to the permittee and to the Building Official.

J105.9 Transfer of Responsibility. If the Field Engineer, the Soils Engineer, or the Engineering Geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official in writing of such change prior to the recommencement of such grading.

J105.10 Non-inspected grading. No person shall own, use, occupy or maintain any non-inspected grading. For the purposes of this code, non-inspected grading shall be defined as any grading for which a grading permit was first obtained, pursuant to Section J103, supra, but which has progressed beyond any point requiring inspection and approval by the Building Official without such inspection and approval having been obtained.

J105.11 Routine Field Inspections and Reports. Unless waived by the Building Official, routine inspection reports shall be provided by the Field Engineer for all engineered grading projects. The Field Engineer shall file these reports, with the Building Official as follows :

1. bi-weekly during all times when grading of 400 cubic yards or more per week is active on the site;
2. monthly, at all other times; and
3. at any time when requested in writing by the Building Official.

Such reports shall certify to the Building Official that the Field Engineer has inspected the grading site and related activities and has found them in compliance with the approved grading plans, the building code, grading permit conditions, and other applicable ordinances and requirements.

J105.12 Completion of work. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is required by the Building Official:

1. An as-built grading plan prepared by the Field Engineer retained to provide such services in accordance with Section J105.3 showing all plan revisions as approved by the Building Official. This shall include original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and

elevations of surface drainage facilities and the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer.

2. The Field Engineer shall state in a report to the Building Official, that to the best of their knowledge, the work within their area of responsibility was done in accordance with the final approved grading plan.

3. A report prepared by the Soils Engineer retained to provide such services in accordance with Section J105.4, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils Engineer shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter. The report shall contain a finding regarding the safety of the completed grading and any proposed structures against hazard from landslide, settlement, or slippage.

4. A report prepared by the Engineering Geologist retained to provide such services in accordance with Section J105.5, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. The Engineering Geologist shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.

5. The grading contractor shall submit a statement of conformance to said as-built plan and the specifications.

J105.13 Notification of completion. The permittee shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted and approved.

SECTION J106 EXCAVATIONS

J106.1 General. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section.

In the absence of an approved soils engineering or engineering geology report, these provisions may be waived, as approved by the Building Official, for minor cuts not intended to support structures nor subject to a surcharge.

J106.2 Maximum slope. The slope of cut surfaces shall be no steeper than is safe

for the intended use and shall be no steeper than 2 units horizontal in 1 unit vertical (50% slope) unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property in conformance with the requirements of Section J111. The Building Official may require the excavation to be made with a cut face flatter in slope than two horizontal to one vertical if the Building Official finds it necessary for stability and safety.

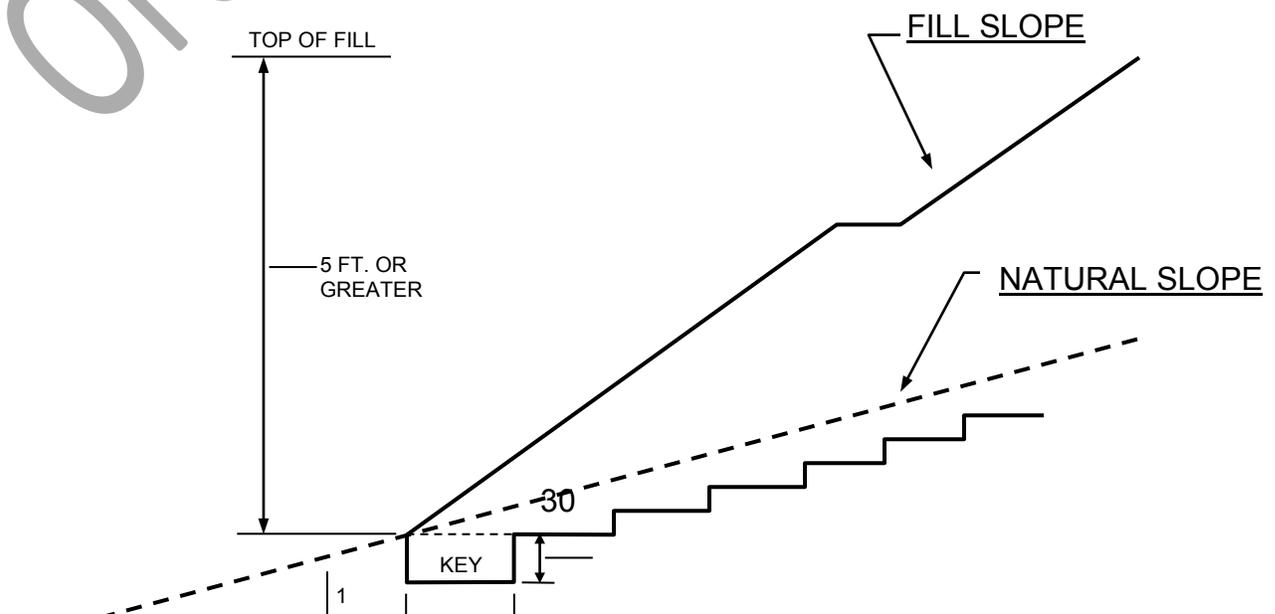
J106.3 Slope Surface Protection. All slopes must be stabilized against surface erosion. Stabilization may be accomplished through the application of erosion control blankets, soil stabilizers or other means as approved by the Building Official.

J106.4 Drainage. Drainage, including drainage terraces and overflow protection, shall be provided as required by Section J109.

SECTION J107 FILLS

J107.1 General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report and if approved by the Building Official, these provisions may be waived for minor fills not intended to support structures.

J107.2 Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than 2 units horizontal in 1 unit vertical (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 5 units horizontal in 1 unit vertical (20% slope) and the height is greater than 5 feet, benching into sound bedrock or other competent material shall be provided as a minimum in accordance with Figure J107.2 or as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 5 units horizontal in 1 unit vertical (20% slope) shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide but the cut shall be made before placing the fill and acceptance by the Soils Engineer or Engineering Geologist or both as a suitable foundation for fill.



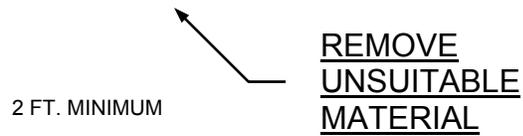


FIGURE J107.2 BENCHING DETAILS

J107.3 Subdrains. Except where recommended by the Soils Engineer or Engineering Geologist as not being necessary, subdrains shall be provided under all fills placed in natural drainage courses and in other locations where seepage is evident. Such sub-drainage systems shall be of a material and design approved by the Soils Engineer and acceptable to the Building Official. The permittee shall provide continuous inspection during the process of subdrain installation to conform with approved plans and Engineering Geologist's and Soils Engineer's recommendation. Such inspection shall be done by the soil testing agency. The location of the subdrains shall be shown on a plan by the Soils Engineer. Excavations for the subdrains shall be inspected by the Engineering Geologist when such subdrains are included in the recommendations of the Engineering Geologist

J107.4 Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Unless approved by the Building Official, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills.

EXCEPTION: The Building Official may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
2. Rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade, measured vertically.
3. Rocks shall be placed so as to assure filling of all voids with well-graded soil.
4. The reports submitted by the soils engineer shall acknowledge the placement of the oversized material and whether the work was performed in accordance with the engineer's recommendations and the approved plans.
5. The location of oversized rock dispersal areas shall be shown on the as-built plan.

J107.5 Compaction. All fills shall be compacted to a minimum of 90 percent of maximum density. Fills shall be compacted throughout their full extent to a minimum relative compaction of 90 percent of maximum dry density within 40 feet below finished grade and 93 percent of maximum dry density deeper than 40 feet below finished grade, unless a lower relative compaction (not less than 90 percent of maximum dry density) is justified by the soils engineer. The relative compaction shall be determined by A.S.T.M. soil compaction test D1557 where applicable. Where not applicable, a test acceptable to the Building Official shall be used, unless the owner furnishes a soils engineering report conforming with the requirements of Section J104.3, stating that the site has been investigated and giving an opinion that a fill at a steeper slope will be stable and not create a hazard to public or private property. Substantiating calculations and supporting data may be required where the Building Official determines that such information is necessary to verify the stability and safety of the proposed slope. The Building Official may require the fill slope be constructed with a face flatter in slope than two horizontal to one vertical if the Building Official finds it necessary for stability and safety.

Field density shall be determined by a method acceptable to the Building Official. However, not less than ten percent of the required density tests, uniformly distributed, shall be obtained by the Sand Cone Method.

Fill slopes steeper than two horizontal to one vertical shall be constructed by the placement of soil a sufficient distance beyond the proposed finish slope to allow compaction equipment to operate at the outer surface limits of the final slope surface. The excess fill shall be removed prior to completion or rough grading. Other construction procedures may be utilized when it is first shown to the satisfaction of the Building Official that the angle of slope, construction method and other factors will accomplish the intent of this Section.

J107.4 Maximum Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 2 units horizontal in 1 unit vertical (50% slope).

J107.5 Slopes to Receive Fill. Where fill is to be placed above the top of an existing slope steeper than three horizontal to one vertical, the toe of the fill shall be set back from the top edge of the slope a minimum distance of 6 feet measured horizontally or such other distance as may be specifically recommended by a Soil Engineer or Engineering Geologist and approved by the Building Official.

J107.6 Inspection of Fill. For engineered grading, the Soils Engineer shall provide sufficient inspections during the preparation of the natural ground and the placement and compaction of the fill to be satisfied that the work is being performed in accordance with the conditions of plan approval and the appropriate requirements of this chapter. In addition to the above, the Soils Engineer shall be present during the entire fill placement

and compaction of fills that will exceed a vertical height or depth of 30 feet (9144 mm) or result in a slope surface steeper than two horizontal to one vertical.

J107.6 Testing of Fills. Sufficient tests of the fill soils shall be made to determine the density thereof and to verify compliance of the soil properties with the design requirements, including soil types and shear strengths in accordance with the standards established by the Building Official.

SECTION J108 SETBACKS

J108.1 General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the property line and shall be as shown in Figure J108.1., unless substantiating data is submitted justifying reduced setbacks.

J108.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure J108.1, or than is required to accommodate any required interceptor drains, whichever is greater.

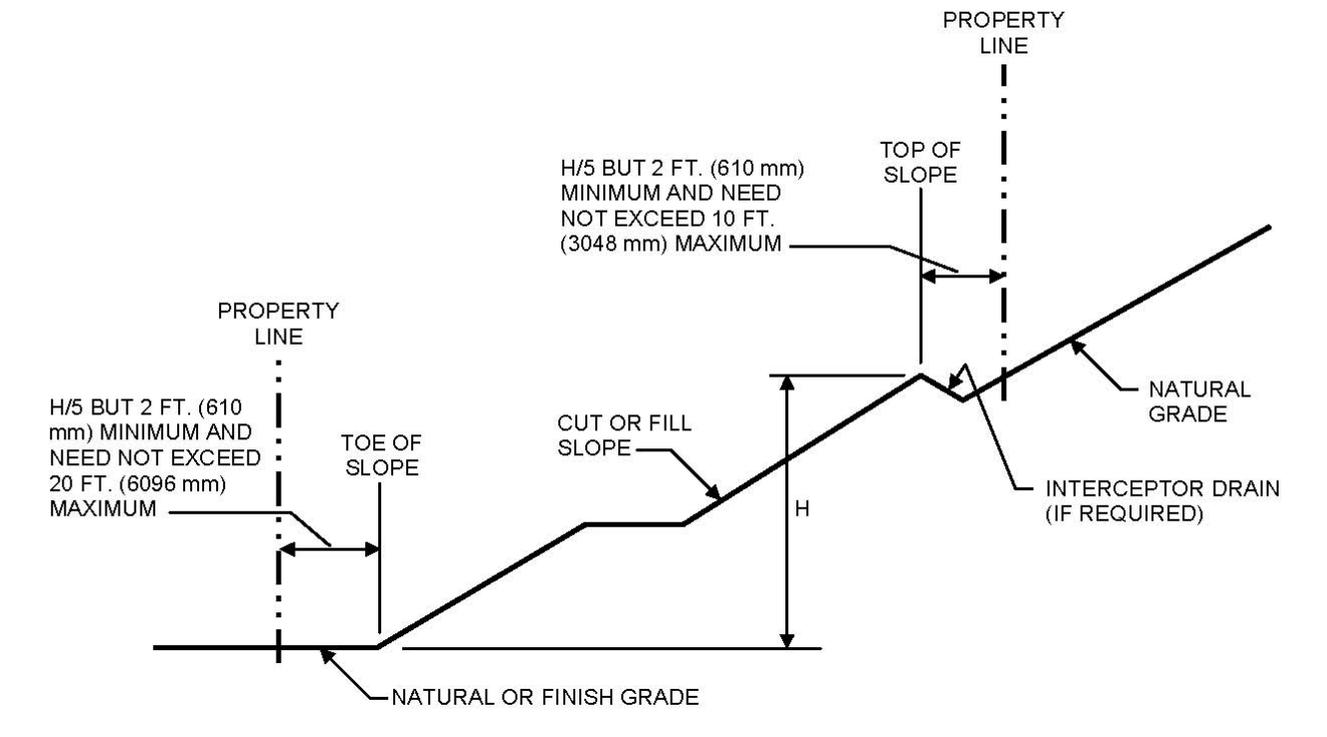


FIGURE J108.1
DRAINAGE DIMENSIONS

J108.3 Toe of Fill Slope. The toe of fill slope shall be made not nearer to the site

boundary line than one half the height of the slope with a minimum of 2 feet (610 mm) and a maximum of 20 feet (6096 mm). Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the Building Official, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure J108.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

J108.4 Alternate Setbacks. The Building Official may approve alternate setbacks. The Building Official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

SECTION J109 DRAINAGE AND TERRACING

J109.1 General. Unless otherwise recommended by a registered design professional, and approved by the Building Official, drainage facilities and terracing shall be provided in accordance with the requirements of this Section .

Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33 percent).

J109.2 Drainage Terraces. Drainage terraces at least 8 feet (2438 mm) in width shall be established at not more than 30 foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than 100 feet (30480 mm) and up to 120 feet (36,576 mm) in vertical height, one terrace at approximately mid-height shall be 20 feet (6,096 mm) in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet (36,576 mm) in height shall be designed by the Civil Engineer and approved by the Building Official. Suitable access shall be provided to permit proper cleaning and maintenance.

Drainage Swales or ditches on terraces shall have a minimum gradient of 5 percent longitudinal grade of not less than 5 percent nor more than 12 percent and a minimum depth of 1 foot (305 mm) at the flow line. There shall be no reduction in grade along the direction of flow unless the velocity of flow is such that slope debris will remain in suspension on the reduced grade. Such terraces and must be paved with reinforced concrete not less than 3 inches (76 mm) in thickness, reinforced with 6-inch (152 mm)

by 6-inch (152 mm) No. 10 by No. 10 welded wire fabric or equivalent reinforcing centered in the concrete slab or an approved equal paving. They shall have a minimum depth at the deepest point of 1 foot (305 mm) and a minimum paved width of 5 feet (1524 mm). Drainage terraces exceeding 8 feet (2438 mm) in width need only be so paved for a width of 8 feet (2438 mm) provided such pavement provides a paved channel at least 1 foot (305 mm) in depth. Downdrains or drainage outlets shall be provided at approximately 300-foot (91.44 m) intervals along the drainage terrace or at equivalent locations. Downdrains and drainage outlets shall be of approved materials and of adequate capacity to convey the intercepted waters to the point of disposal as defined in Section J109.5.

J109.3 Interceptor drains and overflow protection. Berms, interceptor drains or other devices shall be provided at the top of cut or fill slopes to prevent surface waters from overflowing onto and damaging the face of a slope. Berms used for slope protection shall not be less than 12 inches (305mm) above the level of the pad and shall slope back at least 4 feet (1219 mm) from the top of the slope.

Interceptor drains shall be installed along the top of manufactured slopes receiving drainage from a slope with a tributary width greater than 40 feet (12 192 mm), measured horizontally. They shall have a minimum depth of 1 foot (305 mm) and a minimum width of 3 feet (915 mm). The slope shall be approved by the Building Official, but shall not be less than 50 horizontal to 1 vertical (2 percent). The drain shall be paved with concrete not less than 3 inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the Building Official.

J109.4 Drainage across property lines. Surface drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.

J109.5 Disposal. All drainage facilities shall be designed in accordance with Chapter 22.87 of this Code as approved by the City. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices. De-silting basins, filter barriers or other methods, as approved by the Building Official and/or the Public Works Director, shall be utilized to remove sediments from surface waters before such waters are allowed to enter streets, storm drains or natural watercourses. If the drainage device discharges onto natural ground, riprap or a similar energy dissipater may be required.

Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, a public street or drainage structure approved to receive storm waters unless waived by the Building Official. A lesser slope may be approved by the Building Official for sites graded in relatively flat terrain, or where special drainage provisions are made,

when the building official finds such modification will not result in unfavorable drainage conditions.

Ordinance Committee

SECTION J110 SLOPE PLANTING AND EROSION CONTROL

J110.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall consist of effective planting, erosion control blankets, soil stabilizers or other means as approved by the Building Official.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials as approved by the Building Official.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

J110.2 Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

SECTION J111 NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) COMPLIANCE

J111.1 General. All grading plans and permits shall comply with the provisions of this section for NPDES compliance including the owner of any property on which grading has been performed and which requires a grading permit under Section J103.

J111.2 Erosion/Sedimentation Control Plan (ESCP). No grading permit shall be issued unless the plans for such work include a Erosion/Sedimentation Control Plan, that conforms to the Erosion/Sedimentation Control Policy of the City of Santa Barbara's Building & Safety Division, with details of best management practices, including desilting basins or other temporary drainage or control measures, or both, as may be necessary to control construction-related pollutants which originate from the site as a result of construction related activities. Sites which have been graded and which requires a grading permit under Section J103 are subject to penalties and fines per Section J111.4

All best management practices shall be installed before grading begins. As grading progresses, all best management practices shall be updated as necessary to prevent erosion and control constructed related pollutants from discharging from the site. All best management practices shall be maintained in good working order to the satisfaction of the Building Official unless final grading approval has been granted by the Building Official and all permanent drainage and erosion control systems, if required, are in place.

J111.4 Erosion/Sedimentation Control Plan, Effect of Noncompliance. Should the owner fail to install the best management practices required by Section J111.2 it shall be deemed that a default has occurred under the conditions of the grading permit

security. There upon, the Building Official may enter the property for the purpose of installing, by City forces or by other means, the drainage, erosion control and other devices shown on the approved plans, or if there are no approved plans, as the Building Official may deem necessary to protect adjoining property from the effects of erosion, flooding, or the deposition of mud, debris or constructed related pollutants, or the Building Official may cause the owner to be prosecuted as a violator of this Code or may take both actions. The Building Official shall have the authority to collect the penalties imposed by this section upon determining that the site is non-compliance. Payment of penalty shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work.

If the best management practices for storm water pollution prevention are not installed as prescribed in Section J111.2 and approved by the Building Official, the following penalties shall be imposed:

Grading Permit Volume Penalty:

1--10,000 cubic yards (1--7645.5 m³) = \$100.00 per day

10,001--100,000 cubic yards (7646.3--76455 m³) = \$250.00 per day

More than 100,000 cubic yards (76455 m³) = \$500.00 per day

NOTE: See Section J108 for inspection request requirements.

SECTION J112 DUST CONTROL

Santa Barbara County Air Pollution Control District's dust control measures identified as Construction Impact Mitigation: PM10 Mitigation Measures in SBCAPCD's *Scope and Content of Air Quality Sections in Environmental Documents* shall be adhered to during all ground disturbing activities.

SECTION J113 REFERENCED STANDARDS

These regulations establish minimum standards and are not intended to prevent the use of alternate materials, methods or means of conforming to such standards, provided such alternate has been approved.

The Building Official shall approve such an alternate provided he or she finds that the alternate is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, durability and safety.

The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims regarding the alternate.

The standards listed below are recognized standards, compliance with these standards recognized standards shall be prima facie evidence with the standard of duty set forth in Section 107.

1. Testing.

- a) ASTM D 1557, Laboratory Characteristics Compaction of Soil Using Modified Effort
- b) ASTM D 1556, Density and Unit Weight of Soils In Place by the Sand Cone Method
- c) ASTM D 2167, Density and Unit Weight of Soils In Place by the Rubber--Balloon Method
- d) ASTM D 2937, Density of Soils in Place by the Drive--Cylinder Method
- e) ASTM D 2922, Density of Soil and Soil Aggregate In Place by Nuclear Methods
- f) ASTM D 3017, Water Content of Soil and Rock in Place by Nuclear Methods

SECTION 3. Section 22.04.025 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.025 Amendments to California Residential Code

The 2016 California Residential Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.025.

A. Section R105.1.1 "Driveways and parking areas" and R105.1.2 "Demolition permits" are added to read as follows:

Section R105.1.1 Driveways and Parking Areas. *Any work that is intended to create new, or to alter or demolish existing vehicular driveways and/or parking areas shall require a building permit. Prior to commencement of such work the owner or authorized agent shall first make application to the building official and obtain the required permit.*

Section R105.1.2 Demolition Permits. *Building permits shall be required to demolish any building, portion of a building, or structure within the City of Santa Barbara and shall be subject to the following conditions:*

1. *The applicant shall ensure all utility connections have been removed by the appropriate utility providers, except such utility services that are approved for use in connection with the work of the demolition. The applicant shall provide verification from the utility providers that utility service has been disconnected.*

2. *All resulting building debris, trash, junk, vegetation, dead organic matter, rodent harborage, or combustible material that constitutes a threat to life, health, or property, or is detrimental to the public welfare or which may reduce adjacent*

property value shall be removed from the site within thirty (30) days after the demolition of the structure.

B. Section R105.2 is amended to read as follows:

Section R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *(Note - For work, other than work involving, or accessory to, detached one- and two-family dwellings or townhouses, see Section 105 of the 2016 California Building Code as amended):*

Building:

1. *One-story detached residential accessory structures used as tool and storage sheds, playhouses, portable and fixed playground equipment, bicycle or skateboard ramps and similar uses, provided the floor area does not exceed 120 square feet and the height does not exceed 10 feet at the highest point; and further provided the structure does not encroach into required setbacks or required open yards, does not obstruct required parking, and is not served by any utilities. The combined square footage of exempt accessory structures may not exceed 200 square feet on any single parcel.*

2. *Residential fences and walls not over 3 ½ feet high, as measured from the lowest adjacent grade of the fence or wall, and that such fence or wall will not adversely affect drainage or cause erosion.*

3. *Residential retaining walls which are not over 4 feet in height as measured from the bottom of the footing to the top of the wall, and that such wall will not support a surcharge, will not adversely affect drainage or cause erosion and is not located on a slope greater than 20%.*

4. *Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.*

5. *Uncovered residential platforms, decks, porches, walks, patios, flatwork and similar structures not more than 10 inches above adjacent grade, and not over any basement or story below, and not part of the means of egress from a normally occupied space.*

6. *Interior painting, papering, tiling, carpeting, counter tops and similar finish work.*

7. *Prefabricated swimming pools that are less than 24" deep.*

8. *Ground mounted radio, television and other masts or antenna or dish shaped communication reception or transmitting structures less than 3 feet in diameter, which do not extend more than 15 feet above grade and are not served by electrical circuits regulated under the National Electrical Code NEC). Light-weight roof-mounted radio, television, and other masts or antenna or dish shaped communication reception or transmitting structures less than 2 feet in diameter, which do not extend more than 15 feet above the roof, are not served by electrical circuits regulated under the NEC, and which are not subject to design review by the Architectural Board of Review, Historic Landmarks Commission, or Single Family Design Board.*

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefore.
3. Replacement of branch circuit over current devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

C. Section R105.5 "Expiration" is amended to read as follows:

R105.5 Expiration. Unless extended by the Building Official, every permit issued shall become invalid when:

1. The work on the site, authorized by such permit, is not commenced within 180 days of the permit issuance date, or
2. During any period of more than 180 days after permit issuance, the work on site *does not receive a City Inspection approval for any one of the inspections found in Section 110.3*

Prior to the permit expiration above, when requested in writing, the Building Official may grant administrative permit extensions for circumstances, out of the permit holder's control, that caused the construction to stop. *However, no permit will be active for more than 6 years.*

D. Section R106.6 "Licensed Architect Required" is added to read as follows:

R106.6 Licensed Architect Required. *All permit applications and construction documents for residential buildings of greater 5,000 SF or required to provide Tier 3 storm water compliance shall be reviewed for consistency and submitted with the seal and signature of a State licensed architect.*

E. Section R112.1 "General" is amended to read as follows:

R112.1 General. Appeals of orders, decisions, or determinations made by the Building Official shall be addressed in accordance with the provisions of Section 113 of the California Building Code as amended by the City of Santa Barbara in Section 22.04.020 of this Code.

F. Section R115 "Post-Damage Assessment" is amended to read as follows:

R115 Post-Damage Assessment. Residential buildings subject to this code shall be assessed for damage and placarded in accordance with Chapter 22.09 of this Code.

G. Section R304.5 "Efficiency Dwelling Units" is amended to read as follows:

R304.5 Efficiency Dwelling Units. Unless modified by local ordinance pursuant to Health and Safety Code Section 17958.1, efficiency dwelling units shall comply with the following:

1. The unit shall have a living room of not less than 220 square feet (20.4 m²) of floor area. An additional 100 square feet (9.3 m²) of floor area shall be provided for each occupant of such unit in excess of two.

Exception:

Notwithstanding the provisions of subsection 1 above, for projects constructed or operated by a nonprofit or governmental agency offering housing at an Affordable Housing Cost to Lower Income Households (as those terms are defined in sections 50052.5 and 50079.5 of the California Health and Safety Code), the City may permit efficiency dwelling units for occupancy by no more than two persons who qualify as either very low or low income households where the units have a minimum useable floor area, (excluding floor area in the kitchen, bathroom and closet), of not less than 150 square feet. In all other respects,

such efficiency dwelling units shall conform to the minimum standards specified in this code.

2. The unit shall be provided with a separate closet.

3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

H. Section R313.1 “Townhouse automatic fire sprinkler systems” is amended to read as follows:

R313.1 Townhouse and one- and two-family dwelling automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in *new* townhouses and one- and two- family dwellings.

R313.1.1 Design and installation. Automatic residential fire sprinkler systems for townhouses and one- and two- family dwellings shall be designed and installed in accordance with Section *R313.3 or NFPA 13D*.

I. Section R313.2 “One- and two- family dwellings automatic fire sprinkler systems” is amended to read as follows:

R313.2 City of Santa Barbara Local Requirements. Approved sprinkler systems shall be provided throughout a building in connection with the projects or changes of occupancy listed in this Section R313.2.2 or as specified elsewhere in this Section R313, whichever is more protective.

R313.2.1 Additions to or Remodels of Single Family Residences, Duplexes and Townhouses. Sprinklers are required for the addition of floor area to, or the modification or alteration of the interior of, an existing building that contains a Group R, Division 3 occupancy and townhouses, where the floor area of the portion of the building that is added, modified, or altered exceeds 75% of the existing floor area of the building. *For purposes of this section, all modifications or alterations to an existing building that occur after September 11, 2009 shall be counted in the aggregate toward the 75% threshold measured against the floor area of the building.*

R313.2.2 Computation of Square Footage. For the purposes of this Section R313, the floor area of buildings shall be computed in accordance with the definition of “Floor area, Gross” provided in Section 202 of the 2016 California Building Code.

R313.2.3 Existing use. Except as provided in this Section R313, any building in existence at the time of the effective date of the ordinance adopting this section may continue with such use if such use was legal at the time.

J. Section R337.1.1 “Scope” is amended to read as follows:

R337.1.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings, *remodels or additions to existing buildings* located within a Wildland-Urban Interface Fire Area as defined in Section R337.2 and R337.1.3.1 Item #3.

K. Section R337.1.3 “Application” is amended to read as follows:

R337.1.3. Application. New buildings, *remodeled buildings or additions to existing buildings* in any Fire Hazard Severity Zone or Wildland-Urban Interface Area designated by the enforcing agency constructed after the application date shall comply with this chapter.

Exception: Accessory and/or Group U occupancy buildings may be exempted from all or portions of this chapter *upon approval of the Fire Marshall and/or Chief Building Official.*

L. Section R337.5 “Roofing” is amended to read as follows:

R337.5 Roofing

R337.5.1 General. Roofs shall comply with the most restrictive requirements of Sections R337 and R902. Roofs shall have a roofing assembly installed in accordance with its listing and manufacturers installation instructions.

R337.5.2 Roof Coverings. Roof coverings on new buildings shall be class A noncombustible in accordance with adopted CRC Standards or otherwise as may be approved by the Chief Building Official. Roof coverings shall be class A or noncombustible fire retardant materials on existing buildings and additions or repairs to existing buildings. Treated or untreated wood shakes or shingles shall not be permitted, except on existing structures which are constructed with shake or shingle roofs where less than 20% of the existing roof is being replaced within a two (2) year period, provided such replacement roofing is fire retardant treated wood shakes or shingles. Green” or “Vegetated” roofs shall not be used in the Wildland-Urban Interface Fire Area.

R337.5.3 Roof Valleys. Where valley flashing is installed, the flashing shall be not less than 0.019-inch (0.48 mm) No. 26 gage galvanized sheet corrosion-resistant metal installed over not less than one layer of minimum 72 pound (32.4 kg) mineral-surfaced non-perforated cap sheet complying with ASTM D 3909, at least 36-inch wide (914 mm) running the full length of the valley.

R337.5.4 Roof Gutters. Roof gutters shall be provided with an approved means to prevent the accumulation of leaves and debris in the gutter. All roof gutters and downspouts shall be constructed of non-combustible materials.

R337.5.5 Drip Edge Flashing. When drip edge flashing is used at the free edges of roofing materials, it shall be non-combustible.

M. Section R337.6.2 “Requirements” is amended to read as follows:

R337.6.2 Requirements. Ventilation openings for enclosed attics, enclosed eave soffit spaces, enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters, and underfloor ventilation openings shall be fully covered with metal wire mesh, vents, other materials, or other devices that meet the following requirements:

1. The dimensions of the openings therein shall be a minimum of 1/16th inch (1.6 mm) and shall not exceed 1/8th inch (3.2mm).
2. The materials used shall be noncombustible.

Exception to item #2: Vents located under the roof covering, along the ridge of roofs, with the exposed surface of the vent covered by noncombustible wire mesh, may be of combustible materials.

3. The materials used shall be corrosion resistant.
4. Individual ventilation openings shall not exceed 144 square inches.
5. Turbine attic vents shall be equipped to allow one-way direction rotation only and shall not free spin in both directions.
6. Ventilation openings protected with vent openings that resist the intrusion of flame and embers, and which are listed by the State Fire Marshal, are exempt from complying with this sub-section.

N. Section R337.8.2 "Exterior glazing" is amended to read as follows:

R337.8.2 Exterior glazing. The following exterior glazing materials and/or assemblies shall comply with this section:

1. Exterior windows and/or skylights.
2. Exterior glazed doors.
3. Glazed openings within exterior doors.
4. Glazed openings within exterior garage doors.
5. Exterior structural glass veneer.

O. Sections R341 and R342 are added as follows:

R341. Encroachments into the Public Right of Way. *Encroachments into the public right of way shall comply with the standards of Chapter 32 of the California Building Code.*

R342. Safeguards During Construction. *Provisions for pedestrian safety during construction and the protection of adjacent public and private properties shall be governed by the requirements of Chapter 33 of the California Building Code.*

P. Section R401.4 "Soils tests" is is amended to read as follows:

R401.4. Soils Reports/Geotech Investigations. A Soils Report or Geotechnical Investigation shall be required as outlined in Section 1803 of the California Building Code.

Exceptions:

1. Single-story additions with less than a 500 sq. ft. "footprint" and that are less than 50% of the existing structure they are attached to.
2. Second story additions to an existing slab on grade structure that does not require new footings.
3. Detached "U" Occupancy Category buildings.

Q. Section 401.5 "Grading" is added to read as follows:

R401.5 Grading. All grading, excavations and earthwork, including work required and/or related to structures regulated by this code, shall comply with Appendix J "Grading" of the 2016 California Building Code as amended.

R. Section R403.1.2 "Continuous footing in seismic design categories D₀, D₁ and D₂" is amended to read as follows:

R403.1.2 Continuous footing in seismic design categories D₀, D₁ and D₂. The braced wall panels at exterior walls of buildings located in Seismic Design Categories D₀, D₁ and D₂ shall be supported by continuous footings. All required interior braced wall panels in buildings shall be supported by continuous footings regardless of the spacing of the brace wall lines.

S. Section R403.1.5 "Slope" is amended to read as follows:

R403.1.5 Slope. The top surface of footings shall be level. The bottom surface of footings shall not have a slope exceeding one unit vertical in ten units horizontal (10-percent slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footings or where the slope of the bottom surface of the footings will exceed one unit vertical in ten units horizontal (10-percent slope).

For structures located in Seismic Design Categories D₀, D₁, D₂, and E, stepped footings shall be reinforced with four ½-inch diameter (12.7 mm) deformed reinforcing bars. Two bars shall be placed at the top of the footing and two bars shall be placed at the bottom of the footing.

T. Section R404.2 "Wood foundation walls" is amended to read as follows:

R404.2 Wood foundation walls. Wood foundation walls shall be constructed in accordance with the provisions of Sections R404.2.1 through R404.2.6 and with the details shown in Figures 403.1(2) and R403.1(3). Wood foundation walls shall not be used for structures located in Seismic Design Categories D₀, D₁, D₂, and E.

U. Sections R902.1–R902.1.3 of the "Roofing covering materials" section are amended to read as follows:

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A or B roof shall be installed in areas designated by this section. Classes A and B roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

R902.1.1 Roof Coverings within Very-High Fire Hazard Severity Zones. The roofing and re-roofing requirements of structures within Very-High Fire Hazard Severity Zones shall be the same as is required for Wildland-Urban Interface Fire Area, as defined in Section R337.2 and R337.1.3.1 Items #2 and #3.

R902.1.2 “Roof coverings within state-responsibility areas” is deleted in its entirety without replacement.

R902.1.3 Roof coverings in all other areas. The roof covering or roofing assembly of any new building or the re-roofing of any existing building shall be no less than Class B. Treated or untreated wood shakes or shingles shall not be permitted, except on existing structures which are constructed with shake or shingle roofs where less than 20% of the existing roof is being replaced within a two-year period, provided such replacement roofing is fire retardant treated wood shakes or shingles.

Exception: In the High Fire Hazard District, roof coverings shall be in accordance with Section R337 as amended.

V. Section R905.10.1 “Deck Requirements” is amended to read as follows:

R905.10.1 Deck Requirements. Metal roof panel roof coverings shall be applied to a solid or closely fitted deck, except where the roof covering is specifically designed to be applied to braced supports. *Metal roof panel coverings shall not be installed over combustible shingles or shakes*

W. Appendix I - Section AI101 “I” is amended to read as follows:

AI101.1 General *Private sewage disposal systems shall conform to the 2016 California Plumbing Code Section 301.6 as amended by the City of Santa Barbara.*

X. Appendix V - Section AV100 is amended to read as follows:

AV100 Private Swimming Pools. *Private swimming pools shall be constructed in accordance with the 2016 California Building Code, Section 3109.*

Y. Appendix V - Sections AV100.1–AV100.9 are deleted

SECTION 4. Section 22.04.030 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.030. Amendments to California Plumbing Code.

The 2016 California Plumbing Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.030.

A. Section 104.4.3 “Expired Permits” is amended to read as follows:

104.4.3 Expired Permits. *Permits shall expire in accordance with Section 105.5 of the 2016 California Building Code as amended by the City of Santa Barbara in Section 22.04.020.*

B. Section 104.5 “Fees” is amended to read as follows:

104.5 Fees. *Fee payments, fee schedules, work commencing prior to permit issuance, related fees and refunds shall be in accordance with 2016 California Residential Code Section R108 for one- and two-family dwellings and townhomes and in accordance with 2016 California Building Code Section 109 for all other fees.*

C. Section 107 “Board of appeals” is amended to read as follows:

107 Board of Appeals. *Appeals of orders, decisions, or determinations made by the Building Official shall be addressed in accordance with the provisions of Section 113 of the 2016 California Building Code as amended by the City of Santa Barbara in Section 22.04.020.*

D. Section 301.6.1 “County as Local Health Authority” is added to read as follows:

301.6.1 County as Local Health Authority. *Pursuant to the application of section 301.6, the Santa Barbara County Environmental Health Department is the Local Health Authority.*

E. Section 422.1 “Fixture count” is amended to read as follows:

422.1 Fixture Count. *Plumbing fixtures shall be provided for the type of building occupancy and in the minimum number shown in Table 422.1 [OSHPD 1, 2, 3, & 4] and Table 4-2.*

Exception: Within existing buildings, the Chief Building Official may make alternate consideration findings for partial compliance on the basis of one or more of the following criteria:

- 1. The cost of compliance is in excess of 15% of all cost of construction as proposed or incurred within one (1) year before or after the work proposed; or*
- 2. The proposed use does not intensify the occupant load by more than 15% of the existing occupant load; or*
- 3. Due to physical constraints of existing buildings and occupancies relative to disabled access regulations.*

The total occupant load and occupancy classification shall be determined in accordance with Occupant Load Factor Table A. Occupancy classification not shown in Table 422.1 shall be considered separately by the Authority Having Jurisdiction.

The minimum number of fixtures shall be calculated at 50 percent male and 50 percent female based on the total occupant load. Where information submitted indicates a difference in the distribution of the sexes such information shall be used in order to determine the number of fixtures for each sex. Once the occupancy load and occupancy are determined, Table 422.1 shall be applied to determine the minimum number of plumbing fixtures required. Where applying the fixture ratios in Table 422.1 results in fractional numbers, such numbers shall be rounded to the next whole number.

For multiple occupancies, fractional numbers shall be first summed and then rounded to the next whole number.

422.1.1 Family or Assisted-Use Toilet and Bathing Facilities. Where family or assisted-use toilet and bathing rooms are required, in applicable building regulations, the facilities shall be installed in accordance with those regulations.

422.1.2 [DSA-AC] *Effective January 1, 1990, in new construction and those existing facilities which occupancy type are listed in Tables 422.1 and 4-4 for public use, which apply for permit to undertake construction, structural alterations, repairs or improvements which exceed 50 percent of the square footage of the entire facility, shall install water closets, urinals, lavatories and drinking fountains as stipulated in Tables 422.1 and 404 for public use. Community and/or municipal parks with bleacher capacity not exceeding 500 seats shall be exempt from the requirements of this section and Tables 422.1 and 4-4. Each bathroom shall comply with Part 2, Chapter 11A and 11B of the California Building Code.*

F. Section 423 "Fountains" is added to read as follows:

423 Fountains. All fountains and other decorative bodies of water shall be equipped with a recirculation system and shall be designed to operate without a continuous supply of water.

G. Section 424 "Vehicle Wash Facilities" is added to read as follows:

424 Vehicle Wash Facilities.

424.1. All vehicle wash facilities using conveyORIZED, touchless and/or rollover in-bay technology shall reuse a minimum of fifty percent (50%) of water from previous vehicle rinses in subsequent washes.

424.2. Vehicle wash facilities using reverse osmosis to produce water rinse with a lower mineral content, shall incorporate the unused concentrate in subsequent vehicle washes.

424.3. All hoses pipes and faucets designed for the manual application of water to vehicles at vehicle wash facilities shall be equipped with a positive shut-off valve designed to interrupt the flow of water in the absence of operator applied pressure.

H. Section 603.1 "General" is amended to read as follows:

603.1 General. Cross-connection control shall be provided in accordance with the provisions of this chapter and Sections 7583 through 7630 "Drinking Water Supplies" of Title 17 of the California Administrative Code, and where there is a conflict between the requirements, the higher level of protection shall apply.

No person shall install any water-operated equipment or mechanism, or use any water-treating chemical or substance, if it is found that such equipment, mechanism, chemical, or substance causes pollution or contamination of the domestic water supply.

Such equipment or mechanism shall be permitted only when equipped with an approved backflow prevention device or assembly.

I. Section 608.2 “Excessive Water Pressure” is amended to read as follows

608.2 Excessive Water Pressure. Regardless of the pressure at the main, all occupancies served by the City of Santa Barbara Water Resource Division shall be equipped with an approved pressure regulator preceded by a strainer (unless a strainer is built into the device). Any irrigation system or other secondary piping that bypasses said regulator shall be equipped with its own approved pressure regulator and strainer, installed upstream of any piping, backflow device, valve, solenoid or outlet. Such regulator(s) shall control the pressure to all water outlets in the building unless otherwise approved by the Authority Having Jurisdiction. Each such regulator and strainer shall be accessibly located above ground or in a vault equipped with a properly sized and sloped bore-sighted drain to daylight, shall be protected from freezing, and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping. Pipe size determinations shall be based on 80 percent of the reduced pressure when using Table 6-6. An approved expansion tank shall be installed in the cold water distribution piping downstream of each such regulator to prevent excessive pressure from developing due to thermal expansion and to maintain the pressure setting of the regulator. The expansion tank shall be properly sized and installed in accordance with the manufacturer's instructions and listing. Systems designed by registered engineers shall be permitted to use approved pressure relief valves in lieu of expansion tanks provided such relief valves have a maximum pressure relief setting of one hundred (100) pounds per square inch (689 kPa) or less.

J. Sections 710.14 “Sewage Pump Signaling Device” and 710.15 “Approved Type Backwater Valve” are added to read as follows:

710.14 Sewage Pump Signaling Device. Specially designed sewage disposal systems which depend upon a sewage lift pump or ejector for their operation shall be provided with an approved audible signaling device to warn building occupants in the event of pump failure.

710.15. Approved Type Backwater Valve. When the valuation of an addition, alteration, or repair to a building exceeds \$1,000.00 or when additions, alterations, or repairs are made to the plumbing system or fixtures and a permit is required, an approved backwater valve shall be installed in accordance with Section 710.0 of this Code.

Exception: The following work is allowed without the installation of a Backwater Valve:

1. Repairs to the exterior surface of a building.
2. The installation of solar photo voltaic energy systems
3. The installation of electrical vehicle charging systems
4. Domestic water heater equipment replacements

5. Residential electrical panel board replacement/upgrades
6. Other work as deemed exempt in writing by the Chief Building Official

K. Section 713.2 “Connection to Public Sewage System” is amended to read as follows:

713.2 Connection to Public Sewage System. When no public sewer intended to serve any lot or premises is available in any thoroughfare or right of way abutting such lot or premises, drainage piping from any building or works shall be connected to an approved private sewage disposal system.

Approved private systems may be used until a public system is available. Upon written notice by the Chief Building Official to the record owner of title, such private systems shall be abandoned in accordance with the provisions of Section 722.0 of this code and permits to connect to the public system must be secured.

SECTION 5. Section 22.04.040 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.040 Amendments to the California Mechanical Code.

The 2016 California Mechanical Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.040.

A. Section 104.5 “Fees” is amended to read as follows:

104.5 Permit fees. Fee payments, fee schedules, work commencing prior to permit issuance, related fees and refunds shall be in accordance with CRC Section R108 for one- and two-family dwellings and townhomes and in accordance with CBC Section 109 for all other fees.

B. Section 104.4.3 “Expired Permits” is hereby is amended to read as follows:

104.4.3 Expired Permits. Permits shall expire in accordance with Section 105.5 of the 2016 California Building Code as amended by the City of Santa Barbara in Section 22.04.020

C. Section 107 “Board of Appeals” is hereby is amended to read as follows:

107 Board of Appeals. Appeals of orders, decisions, or determinations made by the Authority Having Jurisdiction shall be addressed in accordance with the provisions of Section 113 of the California Building Code as amended by the City of Santa Barbara in Section 22.04.020.

SECTION 6. Section 22.04.050 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.050. Amendments to the California Electrical Code.

The 2016 California Electrical Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.050.

A. Article 90.4.1 added to read as follows:

90.4.1 Administration. This code shall be administered in accordance with Chapter 1 of the 2016 California Building Code as amended by the City of Santa Barbara in Section 22.04.020.

Ordinance Committee

SECTION 7. Section 22.04.060 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.060 Amendments to the 2016 California Green Building Standards Code

The 2016 California Green Building Standards Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.060.

A. Section 4.304.2 “Fountains” is added to read as follows:

4.304.2 Fountains. All residential fountains directly plumbed by potable water, on a single parcel of land, shall not exceed a total water surface area of twenty five square feet.

B. Section 5.304.7 “Fountains” is added to read as follows:

5.304.7 Fountains. All non-residential fountains directly plumbed by potable water, on a single parcel of land, total water surface area shall not exceed twenty five square feet.

SECTION 8. Section 22.04.070 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.070 Amendments to the 2015 International Property Maintenance Code

The 2015 International Property Maintenance Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.070.

A. Section 101.1 “Title” is amended to read as follows:

101.1 Title. These regulations shall be known as the *Property Maintenance Code of the City of Santa Barbara*, hereinafter referred to as “this code”.

B. Section 103.1 is amended to read:

103.1 General. The City Building and Safety Division unit is hereby appointed to enforce this code. The City’s Chief Building Official will serve as the Code Official.

C. Sections 103.2 – 103.5 are deleted without replacement.

D. Section 108.1 “General” is amended to read as follows:

108.1 General. When a structure or equipment is found by the code official to be unsafe, unfit for human occupancy, or unlawful, such structure or equipment shall be placarded accordingly pursuant to section 108.4 of this code.

E. Section 108.4 “Placarding” is amended to read as follows:

108.4 Placarding. Pursuant to conditions found in sections 108.1, 108.2, 108.3 and 108.5 of this code, the code official shall post, on the subject premises, structure or equipment a placard stating either “Unsafe” or “Limited Entry”. Such placard shall include the penalty for violating the conditions of the placard and reference to the appeals process of section 111 of 2016 California Building Code as amended by the City of Santa Barbara in Section 22.04.020 of this Code.

F. Section 108.7 “Record” is amended to read as follows:

108.7 Record. Official records associated with a violation that is subject to the application of this code shall be retained by the City.

G. Section 111 “Means of Appeal” is amended to read as follows:

111 Means of Appeal. Appeals of orders, decisions, or determinations made by the Code Official shall be addressed in accordance with the provisions of Section 113 of the 2016 California Building Code as amended by the City of Santa Barbara in Section 22.04.020.

H. Section 112.4 “Failure to Comply” is amended to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed by the code official to perform to remove a violation or unsafe condition, may be assessed a citation as outlined in Santa Barbara Municipal Code Section 1.25.

I. Section 302.4 “Weeds” is amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12”. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

J. Section 304.14 “Insect Screens” is amended to read as follows:

304.14 Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fittings screens of minimum 12 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

K. Section 602.2 “Residential Occupancies” is amended to read as follows:

602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating

L. Section 602.3 “Heat Supply” is deleted without replacement.

M. Section 602.4 “Occupiable work spaces” is deleted without replacement.

SECTION 9. Section 22.04.080 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is deleted without replacement.

SECTION 10. Whenever in this Ordinance or in any of the codes adopted by reference hereby, another code or publication of standards or of rules or regulations is referred to, such reference shall incorporate and adopt by reference such other codes, standards or rules or regulations as part of this ordinance. A copy of said primary and secondary codes are on file and shall be maintained for public inspection by the Chief Building Official as provided in Title 5, Division 1, Part 1, Chapter 1 of the California Government Code while this Ordinance is in force.

SECTION 11. Ordinance Number 5639 repealed upon the effective date of this ordinance.

SECTION 12. The provisions of this ordinance shall take effect at 12:01 a.m. on January 1, 2017.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: October 11, 2016

TO: Ordinance Committee Members

FROM: Fire Prevention Bureau, Fire Department

SUBJECT: 2016 Fire Code Adoption

RECOMMENDATION:

That the Ordinance Committee review and recommend for approval to the City Council An Ordinance of the Council of the City of Santa Barbara repealing Santa Barbara Municipal Code Chapter 8.04 and adopting a new Chapter 8.04 adopting by reference the 2015 Edition of the International Fire Code, including appendix Chapter 4 and Appendices B, BB, C, CC, and H of that code, and the 2016 California Fire Code with local amendments to both codes.

DISCUSSION:

In 2007, the State of California and local jurisdictions within the state adopted the International Fire Code, with state and local amendments. The International Fire Code is part of a greater series of model codes that includes the International Building Code, also published by the International Code Council (ICC). Both were adopted by the State under Title 24 of the California Code of Regulations, Part 9 and Part 2 respectively. The codes are on a three year revision cycle and in 2013 we revised the California versions of the international codes and readopted them under Ordinances 5638 and 5639. The codes are once again at the end of a three year cycle and the new California Codes will go into effect January 1, 2017. The State of California has completed amendments to the codes as of July 1, 2016 and local jurisdictions have 180 days to further amend them before they become law. In 2007, 2010 and 2013 Council adopted the California Fire code, which was further amended based on local conditions as the Santa Barbara

Fire Code under Municipal Code Chapter 8.04. We are currently at the start of another three year cycle.

As we have in the past, local amendments to the code are kept to a minimum and are designed to address situations based on local conditions. We adopt this code together with companion codes adopted by Building and Safety Division such as the California Building Code and California Residential Code. Our coordinated approach and joint adopted sections make the city codes consistent and easily understood by stakeholders. Areas of common interest such as the Board of Appeals protocols, Fire Protection Systems and High Fire Hazard Area construction requirements are finalized between the affected city divisions before incorporation into the respective ordinances. In this way we attempt to eliminate ambiguous or contradictory language and other potential conflicts. This year we have changed very little from our last adoption of the code in 2013. The attachment with this report summarizes our edits to adopted sections.

Staff recommends that the Ordinance Committee forward the attached Ordinance to the City Council for approval. If the Ordinance Committee does so, the Ordinance will be presented to the City Council for introduction on October 25, 2016.

ATTACHMENT: Summary of Amendments, California Fire Code

PREPARED BY: Joseph Poiré, Fire Marshal

SUBMITTED BY: Patrick McElroy, Fire Chief

APPROVED BY: City Administrator's Office

Santa Barbara City Fire Department

2015 International Fire Code / 2016 California Fire Code Adoption
Summary of Amendments

October 11, 2016

MC = Municipal Code, CFC = International or California Fire Codes

#	Chapter/Section	Title	Concept	Type(new, existing CFC / MC deleted or revised)	Findings
1.	Chapter 1 Division II / Sec 103 & 103.1	Fire Prevention Bureau	Updates International Code language referring to "Prevention Department"; replaces with "Fire Prevention Bureau"	Existing, updated CFC / MC	Na, Administrative
2	Chapter 1, Division II / Sec. 103.3.1	Fire Prevention Bureau Personnel and Police	Part of the organization of the Fire Prevention Bureau, carried over from the existing code, citing authority of fire code officials.	Existing, CFC / MC	Na, Administrative
3	Chapter 1 Div II Sec. 104.10	Fire Investigations	Existing language from the 2013 California Fire Code, with minor word changes for clarity, citing authority to investigate.	Existing, CFC / MC	Na, Administrative
4	Chapter 1/ Division II Sec.108	Board of Appeals	Base code appeal sections, deleted to allow for local appeals sections below.	Deleted	Na, Administrative
5	Chapter 1/ Division II. Sec 109.4	Violation Penalties	Completes the IFC section 109 by describing violations of the code as a misdemeanor, consistent with current language. Minor section number change	Existing, CFC / MC	Na, Administrative
6	Chapter 1/ Division II Sec. 114.1.1 through 114.1.8	Building and Fire Code Board of Appeals	Readopts existing local provisions for a joint Building and Fire Code Board of appeals. Companion section to California Building Code Section 113.1	Existing, CFC / MC,	Na, Administrative
7	Chapter 3 / 307.1.2	Prohibited Open Burning	Returned a previously deleted section authorizing the Fire Code Official to prohibit open burning when atmospheric or local	NA	NA, Chapter 3 Not building standards and not adopted by the State of California

			conditions make such fire hazardous when smoke emissions become offensive or objectionable		
8	Chapter 3 / Section 308.1.4	Open Flame cooking devices	Deleted and new sections added below as in the 2013 adoption,	Existing, MC	NA, Chapter 3 Not building standards and not adopted by the State of California
8	Chapter 3 / Section 308.1.4.1	Open Flame cooking Devices	Existing section in the local code, again amending the CFC. IFC 308.1.4, which prohibited charcoal barbeques on most apartment patio's and decks within 10 feet of any combustible element, a section that is unenforceable. Not adopted by the state.	MC / Existing	NA, Chapter 3 Not building standards and not adopted by the State of California
9	Chapter 3 / Section 308.1.4.1	Liquefied- petroleum gas fueled cooking devices.	Amends the section to allow standard sized (5 gallon) propane barbeques on apartment decks / balconies.	MC / Existing	NA, Chapter 3 Not building standards and not adopted by the State of California
10	Chapter 3/ Section 317.1.1	Rooftop Gardens and Landscaped Roofs	Moves the Fire Department standard prohibiting vegetated roofs in the High Fire Hazard areas to Chapter 3,	New	NA, Chapter 3 Not building standards and not adopted by the State of California
11	Chapter 4	Emergency Planning and Preparedness	As in 2013, this chapter not adopted either locally or at the state level. Chapter 4 conflicts with or duplicates state regulations (Title 19) in several sections; has additional requirements in conflict with or not desirable under local conditions.	Deleted	NA, Chapter 4 Not building standards and not adopted by the State of California or by this jurisdiction.
12	Chapter 5 / Section 503.1 through 503.5.2	Fire Apparatus Access Roads	Amends the access sections to meet existing local requirements of 20 feet in width for commercial and 16 feet in width for residential to within 150 feet of exterior walls. Minor changes to the exceptions allowed for the 150 foot requirement, adding language to #1 that maintains current local standards for grade, cross slope turning radius and dead ends.	Existing, CFC / MC, minor revisions	This section is reasonably necessary to accommodate fire apparatus in both the existing environment and new construction, in conformance with Climatic finding A and Topographical findings A, B and C
13	Chapter 5 / 503.5.1.1 and 503.5.1.2	Secured Gates and barricades	One section amended, one added to the access roadways, dealing with the closure of certain roadways due to fire danger. Minor revisions to the "tampering" with locked gates section and the new section prohibits parking vehicles in a manner that blocks closed gates.	Existing MC	This section is reasonably necessary to accommodate fire apparatus in both the existing environment and new construction, in conformance with Climatic finding A and Topographical findings A, B and C

14	Chapter 5 / Section 505.1.1	Premise Identification, Mixed use occupancy	Refers to local municipal code section 8.04.030 regarding mixed use occupancy signs to clarify that they are required in both existing and new construction.	Existing MC	This section is reasonably necessary to due to the potential for increased response times outlined in Geological conditions A and B, potential response issues outlined in Topographical Conditions A and B, and the need to quickly identify and render aid to trapped or injured victims in residential occupancies that are not immediately apparent.
15	Chapter 5 / Section 505.3	Directory	Maintains the existing requirement for a project directory when required by the fire code official. Minor wording changes.	Existing MC	This section is reasonably necessary to due to the potential for increased response times outlined in Geological conditions A and B, potential response issue outlined in Topographical conditions outlined in Topographical Conditions A and B, and the need to quickly identify and render aid to trapped or injured victims in residential occupancies that are not immediately apparent.
16	Chapter 5 / Section 507.through 507.5.6	Required Water Supply	The basic fire flow requirements of Chapter 5 were adopted by the state, along with Appendix B of the International; Code. The state then leaves local jurisdictions to either use Appendix B or any "approved method" without further definition. These sections outline the locally approved method and are a readoption of our existing fire-flow requirements for new construction.	Existing MC	This section is reasonably necessary to due to the potential for water supply challenges based on Climatic Conditions A, B and C, and Geological conditions A and B.
17	Chapter 9 / Section 903.2.20	Automatic Fire Sprinkler Systems	The California Fire Code provisions in Chapter 9 are less stringent than our existing requirements, in some cases allowing for assembly occupancies up to 12,000 square feet without sprinklers. Changes in Chapter 9 are similar to changes we made in 2007 when	Existing MC, CFC, CBC & Cal. Residential Code	This section is reasonably necessary to ensure that incipient fires are initially controlled where possible throughout the city on the event that seismic activity overwhelms

			we amended to code with local sprinkler requirements, both commercial and later, residential. Once again this year the state divided sprinkler requirements and assigned residential sprinklers to the 2016 California Residential Code. We therefore moved our own residential sprinkler requirements to that code, under Section R313. Our commercial requirements remain in this chapter of both the Fire and Building Codes. Additional changes this year include a minor date reference to the original sprinkler ordinance adoption date of September 11, 2009, and clarifying language 903.2.20.4 regarding responsibility and apportionment of sprinkler costs in commercial development.		existing suppression resources or impacts response times. Experience has shown that sprinkler systems have the capacity to control or extinguish fires at an early stage, often eliminating the threat. This can be critical where later utility disruptions further delay first responders. This section therefore applies to Climatic Conditions B C and D and Geological Conditions A and B.
18	Chapter 9 / Section 907.2.30	Fire Alarm Detection Systems	This section is a minor revision of our existing requirement for an automatic detection fire alarm in mixed use occupancies. We first authored this section in response to the proliferation of residential units above commercial occupancies throughout the city. The concept is to alert the residents in the event of a fire condition in the business occupancies below, especially at night when the business is closed.	Existing, MC, CFC	This section is reasonably necessary to due to the potential for increased response times outlined in Geological conditions A and B, potential response issue outlined in Topographical conditions outlined in Topographical Conditions A and B, and the need to quickly identify and render aid to trapped or injured victims in residential occupancies that are not immediately apparent.
19	Chapter 49 / Sections 4901 through 4909.13	Requirements for Wildland Interface Areas	These sections were adopted in 2007 as Chapter 47, which was later changed to Chapter 49. Local sections have been renumbered to match and supplement the state's adopted version of the code and are unchanged from 2013. Also added is a reference to the adoption of the 2004 Wildland Fire Plan as the City of Santa Barbara Community Wildfire Protection Plan (CWPP) in 2011.	Existing MC	Chapter 49, The Wildland Interface Amendments are reasonably necessary to respond to the wildland urban interface threat in the city and surrounding areas, based on Climatic Conditions A, B D, and C and Topographic conditions A, B and C.
20	Chapter 49/	Flammable	Clarifies language about landscape plants	existing	Chapter 49, The Wildland

	Section 4906.1.2	Vegetation	installed without a permit and cause for removal in the HFH areas		Interface Amendments are reasonably necessary to respond to the wildland urban interface threat in the city and surrounding areas, based on Climatic Conditions A, B D, and C and Topographic conditions A, B and C.
21	Chapter 49 Section 4907.5	Vines and Climbing ornamentals	Addresses the maintenance of existing vines and climbing plants attached to structures in the HFH areas.	existing	Chapter 49, The Wildland Interface Amendments are reasonably necessary to respond to the wildland urban interface threat in the city and surrounding areas, based on Climatic Conditions A, B D, and C and Topographic conditions A, B and C.
22	Chapter 56 / 5601.2	Explosives and Blasting Agents	Expanded Chapter 56 by the state required some minor renumbering of existing sections at 5601.1.3, maintain Santa Barbara's prohibition of all fireworks. Limits storage by Zone, excludes most of the city. Storage is limited to the industrial zone near the airport, by permit only	Existing MC	Chapter 56 Explosives and fireworks amendments are reasonably necessary to minimize a conflagration that has the potential to overwhelm resources, in conformance with Climatic Conditions A through D, Topographical Conditions A through C and Geological Conditions A and B.
23	5601.3 and 5601.4	Fireworks, Prohibition	State law allows for "safe and sane" fireworks. Maintains the current prohibition on all fireworks within the city limits, including safe and sane. Provides for confiscation.	Existing MC	Chapter 56 Explosives and fireworks amendments are reasonably necessary to minimize a conflagration that has the potential to overwhelm resources, in conformance with Climatic Conditions A through D, Topographical Conditions A through C and Geological Conditions A and B.
24	Municipal Code Section 8.04.030 A and B	Fire Prevention Development Standards	A) Fire Zone 2 allows for on-site water and other requirements in areas where there is no municipal water supply. B) Requires the mixed use occupancy sign, which identifies the	Existing MC	The amendments to Municipal Code sections 8.04.030 pertaining to on site water are reasonably necessary to ensure

			<p>presence of dwelling units for first responders when a new building combines residential and commercial occupancies. No Changes</p>		<p>an adequate supply of firefighting water in Wildland areas pursuant to Climatic conditions A, B, C and D; The mixed use occupancy sign standard to ensure that first responders have adequate signage to locate potential victims pursuant to our amendment to CFC 505.1.1 (above) and in response to the potential for increased response times outlined in Geological conditions A and B; potential response issues outlined in Topographical Conditions A and B, and the need to quickly identify and render aid to trapped or injured victims in residential occupancies that are not immediately apparent.</p>
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ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA REPEALING SANTA BARBARA MUNICIPAL CODE CHAPTER 8.04 AND ADOPTING A NEW CHAPTER 8.04 ADOPTING BY REFERENCE THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, INCLUDING APPENDIX CHAPTER 4 AND APPENDICES B, BB C, CC AND H OF THAT CODE, AND THE 2016 CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS TO BOTH CODES.

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

SECTION 1. Findings

Climatic Conditions

A. The City of Santa Barbara is located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry winds, (“Sundowners”) which may reach speeds of 60 m.p.h. or greater, are also common to the area. These climatic conditions cause extreme drying of vegetation and common building materials. In addition, the high winds generated often cause road obstructions such as fallen trees. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires. In addition to directly damaging or destroying buildings, these fires also disrupt utility services throughout the area. The City of Santa Barbara and adjacent front country have a history of such fires, including the 1990 Painted Cave Fire and the 1977 Sycamore Canyon Fire. In 2007, the City was impacted by the back country Zaca Fire and by the Gap fire in 2008. The Tea Fire destroyed over 150 homes within the City in November of 2008 and the Jesusita Fire destroyed homes and property in much of the Santa Barbara front country in May of 2009.

B. The climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the Fire Department’s ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the City.

C. Water demand in this area challenges the quantity supplied by natural precipitation and, although the population continues to grow, the already-taxed water supply does not. The estimated population of California in 2006 was more than 36 million people. The state is projected to increase in population by nearly 10 million by the year 2030, with 50 percent of that growth centered in Southern California. Due to

storage capacities and consumption, and a limited amount of rainfall, future water allocation may not be fully dependable in many areas of the state. The city's core area continues to become more concentrated, with new multi-storied mixed-use structures whose occupants, along with the structures themselves, could be vulnerable to uncontrolled fires due to lack of available water. This necessitates the need for additional and on-site fire protection features.

D. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems also reduce the use of water for firefighting by extinguishing fires at an early stage. Climatic conditions also necessitate the implementation of additional measures to control the threat of overgrown vegetation in the wildland urban interface areas, commonly referred to as the high fire hazard areas of the city.

Topographical conditions:

A. Natural slopes of 15 percent or greater generally occur throughout the foothills of Santa Barbara, especially in the High Fire Hazard areas such as the Foothill and Extreme Foothill zones. With much of the populated lower elevation areas already built upon, future residential growth is and will continue to occur on steeper slopes and in areas with greater constraints in terrain such as the Foothill and Extreme Foothill zones. Geographic and land-use constraints throughout the city have resulted in greater density along with a large number of mixed use projects, combining residential with commercial occupancies.

B. Traffic and circulation congestion is an ongoing problem throughout the region. Traffic flow in and through Santa Barbara is limited by the transverse Santa Ynez Mountains, which provide limited passage to the north, and the Pacific Ocean to the south. The narrow corridor that Highway 101 occupies is subject to traffic delays under normal conditions and emergency events can render the highway impassable. This has the double effect of preventing traffic from leaving the city and potentially preventing emergency workers, who often live out of town, from entering. This condition existed for several days during the La Conchita slide in 2005 and it disrupted the return of city workers who live in the Ventura area. At various times in the city's history, Highway 101 has also been closed north of the city due to mudslides, fires and flooding, most recently near Gaviota Pass, where a fire also temporarily closed the rail access.

In addition, roads in the foothills are narrow, often steep and vulnerable to emergency conditions. Some of the older roadways are below current access standards and pose challenges to responding emergency vehicles, especially fire engines. These challenges are exacerbated in the event of an evacuation, particularly in the Foothill and Extreme Foothill zones.

C. These topographical conditions combine to create a situation which places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

Geological conditions:

The City of Santa Barbara region is a densely populated area that has buildings constructed over and near a vast and complex network of faults that are believed to be capable of producing future earthquakes similar or greater in size than the 1994 Northridge and the 1971 Sylmar earthquakes. Known faults in the city include the Lavigia, North Channel Slope, Mesa and Mission Ridge-More Ranch faults. Additional faults near the city would also be capable of disruption of services, including fire protection. The Southern California Earthquake Center predicts that there is an 80-90% probability of a magnitude 7.0 earthquake somewhere in Southern California before the year 2024. Regional planning for reoccurrence of earthquakes is recommended by the State of California, Department of Conservation.

A. Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors of buildings. The October 17, 1989, Loma Prieta earthquake resulted in one major fire in the Marina District (San Francisco). When combined with the 34 other fires locally and over 500 responses, the department was taxed to its fullest capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. In addition to gas mains, individual gas and electric service connections to residences may provide both fuel and ignition sources during a seismic event. This situation creates the need for both additional fire protection and automatic on-site fire protection for building occupants.

B. Road circulation features located throughout Santa Barbara also make amendments reasonably necessary. There are major roadways, highways and flood control channels that create barriers and slow response times. Hills, particularly in the Foothill and Extreme Foothill zones, slopes, street and storm drain design accompanied by occasional heavy rainfall, cause roadway flooding and landslides and at times may make an emergency access route impassable. Much of Sycamore Canyon lies in an area subject to geologic activity, as witnessed by the recent closure of the road due to the slide potential.

The climatic, topographical, and geological conditions described above make it prudent to rely upon automatic fire sprinkler systems and other fire protection measures to mitigate extended fire department response times. Automatic sprinklers, mixed use notification signs, fire alarms and other measures specified in this ordinance are intended to lessen life safety hazards and keep fires manageable with potentially reduced fire flow (water) requirements for a given structure. Additional fire protection is also justified to

match the current resources of firefighting equipment and personnel within the Santa Barbara City Fire Department.

SECTION 2. Section 8.04.010 of the Santa Barbara Municipal Code is adopted to read as follows:

8.04.010 Adoption of International Code by Reference

Subject to the amendments specified in Section 8.04.020 of this Code, The International Fire Code, as published by the International Code Council (2015 Edition), including Appendix Chapter 4 and Appendices B, BB, C, CC and H; The 2016 California Fire Code (Title 24, Part 9 of the California Code of Regulations); and all standards and secondary codes referenced in said codes are adopted by reference and shall be known as the City of Santa Barbara Fire Code.

Said codes and any standards and secondary codes adopted by reference and the amendments therein, are on file and available for public inspection in the office of the City Clerk.

SECTION 3. Section 8.04.020 of the Santa Barbara Municipal Code is adopted to read as follows:

8.04.020 Amendments to International Fire Code

In response to local climatic, geological and topographical conditions, The 2015 International Fire Code and The 2016 California Fire Code, as adopted by reference by in Section 8.04.010, are amended as follows:

A. Section 103 is hereby renamed: **Fire Prevention Bureau** and is amended as follows:

[A] 103.1 General. The Fire Prevention Bureau is established in the jurisdiction under the fire code official. The function of the division shall be the implementation, administration and enforcement of the provisions of this code.

[A]103.3.1 Fire prevention bureau personnel and police. The fire code official and members of the fire prevention bureau shall have the powers of a police officer in performing their duties under this code. When requested to do so by the fire chief, the chief of police is authorized to assign such available police officers as necessary to assist the fire department in enforcing the provisions of this code.

B. Section 104.10 “Fire investigations” is amended to read as follows:

[A] 104.10 Fire investigations. The fire code official is authorized to investigate promptly the cause, origin and circumstances of every fire, explosion or other hazardous condition occurring in the jurisdiction. In addition, the fire code official is authorized to investigate the cause, origin and circumstances of unauthorized releases

of hazardous materials in the jurisdiction. If it appears to fire code official that such incidents are of suspicious origin, the fire code official is authorized to take immediate charge of all physical evidence relating to the cause of the fire, explosion, hazardous condition, or release and is authorized to pursue the investigation to its conclusion.

[A]104.10.1 **Assistance from other agencies.** Police and other enforcement agencies are authorized to assist in the investigation of fires when requested to do so by the fire code official.

C. Section 108 “Board of Appeals” is deleted in its entirety without replacement.

D. Section [A]109.4 “Violation penalties” is amended to read as follows:

[A] Section 109.4 Violation penalties. Persons who violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor. Penalties shall be as prescribed by state law and local ordinance. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

E. Chapter 1, Division II of the International Fire Code is amended by adding Section 114 “Building and Fire Code Board of Appeals” to read as follows:

Section 114. Building and Fire Code Board of Appeals

In order to hear and decide appeals of orders, decisions or determinations made by the Fire Code Official or Building Official relative to the application and interpretations of the technical codes, there shall be and is hereby created a Building and Fire Code Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and building service equipment and who are not employees of the jurisdiction. The Building and Fire Code Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official or Building Official.

114.1.1 Alternatives. The Board may consider any alternate provided that it finds that the proposed design, material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in accessibility, suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation. The Board shall have no authority to waive the requirements of the applicable Code.

114.1.2 Appointments. *The City Council shall appoint qualified 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 Code Official as may be appropriate based on the subject matter.*

114.1.3 Quorum. *For other than appeals and ratifications relative to Chapter 11, it shall take a quorum of three members to hear an appeal and majority vote of the Board convened to sustain an appeal. Appeals and ratifications relative to the enforcement of Chapter 11, at least 2 of the Board members hearing the item must be disabled. (ref: State Health & Safety Code, Section 19957.5)*

114.1.4 Chairperson. The chairperson shall be selected by the convened Board. The chairperson shall maintain order and conduct the meeting in accordance with Section 114.1.7.

114.1.5 Meetings. The Board shall meet when needed to hear an appeal or when needed to transact business of the Board. Either the Chief Building Official or the Fire Code Official or their designee shall act as Secretary of the Board.

114.1.6 Board Decisions. The decision of the Building and Fire Code Board of Appeals shall be final on all matters of appeals and shall become an order to the Appellant, Building Official or Fire Code Official as may be appropriate.

114.1.7 Procedural Rules. *Appeal hearings shall be conducted substantially in accordance with the following format:*

1. *Any person may appeal a decision of the Chief Building Official or Fire Code Official by filing a written appeal with the Chief Building Official or Fire Code Official within 10-days of the issuance of the decision.*
2. *No notice of appeal shall be accepted unless the notice is accompanied by the fee specified by resolution of the City Council.*
3. *All appeals shall be heard not less than 10-days and not more than 60-days from the date on which the Chief Building Official or Fire Code Official receives the written appeal..*
4. *The filing of a timely appeal with the City Building Official or Fire Code Official shall place a stay on further enforcement of the specific matter appealed, except for instances of immediate danger to life or property.*
5. *The Chairperson shall call the meeting to order.*
6. *The Chairperson shall note the Board members present for the minutes.*
7. *The Chairperson shall recognize the Chief Building Official or Fire Code Official for presentation of the appeal. The Chief Building Official or the Fire Code Official shall read his/her recommendation to the Board.*
8. *The Chairperson shall recognize the Appellant for presentation of rebuttals.*

9. *All witnesses must be called by either the Appellant or the Chief Building Official or the Fire Code Official and may be questioned.*
10. *The Board may entertain comments from the public.*
11. *The Board may affirm, deny, or amend the decision of the Chief Building Official or the Fire Code Official.*
12. *The Board shall issue its decisions in writing and shall include a statement of the decision appealed, the decision of the Board and the findings made by the Board in reaching their decision.*
13. *The Chairperson shall adjourn the meeting at the end of business.*
14. *The Secretary shall prepare minutes for the record and shall serve as custodian of case records and said minutes.*

This Board shall serve as the appeals boards defined in Section 108.1

F. **Chapter 3** of the International Fire Code is amended as follows:

1. **307.1.2 Prohibited open burning.** *Opening burning that is offensive or objectionable because of smoke emissions or when atmospheric or local circumstances make such fires hazardous shall be prohibited.*
2. **Section 308.1.4** is deleted without replacement.
3. **Section 308.1.4.1** is amended to read as follows:

Section 308.1.4.1 Liquefied-petroleum gas fueled cooking devices. LP gas burners having an LP gas container with a water capacity greater than 25 pounds (5 Gallon) shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exception: One and two-family dwellings.

4. **.317.1.1 Rooftop Gardens and Landscaped Roofs.** Rooftop gardens and landscaped roofs, also known as vegetated roofs, are prohibited in the High Fire Hazard areas.

G. Chapter 4 of the International Fire Code is deleted in its entirety without replacement.

H. Section 503 "Fire Apparatus Access Roads" is deleted in its entirety and readopted to read as follows:

503.1 Where Required. Fire Department access roads shall be provided and maintained in accordance with Sections 503.1.1 and 503.1.3

503.1.1 Buildings and Facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus roads shall comply with the requirements of this section and shall extend to within 150 feet of (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to increase the dimension of 150 feet (45,720 mm) where:

1. The building is equipped throughout with an approved automatic sprinkler system and installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

2. Fire apparatus Roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternate means of fire protection is provided.

503.1.2 Additional Access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of the terrain, climatic conditions or other factors that could limit access.

503.1.3 High Piled Storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 23.

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches. If a fire apparatus access road serves three or fewer single-family residential units, the required width may be reduced to not less than 16 feet (4879 mm) upon the approval of the fire code official.

503.2.2 Authority. The fire code official is authorized to require and increase in the minimum access widths where they are inadequate for fire or rescue operations.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Such fire apparatus access roads shall be capable of supporting 60,000 pounds and shall be constructed of approved materials.

503.2.4 Turning radius. The turning radius of roadways shall be no less than 70 feet in diameter measured from outer edge to outer edge.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 300 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

503.2.7 Grade. The gradient for a fire apparatus access road shall not exceed a 16 % grade.

503.2..7.1 Cross-slope. The cross-slope gradient shall not exceed 6%.

503.2.8. Angle of Approach and Departure. The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus.

503.3 Marking. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. The minimum required widths and clearances established in Section 503.2.1 shall be maintained at all times.

503.5 Required gates or barricades.

503.5.1 Secured gates and barricades. When required, gates and barricades shall be secured in an approved manner. Roads, trails and other access ways that have been closed and obstructed in the manner prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the owner and the fire code official.

503.5.1.1 Vehicle obstruction. Entrances to roads, trails, or other access ways that have been closed with gates and barriers in accordance with Section 503.5 shall not be obstructed by parked vehicles, except for public officers acting within their scope of duty.

503.5.1.2 Closure of access ways. Locks, gates, doors, barricades, chains, enclosures, signs, tags, or seals which have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with or otherwise molested in any manner except when authorized by the fire code official or by public officers acting within their scope of duty.

503.5.2 Fences and Gates. School grounds may be fenced and gates therein may be equipped with locks, provided that safe dispersal areas based on 3 square feet (0.28m²) per occupant are located between the school and the fence. Such required safe dispersal areas shall not be located less than 50 feet (15240 mm) from school buildings. Every public and private school shall conform to Section 32020 of the Education Code.

I. Section 505 "Premises Identification" is amended to add Sections 505.1.1 and 505.3 to read as follows:

505.1.1 Mixed Use Occupancy Identification. Mixed use occupancy notifications signs shall be provided according to Municipal Code 8.04.030 (B).

505.3 Directory. For complexes and large buildings, an approved directory or premise map may be required at a location determined by the fire code official.

J. Section 507 "Fire Protection Water Supplies" is deleted in its entirety and readopted to read as follows:

507.1 Required Water Supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Prior to development of a project, the fire code official may require the flow testing of fire hydrants adjacent to the proposed development in order to determine adequacy of fire flow.

507.2 Type of Water Supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required flow.

507.2.1 Private fire service mains. Private fire service mains and appurtenance shall be installed in accordance with NFPA 24.

507.2.2 Water tanks. Water tanks for private fire protection shall be installed in accordance with NFPA 22.

507.3 Fire Flow. Fire Flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method *or Appendix B*. For the purposes of this section, an "approved water supply" shall mean the following:

1. Residential Requirement. All residential buildings containing ten (10) or less dwelling units shall be served by a fire flow of 750 gpm at a residual pressure of 20 psi when flowing. Fire-flow requirements may be modified downward by the fire code official

for isolated buildings or the installation of approved fire protection devices, but in no case shall the fire flow be less than 500 gpm at a residual pressure of 20 psi. Residential buildings containing eleven (11) or more dwelling units shall be served by fire flows in compliance with the commercial requirements below.

2. Commercial Requirement. A fire flow of 1,250 gpm at a residual pressure of 20 psi when flowing will be required.

507.4 Water Supply Test. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system.

507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.1 through 507.5.6 or Appendix C of the International Fire Code.

507.5.1 Where Required, Commercial. A commercial hydrant to Santa Barbara City standards must be located within 300 feet of all portions of a facility or building as measure by an approved route around the exterior of the facility or building. Where a portion of the facility or building is hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, the fire code official may require on-site hydrants or another approved mitigation method.

507.5.1.1 Where Required, Residential. For Group R-3, Group U and Group R-2 occupancies containing ten (10) or less dwelling units, a residential hydrant to Santa Barbara City standards must be located within 500 feet of all portions of a facility or building as measure by an approved route around the exterior of the facility or building. Where a portion of the facility or building is hereafter constructed or moved into or within the jurisdiction is more than 500 feet from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, the fire code official may require on-site hydrants or another approved mitigation method.

507.5.2 Inspection, Testing and maintenance. Fire hydrant systems shall be subject to such periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall be in accordance with approved standards.

507.5.3 Private fire service mains and water tanks. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with *Title 19 California Code of Regulations Chapter 5*.

507.5.4 Obstruction. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall

not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

507.5.5 Clear space around hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

507.5.6 Physical protection. Where fire hydrants are subject to impact by a motor vehicle, guard posts or other approved means shall comply with Section 312.

K. Section 903.2 “Where required” is amended to add Section 903.2.19 to read as follows:

903.2.20 Local Requirements. Approved automatic sprinkler systems shall be installed throughout buildings and structures as specified elsewhere in this Section 903.2 or as specified in this Section 903.2.20, whichever is more protective.

903.2.20 .1 New Buildings, Generally. The construction of a new building containing any of the following occupancies: A, B, E, F, H, I, L, M, R, S or U.

Exceptions: A new building containing a Group U occupancy that is constructed in the City’s designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area. A new building containing a U occupancy that is constructed outside the City’s designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 5000 square feet of floor area.

903.2.20..2 New Buildings in the High Fire Hazard Area. The construction of any new building within the City’s designated High Fire Hazard Area.

Exception: A new building containing a Group U occupancy that is constructed in the City’s designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area.

903.2.20.3 Additions to Buildings Other than Single Family Residences. The addition of floor area to an existing building that contains any occupancy other than Group R, Division 3.

903.2.20.4 Remodels of Buildings Other than Single Family Residences. The remodel or alteration of the interior of an existing building that contains any occupancy other than Group R, Division 3, where the floor area of the portion of the building that is modified or altered exceeds 50% of the existing floor area of the building. For purposes of this section, all modifications or alterations to an existing building that occur after September 11, 2009 shall be counted in the aggregate toward the 50% threshold measured against the floor area of the building. It shall be the responsibility of the building owner to install the sprinkler system throughout the building when the threshold has been exceeded.

Exception: Nothing in this section shall prevent the building owner from negotiating a written agreement with the tenant or tenants for allocating the cost of the sprinkler system in any proportion.

903.2.20.5 Change of Occupancy to a Higher Hazard Classification. Any change of occupancy in an existing building where the occupancy changes to a higher hazard classification

903.2.20.6 Computation of Square Footage. For the purposes of this Section 903.2.19, the floor area of buildings shall be computed in accordance with the definition of “Floor area, Gross” provided in Section 1002.1 of the California Building Code.

903.2.20.7 Existing use. Any existing building not classified as Group R, Division 3, in existence at the time of the effective date of this code may have their use continued if such use was legal at the time. Additions to existing buildings shall require an automatic fire sprinkler system installed throughout, including areas not previously protected.

L. Section 907 “Fire Alarm and Detection Systems” is amended to add Section 907.2.27 to read as follows:

907.2.30 Mixed Use Occupancies. Where residential occupancies are combined with commercial occupancies, a fire alarm system shall be installed which notifies all occupants in the event of a fire. The system shall include automatic smoke detection throughout the commercial and common areas. In addition, a notification system shall be installed in a manner and location approved by the fire code official that indicates the presence of residential dwelling units in accordance with Municipal Code Section 8.04.030 B.

M. Section 4901 “General” is amended to read as follows:

Section 4901.1 Scope. The mitigation of conditions where a wildfire burning in vegetative fuels may readily transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities, or result in large property losses shall comply with this chapter. In addition, this section is intended to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire which might be caused by recreational, residential, commercial, industrial or other activities conducted in Urban Wildland Interface Areas as defined by the City of Santa Barbara Wildland Fire Plan.

Section 4901.2 Purpose. The purpose of this code is to provide minimum standards to increase the ability of a building to resist the intrusion of flame or burning embers being projected by a vegetation fire and contributes to a systematic reduction in conflagration losses through the use of performance and prescriptive requirements. In addition, the purpose of this code is to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire which might be caused by recreational,

residential, commercial, industrial or other activities conducted in Urban Wildland Interface Areas.

Section 4901.3 Policy. The policy direction for the City of Santa Barbara Wildland Urban Interface Area is established by the City of Santa Barbara Wildland Fire Plan, approved by City Council in January of 2004.

N. **Section 4902 “Definitions”** is amended to add the definitions of “Spark Arrester”, “Tracer”, and “Tracer Charge” and to amend the definition of “Wildland-Urban Interface Fire Area” to read as follows:

Spark Arrester is defined as a device constructed of non-flammable materials specifically for removing and retaining carbon and other flammable particles over 0.0232 inches in size from the exhaust flow of an internal combustion engine operated by hydrocarbons.

Tracer is any bullet or projectile incorporating a feature which marks or traces the flight of said bullet or projectile by flame, smoke or other means which result in fire or heat.

Tracer Charge is any bullet or projectile incorporating a feature designed to create a visible or audible effect by means which result in fire or heat and shall include any incendiary bullets and projectiles.

Wildland-Urban Interface Fire Area is a geographical area identified by the state as a “Fire Hazard Severity Zone” in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. See Article 86B for the applicable referenced Sections of the Government Code and the Public Resources Code. The City of Santa Barbara Wildland Fire Plan, approved by City Council in January of 2004 and adopted as the Community Wildfire Protection Plan in 2011, outlines the Wildland Urban Interface Areas within the City of Santa Barbara’s local jurisdiction. For purposes of this code, Wildland Urban Interface Areas and High Fire Hazard Areas are interchangeable.

O. Section 4903 “Plans” is amended to read as follows:

4903.1 General. When required by the fire code official, a fire protection plan shall be prepared for parcels within Urban Wildland Interface Areas.

4903.2 Content. The plan shall be based on site specific wildfire hazard and risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building construction and fire-resistance factors, fire protection systems and equipment, evacuation, defensible space and vegetation management. The plan shall also address any off site factors listed above that affect the project area.

4903.3 Cost. The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

4903.4 Plan retention. The fire protection plan shall be retained by the fire code official.

P. Section 4904 “Fire Hazard Severity Zones” is amended to add Section 4904.1.1 to read as follows:

4904.1.1 Local Land Classification. Lands in the local jurisdiction are classified by the Fire Code Official in accordance with the City of Santa Barbara Wildland Fire Plan (May 2004).

Q. Section 4906 “Hazardous Vegetation and Fuel Management” is amended to add Section 4906.1.1 to read as follows:

4906.1.1 General. The City of Santa Barbara Wildland Fire Plan identifies vegetation management areas that pose an increased threat to the community during a wildland fire. Within these areas the fire code official has the authority to work with property owners to reduce the amount of flammable vegetation outside the defensible space areas. These areas include both City and Private lands. Standards for vegetation management are specified in the City of Santa Barbara Wildland Fire Plan.

4906.1.2 Flammable Vegetation. Vegetation installed without an approved landscape plan shall be removed if in the opinion of the fire code official, it is capable of being ignited and endangering property

R. Section 4907 “Defensible Space” is amended by adding the following:

4907.1.1 General. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall follow defensible space requirements outlined in 4907.1 through 4907.9. For purposes of this section, defensible space requirements shall apply to persons owning, leasing or controlling land with hazardous vegetation that is within the defensible space of structures on adjacent properties.

4907.2 Distance Requirements: Maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 30 to 150 feet of such buildings or structures as outlined in the following zones;

1. Coastal Interior 30 to 50 feet brush clearance from structures
2. Coastal 50 to 70 feet brush clearance from structures
3. Foothill 100 feet brush clearance from structures
4. Extreme Foothill 150 feet brush clearance from structures

Exceptions:

1. Single specimens of trees, ornamental shrubbery or similar plants used as ground covers do not have to be removed, provided they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

4907.3 Chimney Clearance. Remove portions of trees which extend within 10 feet (3048 mm) of the outlet of a chimney,

4907.4 Overhanging Trees. Maintain trees adjacent to or overhanging a building free of deadwood,

4907.5 Vines and Climbing Ornamental Plants: Existing vines and climbing plants attached to structures must be maintained in a well-watered condition, free of excessive dead material and trimmed to minimize fire propagation.

4907.6 Roof Debris. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth

4907.7 Additional Clearance Requirements. Within any high fire hazard zone additional brush clearance may be required on slopes greater than 30%. Slopes ranging between 30 and 40 % slope may require 200 feet clearance. Slopes ranging from 41 to 60% may require 250 to 300 foot clearance.

4907.8 High Fire Hazard Area Fire Safe Landscaping. All parcels in the Wildland Urban Interface Areas must meet defensible space requirements as outline in 4707.1. Defensible Space requirements can be met though fire safe landscaping in accordance with Wildland Fire Plan, Appendix E (High Fire Hazard Landscape Guidelines). Fire safe landscaping requirements shall be utilized on all parcels within the Wildland Urban Interface Areas.

4907.8.1 New Development. New developments in the wildland urban interface area must submit Landscape Plans for review by the Fire Code Official. Landscaping shall meet the Defensible Space distances as outlined in the Wildland Fire Plan, Appendix E (High Fire Hazard Defensible Space Requirements). All landscape plant species must be fire resistant as described in the Wildland Fire Plan, Appendix E (High Fire Hazard Landscape Guidelines).

4907.8 Vegetation Road Clearance. The owner, occupant or other person in control of any real property (vacant or developed) in, upon, or adjoining hazardous fire areas, and the owner, occupant or other person in control of real property adjacent to such property shall:

1. Maintain an area cleared of flammable vegetation and other combustible growth for a distance of 10 feet on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided they do not form a means of readily transmitting fire.

2. Maintain an area cleared of all overhanging vegetation for a vertical clearance of not less than 13 feet 6 inches within the full portion of highways and private streets which are improved, roadway and one foot (1 foot) on each side from the edge of the drivable roadway.

4907.9 Unusual Circumstances. If the fire code official determines that difficult terrain, danger or erosion or other unusual circumstances make strict compliance with the clearance of vegetation provisions of Sections 4907 undesirable or impractical, enforcement thereof may be suspended and approved alternative measures shall be provided.

S. Section 4908 "Trespassing On Posted Property" is added to Chapter 49 to read as follows:

4908.1 General. When the fire code official determines that a specific area within a wildland urban interface area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provides.

4908.2. Signs. Approved signs prohibiting entry by unauthorized persons and referring to Section 4908.1 shall be placed on every closed area pursuant to this section.

4908.3 Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

4908.4 Tampering With Fire Department Locks, Barricades And Signs Locks, barricades, seals, cables, signs and markers installed within wildland urban interface areas, by or under the control of the fire code official, shall not be tampered with, mutilated, destroyed or removed. Gates, doors, barriers and locks installed by or under the control of the fire code official shall not be unlocked.

T. Section 4909 "Ignition Sources" is added to Chapter 49 to read as follows:

4909.1 General. Control of ignition sources in wildland urban interface areas shall be in accordance with 4909.1 through 4909.12.

4909.2 Smoking. Lighting, igniting or otherwise setting fire to or smoking tobacco, cigarettes, pipes or cigars in wildland urban interface areas is prohibited.

Exception: Places of habitation or within the boundaries of established smoking areas or campsites as designated by the fire code official.

4909.3 Spark Arresters. Chimney's used in conjunction with fire places, barbeques or heating appliances in which solid or liquid fuels is used, upon buildings, structures or premises located within 200 feet of wildland urban interface areas, shall be provided with a spark arrestor constructed with heavy wire mesh or other non-combustible material with openings not to exceed 1/2 inch.

4909.4 Suppression Equipment for Gasoline-Fueled Internal Combustion Engines- Off Road Vehicles. No person shall use or operate any internal combustion engine which operates on hydrocarbon fuels on any forest, brush, or grass covered land without providing, and maintaining in good working order, a spark arrester attached to the exhaust system, except for motorcycles, vehicles equipped with a muffler as defined by the California Vehicle Code, such as motor trucks, truck tractors, buses, and passenger vehicles are not subject to the provisions of this section. Spark arresters affixed to the exhaust of engines shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

4909.5 Suppression Equipment For Gasoline-Fueled Internal Combustion Engines- Tools. No person shall use or operate any portable saw, auger, drill, tamper or other portable tool powered by a gasoline-fueled internal combustion engine on or near any forest, brush, grass covered land, within 25 feet from any flammable material without providing at the immediate location a round point shovel or a 2A 10 BC fire extinguisher. The above tools shall at no time be farther than 25 feet, with unrestricted access, from the operator to the point of operation.

4909.6 Tracer Bullets, Tracer Charges, Rockets And Model Aircraft. Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across wildland urban interface areas. Rockets, model airplanes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause fire shall not be fired or projected into or across wildland urban interface areas.

4909.7 Apiaries. Lighted and smoldering material shall not be used in connection with smoking bees in or upon wildland urban interface areas except by permit from the fire code official.

4909.8 Open Flame Devices. Welding torches, tar pots, decorative torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon wildland urban interface areas, except by permit from the fire code official.

Exception: Use within habited premises or designated campsites which are a minimum of 30 feet from grass, grain, brush or forested areas.

4909.9 Outdoor Fires. Outdoor fires shall not be built, ignited or maintained in or upon wildland urban interface areas, except by permit from the fire code official. Permits shall incorporate such terms and conditions which will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or upon wildland urban interface areas under the following conditions:

1. When high winds are blowing
2. When a person age 17 or over is not present at all times to watch and tend fire, or
3. When the fire code official declares a Red Flag Fire Warning

Exception: Outdoor fires within habited premises or designated campsites where such fires are built in a permanent barbeque, portable barbeque, outdoor fireplace or grill and are a minimum of 30 feet from grass, grain, brush or forested areas.

4909.10 Outdoor Fireplaces and Barbeques. Permanent barbeques, portable barbeques, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash, or combustible waste material. Permanent barbeques outdoor fireplaces, portable barbeques and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrester, screen, or door.

Exception: When approved, unprotected openings in barbeques and grills necessary for proper functioning.

4909.11 Dumping. Garbage, cans, bottles, papers, ashes, refuse, trash, rubbish or combustible waste material shall not be placed, deposited or dumped in or upon wildland urban interface areas or in, upon or along trails, roadways or highways in wildland urban interface areas.

Exception: Approved public and private dumping areas.

4909.12 Disposal Of Ashes. Ashes and coals shall not be placed, deposited or dumped in or upon wildland urban interface areas.

Exception: (1) In the hearth of an established fire pit, camp stove or fireplace, (2) In a noncombustible container with a tight fitting lid, which is kept or maintained in a safe location not less than 10 feet from combustible vegetation or structures, (3) Where such ashes or coals are buried and covered with 1 foot of mineral earth not less than 25 feet from combustible vegetation or structures.

4909.13 Use Of Fire Roads And Firebreaks. Motorcycles, motor scooters and motor vehicles shall not be driven or parked upon, and trespassing is prohibited upon, fire roads or firebreaks beyond the point where travel is restricted by a cable, gate or sign, without

the permission of the property owners. Vehicles shall not be parked in a manner which obstructs the entrance to a fire road or firebreak.

Exception: Public officers acting within their scope of duty.

U. Section 5601 “General” is amended to add Sections 5601.2, 5601.3, and 5601.4 to read as follows:

Section 5601.2 Explosives and Blasting Agents. Storage of explosives and blasting agents is restricted to the A-I (Airport Industrial) zone.

Section 5601.1.3 Fireworks Prohibition. The manufacturing, possession, storage, sale, use and handling of fireworks are prohibited in the City of Santa Barbara.

Exceptions:

1. Storage and Handling of Fireworks as allowed in Section 5604
2. Manufacture, testing and assembly of fireworks as allowed in Section 5605 *and Health and Safety Code Division 11.*
3. The use of Fireworks for Fireworks displays, *pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and Health and Safety Code Division 11.* ~~Commercial, theatrical and group entertainment productions as permitted by the fire code official and in accordance with Title 19, California Code of Regulations, Chapter 6. Fireworks.~~

Section 56017 Seizure: The fire code official is authorized to remove or caused to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials or fireworks offered or exposed for sale, stored, possessed or used in violation of this ordinance and Chapter 56.

SECTION 4. Section 8.04.030 of the Santa Barbara Municipal Code is adopted to read as follows:

8.04.030 Fire Prevention Development Standards

A. **Fire Zone 2.** Buildings or portions of buildings constructed within the boundaries of Fire Zone 2, as designated by the fire code official and shown on a map on file with the City Clerk and the Community Development Department, shall provide a ten thousand (10,000) gallon water tank to be used for fire protection purposes only, designed, installed and maintained in a manner approved by the fire code official, incorporating each of the following additional features in its construction:

1. All fire department access complies with the requirements of Section 503 of the International Fire Code (2009 Edition) as amended by this Chapter; and
2. All plantings used for landscaping within one hundred–fifty feet (150') of any structure must be fire resistant; and
3. All native brush, shrubs and grasses are kept cleared to within one hundred–fifty feet (150') of any structure; and
4. Residential fire sprinklers are installed in any building used for sleeping or cooking according to National Fire Protection Association Residential Standards.

B. Mixed Use Occupancy Notification System. Signs shall be installed in a manner and in locations approved by the fire code official indicating the presence of residential dwelling units in buildings of mixed-use occupancy. Required signs shall be clearly visible from the front of the building and conform to the following criteria:

1. All signs shall begin with the letter **R** followed by a hyphen.
2. **R** - shall be followed by cardinal numbers denoting the floors containing dwelling units. Example: **R-2** denotes dwelling units on the 2nd floor; **R-2-3** denotes dwelling units on the 2nd and 3rd floors.
3. Letters shall have a minimum of 4" high with a 1/2" wide stroke.
4. Letters shall contrast to their background.
5. Letters on glass shall be in reflective tape.
6. In the event that dwelling units are added or removed from floors, the required sign shall be updated prior to the occupancy of the altered floor space.

Example:

R-2

SECTION 5. Ordinance Number 5638 is repealed upon the effective date of this ordinance.

SECTION 6. The provisions of this ordinance shall go into effect on January 1, 2017 at 12:01 a.m.



PROCLAMATION

Recognizing October as National Arts and Humanities Month

*WHEREAS, the month of October has been recognized as **National Arts and Humanities Month** by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for 31 years; and*

WHEREAS, the arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind and inspire and enrich the lives of every American; and

WHEREAS, this month-long focus provides an opportunity to demonstrate the role and value of arts and culture in communities, and to encourage residents to explore, participate and engage in the tremendous diversity of local arts and culture; and

WHEREAS, the City grants over \$475,000 annually in city funds to benefit nonprofit art and culture organizations and artists in our City through its 32-year partnership with the County; and

WHEREAS, the City also grants \$258,300 annually for iconic citywide cultural events, such as Summer Solstice Celebration, Old Spanish Days, Spirit of '76, and the Santa Barbara International Film Festival; and

WHEREAS, the City acknowledges the vital and vibrant role of artists, performers and creators in enriching our quality of life while fueling innovation and our local economy,

*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 October as **NATIONAL ARTS AND HUMANITIES MONTH** in Santa Barbara, and encourage citizens to celebrate, participate, and promote the arts and culture in our community for the betterment of future generations.*

IN WITNESS THEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 11th day of October, 2016.


HELENE SCHNEIDER, MAYOR



ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A 20-YEAR LICENSE AGREEMENT WITH SOUTHERN CALIFORNIA GAS COMPANY, FOR THE OPERATION OF ADVANCED METER DATA COLLECTOR UNITS ON CITY STREET LIGHTS AT NINE SEPARATE LOCATIONS THROUGHOUT THE CITY

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, An Ordinance of the Council of the City of Santa Barbara approving a 20-Year License Agreement with Southern California Gas Company, for the operation of advance meter data collector units on City street lights at nine separate locations throughout the City, effective for a period of 20 years from the date the License Agreement is fully executed, unless sooner terminated by either party.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE WATERFRONT DIRECTOR TO EXECUTE A LEASE AGREEMENT WITH NATURE'S OWN GALLERY, INC., LOCATED AT 217 STEARNS WHARF, SUITE C, COMMENCING UPON THE EFFECTIVE DATE OF THE ENABLING ORDINANCE

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, An Ordinance of the Council of the City of Santa Barbara Approving and authorizing execution of a 5-Year Lease and one 5-year option with Nature's Own Gallery, Inc., doing business as Nature's Own, Effective November 11, 2016, is hereby approved.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE WATERFRONT DIRECTOR TO EXECUTE AN AMENDMENT TO LEASE AGREEMENT NO. 22,237 WITH WEST MARINE PRODUCTS, INC. LOCATED AT 132-C HARBOR WAY COMMENCING UPON THE EFFECTIVE DATE OF THE ENABLING ORDINANCE

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, an amendment to Lease Agreement #22,237, with West Marine Products, Inc., for the 4,258 square-foot retail location at 132-C Harbor Way, at a rate of \$8,303 per month, subject to annual Cost of Living increases, is hereby approved.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 11, 2016

TO: Mayor and Councilmembers

FROM: Administration Division, Public Works Department
Administration Division, Finance Department
City Attorney's Office

SUBJECT: Introduction Of Ordinance Authorizing Agreements For The Potential Refinancing Of The 2004 Sewer Revenue Bonds

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the City of Santa Barbara Authorizing the Execution and Delivery by the City of an Installment Sale Agreement, a Trust Agreement and a Continuing Disclosure Agreement in Connection with the Execution, Authentication and Delivery of Santa Barbara Financing Authority Sewer Revenue Bonds, Series 2016 (Payable Solely from Installment Payments Secured by Net System Revenues of the Wastewater Fund of the City of Santa Barbara), and Authorizing Related Actions.

DISCUSSION:

Staff from the Public Works Department, Finance Department and the City Attorney's Office have been working toward the sale of Wastewater Fund bonds to refinance the existing 2004 Sewer Revenue Bonds.

The purpose of refinancing existing bonds is to capitalize on the historically low interest rate environment and thereby realize savings in current interest costs. Staff anticipates selling the new bonds in December 2016.

In connection with the sale of the bonds, the City will be entering into various long-term agreements that, because they exceed five years in term, require adoption of a City ordinance to approve the execution of the agreements.

One of the agreements is the Installment Sales Agreement. This agreement is between the City of Santa Barbara and the Santa Barbara Financing Authority (Authority). The Authority was created pursuant to a Joint Exercise of Powers Agreement between the City of Santa Barbara and the Redevelopment Agency of the City. Pursuant to AB 1x26, as amended, the Redevelopment Agency was dissolved as of February 1, 2012. The Successor Agency to the Redevelopment Agency succeeded to the Redevelopment

Agency and assumed all of the rights, duties and obligations of the former Redevelopment Agency. The Authority was organized for the purpose of assisting and facilitating the financing for purposes authorized under the Joint Powers Act. The 2016 Bonds will be issued by the Authority.

The Installment Sale Agreement provides for the sale by the City of the improvements ("Project"), financed by the original debt issued by Wastewater Fund, to the Authority and then the purchase of the Project from the Authority by the City. The City will utilize net revenue from the Wastewater Fund to make installment payments to the Authority which will be used by the Authority to pay the debt service on the refunding bonds. The Installment Sale Agreement sets out the main security parameters for the bonds such as the rate covenant and conditions under which additional debt can be issued.

The City will also need to execute a Trust Agreement between the City, Authority and U.S. Bank National Association through which the right to receive the installment payments, and interest thereon, will be assigned by the Authority to the Trustee.

The Continuing Disclosure Agreement requires the City to provide to the Trustee, acting as Dissemination Agent, for the benefit of the holders of the Bonds, certain financial information and notice of certain material events (such as change in bond rating) on an ongoing basis. Each year, as long as the bonds are outstanding, the City has a requirement to submit financial information to bondholders and the general investment industry pursuant to Securities Exchange Commission requirements. This includes updated information regarding the finances of the City, in this case of the Wastewater Fund, so that current bondholders and potential investors can assess if financial conditions have changed relative to the financial information contained in the original bond offering documents. The City provides the continuing disclosures to the Trustee, who then files the information to the Electronic Municipal Market Access ("EMMA") system administered by the Municipal Securities Rulemaking Board. EMMA is a centralized online source for free access to municipal disclosures, market transparency data and educational materials about the municipal securities market.

Next Steps

During the next two months, City staff will be proceeding with the next steps:

1. Adoption on October 18th of the accompanying ordinance.
2. Adoption by the Santa Barbara Financing Authority of a resolution authorizing the execution of the Installment Sale Agreement and Trust Agreement and the execution of the bonds.
3. Adoption by the City of a resolution approving the competitive sale of the refunding bonds, and related matters.
4. Meeting with bond rating agencies to secure a bond rating, which will have a direct impact of the interest rates offered through the competitive bid process.

5. Sale of the bonds.

With its adoption on October 18th, the ordinance will become effective thirty days later (November 17th). The sale of the bonds is currently scheduled for early December 2016.

Copies of the Installment Sale Agreement, the Trust Agreement and the Continuing Disclosure Agreement are available for review by the public at the City Clerk's Office and available to Council members in the City Council's reading file.

PREPARED BY: Robert Samario, Finance Director
Sarah Knecht, Assistant City Attorney

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SANTA BARBARA AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF AN INSTALLMENT SALE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE EXECUTION, AUTHENTICATION AND DELIVERY OF SANTA BARBARA FINANCING AUTHORITY SEWER REVENUE BONDS, SERIES 2016 (PAYABLE SOLELY FROM INSTALLMENT PAYMENTS SECURED BY NET SYSTEM REVENUES OF THE WASTEWATER FUND OF THE CITY OF SANTA BARBARA), AND AUTHORIZING RELATED ACTIONS.

WHEREAS, the City of Santa Barbara (the “City”) and the former Redevelopment Agency of the City of Santa Barbara have heretofore entered into a Joint Exercise of Powers Agreement, dated April 1, 2002, establishing the Santa Barbara Financing Authority (the “Authority”) for the purpose of issuing its bonds to provide financing and refinancing for, among other things, public capital improvements of public entities, including the City;

WHEREAS, in 2004 the City requested the Authority to assist it in financing the costs of certain improvements and facilities (the “Improvements”) which constitute part of the sewer collection, treatment and disposal facilities of the sanitation enterprise of the City (the “Wastewater System”);

WHEREAS, for the purpose of providing funds for the financing of the Improvements the Authority issued its Santa Barbara Financing Authority Sewer Revenue Bonds, Series 2004, in the aggregate principal amount of \$20,410,000 of which \$12,925,000 is currently Outstanding (the “Series 2004 Bonds”) pursuant to an Indenture, dated as of July 1, 2004, by and between the Authority and U.S. Bank National Association, as trustee, payable from installment payments made by the City under the Master Installment Sale Agreement, dated as of July 1, 2004, as supplemented and amended by the 2004 Supplement, by and between the Authority and the City (the “Prior Installment Sale Agreement”);

WHEREAS, in order to refinance the Improvements (the “2016 Sewer Refunding Project”), the City will sell the Improvements to the Authority, and the Authority will sell the Improvements back to the City, pursuant to an Installment Sale Agreement (the “Installment Sale Agreement”) between the City and the Authority;

WHEREAS, the City and the Authority have determined that it would be in the best interests of the City and the Authority to provide the funds necessary to accomplish the 2016 Sewer Refunding Project through the execution and delivery, pursuant to a Trust Agreement (the “Trust Agreement”), by and between U.S. Bank National Association, as trustee (the “Trustee”) and the Authority, of Santa Barbara Financing Authority Sewer Revenue Refunding Bonds, Series 2016 (the “Bonds”) payable from Installment Payments (“Installment Payments”) payable

under the Installment Sale Agreement and secured by Net System Revenues of the Wastewater Fund, all as more fully described in the Installment Sale Agreement;

WHEREAS, all rights to receive the Installment Payments, and the interest thereon, will be assigned without recourse by the Authority to the Trustee pursuant to the Trust Agreement;

WHEREAS, in consideration of such assignment and the execution of the Trust Agreement, the Trustee will authenticate and deliver the Bonds;

WHEREAS, the City Council of the City (the "City Council") has determined that securing the timely payment of the principal and interest on the Bonds by obtaining a bond insurance policy with respect thereto could be economically advantageous to the City;

WHEREAS, it is contemplated that the Bonds will be sold by competitive bid pursuant to an Official Notice of Sale (the "Official Notice of Sale"), pursuant to which an underwriter (the "Underwriter") will purchase the Bonds by competitive bid for resale to the public pursuant to an Official Statement as permitted therein and in connection therewith a Notice of Intention to Sell Bonds (the "Notice of Intention") shall be published; and

WHEREAS, the City wishes to approve the form and authorize the execution and delivery of the Installment Sale Agreement, the Trust Agreement and the Continuing Disclosure Agreement; and

WHEREAS, the City Council has been presented with the form of each document referred to herein relating to the financing contemplated hereby and has examined and approves each such document and desires to authorize and direct the execution thereof and the consummation of such financing;

NOW, THEREFORE, the City Council of the City of Santa Barbara does ordain as follows:

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

Section 2. The form and content of the Installment Sale Agreement, a copy of which is on file with the City Clerk (the "Clerk") is hereby approved, and the City Administrator of the City, the Finance Director of the City, the Public Works Director of the City, the City Attorney or the Assistant city Attorney or his or her designee (each, an "Authorized Officer"), is each hereby severally authorized, for and in the name and on behalf of the City, to execute and deliver the Installment Sale Agreement substantially in such form but with such additions and changes therein as such Authorized Officer shall approve as being in conformance with the interests of the City and approved as to form by the City Attorney or the Assistant City Attorney, such approval to be conclusively evidenced by such execution and delivery of the Installment Sale Agreement by such Authorized Officer with such additions or changes.

Section 3. The execution, authentication and delivery of Bonds in an aggregate amount not to exceed \$13,500,000, payable in the years and in the amounts, and evidencing

interest as specified in the Trust Agreement as finally executed, are hereby authorized and approved; provided that (i) the aggregate principal amount of Bonds shall not exceed \$13,500,000, (ii) the maturity of the Bonds shall not exceed May 15, 2029, (iii) the true interest cost with respect to the Bonds shall not exceed 4.0% per annum and (iv) there shall be present value savings with respect to the refunding of the Bonds of at least 3% of the principal amount of the Series 2004 Bonds refunded using the yield on the Bonds as the discount rate.

Section 4. The publication of a Notice of Intention in a financial publication generally circulated throughout the state or reasonably expected to be disseminated among prospective bidders for the securities at least 5 days prior to the sale of the Bonds, in accordance with Section 53692 of the Government Code of the State of California is hereby authorized.

Section 5. The Authorized Officers are each hereby severally authorized to apply for municipal bond insurance for the Bonds and to obtain such insurance if the present value cost of such insurance is less than the present value of the estimated interest component savings with respect to the Bonds resulting from the purchase of such insurance. The Authorized Officers are each hereby severally authorized, for and in the name and on behalf of the City, to execute and deliver a contract for such insurance if such contract is deemed by the Authorized Officer executing the same to be in the best interests of the City, such determination to be conclusively evidenced by an Authorized Officer's execution and delivery of such contract.

Section 6. The form and content of a Continuing Disclosure Agreement (the "Continuing Disclosure Agreement") on file with the Clerk, under which the City will agree to file annual reports and certain event disclosure reports in accordance with the Rule, are hereby approved and any one of the Authorized Officers is hereby severally authorized, for and in the name of and on behalf of the City, to execute and deliver the Continuing Disclosure Agreement in substantially the form presented to and considered at this meeting, with such additions and changes therein as the executing Authorized Officer shall approve as being in conformance with the interests of the City, and as approved as to form by the City Attorney or the Assistant City Attorney, such approval to be conclusively evidenced by an Authorized Officer's execution and delivery of the Continuing Disclosure Agreement, with such additions or changes.

Section 7. The officers and employees of the City are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable in order to consummate the transactions herein authorized and otherwise to carry out, give effect to and comply with the terms and intent of this Ordinance. All actions heretofore taken by the officers, employees and agents of the City with respect to the transactions set forth above are hereby approved, confirmed and ratified.

Section 8. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Council hereby orders that, in lieu of the publication of this Ordinance once in the official newspaper of the City within 15 days after its adoption, this Ordinance shall be published by title only once in the official newspaper of the City within 15 days after its adoption, provided that the full text shall be available to the public at the City Clerk's Office, and such publication by title only shall so state. This Ordinance shall become effective 30 days from and after the date of its adoption.

PASSED AND ADOPTED by the City Council of the City of Santa Barbara at a regular meeting of said City Council on October 11, 2016, by the following vote of said City Council:

Ayes:

Noes:

Absent:

Abstain:

Mayor

ATTEST:

City Clerk Services Manager

[ATTACH CERTIFICATE OF CITY CLERK]



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 11, 2016

TO: Mayor and Councilmembers

FROM: Business Services Division, Waterfront Department

SUBJECT: Introduction Of An Ordinance For A Lease Agreement With Jon Marshall And Melissa Schumacher, Doing Business As Deep Blue Sea

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 Waterfront Director to Execute a Lease Agreement with Jon Marshall and Melissa Schumacher, Doing Business as Deep Blue Sea, Located at 219 Stearns Wharf, Suite C, Commencing Upon the Effective Date of the Enabling Ordinance.

DISCUSSION:

Jon Marshall purchased Deep Blue Sea from Doris Ewing/Ewing Family Corporation and assumed the lease through an assignment process in June 2002.

The business terms of the proposed lease are as follows:

- **Term:** Five-year term, with one five-year option
- **Base Rent:** An average of \$2,248 per month (\$5.74 p.s.f.), adjusted seasonally
- **Annual Rent Adjustment:** Cost of Living increases based on the Consumer Price Index (CPI)
- **Permitted Uses:** Primary Specialty: Tenant shall use the Premises as a store carrying novelty items, gifts, souvenirs and toys. Secondary Specialty: Tenant shall also use the Premises for the sale of T-shirts and sweatshirts (six designs), general merchandise and costume jewelry limited to a maximum of twenty percent (20%) of inventory display area.
- **Percentage Rent:** 10% of Tenant's Gross Receipts

Council Agenda Report

Introduction Of An Ordinance For A Lease Agreement With Jon Marshall And Melissa Schumacher, Doing Business As Deep Blue Sea

October 11, 2016

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Deep Blue Sea is considered by the Department to be a tenant in good standing as they are always prompt with rent payments, are active members of the Stearns Wharf Business Association, and have no lease compliance problems on file.

The Harbor Commission recommended approval of the lease agreement for Deep Blue Sea at the August 18, 2016, meeting.

ATTACHMENT: Site Plan

PREPARED BY: Brian Bosse, Business Services Manager

SUBMITTED BY: Scott Riedman, Waterfront Director

APPROVED BY: City Administrator's Office

219 Stearns Wharf
 Suite C (1st Floor)
 Deep Blue Sea
 392 SQ FT

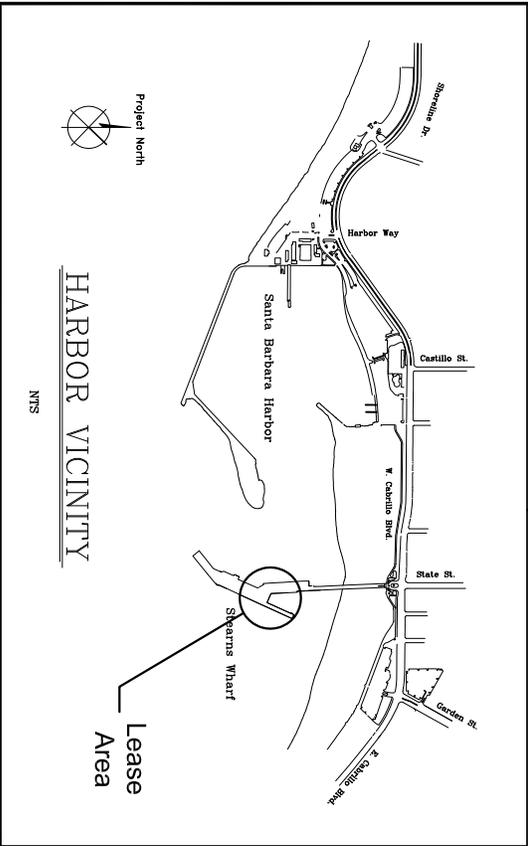
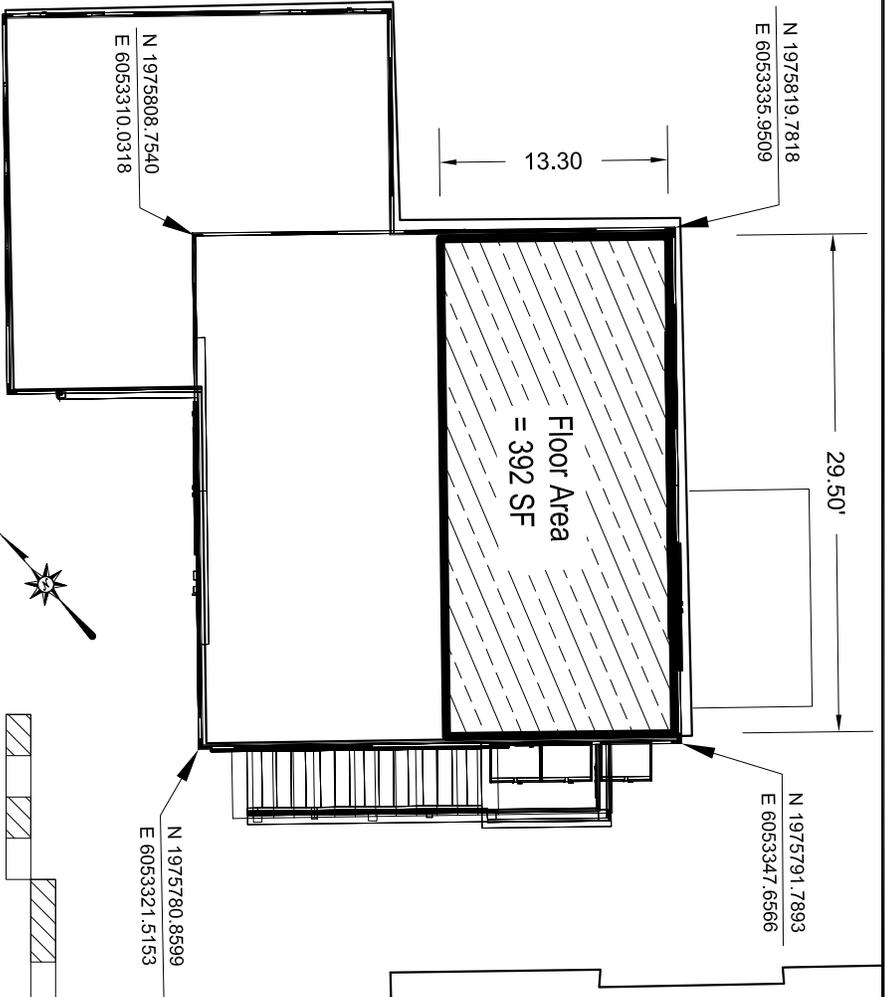


Exhibit A: Lease Area		Deep Blue Sea	
DATE:	6/23/2016	APPROVED BY:	P. Henry
ADDRESS:	219 #C Stearns Wharf		
REVISIONS		DRAWN BY:	
		SHEET NO. 1 of 1	
		DRAWING NO. 2190-015	
City of Santa Barbara Waterfront Department			

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE WATERFRONT DIRECTOR TO EXECUTE A LEASE AGREEMENT WITH JON MARSHALL AND MELISSA SCHUMACHER DOING BUSINESS AS DEEP BLUE SEA, LOCATED AT 219 STEARNS WHARF, SUITE C, COMMENCING UPON THE EFFECTIVE DATE OF THE ENABLING ORDINANCE.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, An Ordinance of the Council of the City of Santa Barbara Approving and authorizing execution of a 5-Year Lease and one 5-year option with Jon Marshall and Melissa Schumacher, doing business as Deep Blue Sea, Effective November 18, 2016, is hereby approved.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 4, 2016

TO: Mayor and Councilmembers

FROM: Administration Division, Parks and Recreation Department

SUBJECT: Contract Amendment For The Parks And Recreation Facility Sign Replacement Project

RECOMMENDATION: That Council authorize the Parks and Recreation Director to execute an amendment to City Contract No. 25,272 with Hunt Design, Inc., to increase the scope of services for the Parks and Recreation Facility Sign Replacement Project and to increase the contract amount by \$27,730.

DISCUSSION:

In Fiscal Year 2016, the Parks and Recreation Department (Department) Capital Program budget included \$150,000 for development of park and facility sign design guidelines and for the removal and replacement of existing signs with newly designed signs. The purpose of the sign guidelines is to create a comprehensive system that improves park aesthetics and communication with visitors; is compatible with local design guidelines and the Sign Ordinance; and facilitates management and maintenance of signs. Current signage includes a variety of fonts, colors, sizes and fabrication methods, and is outdated in appearance and message.

On July 28, 2015, City Council authorized the Parks and Recreation Director to execute a contract for professional services with Hunt Design, Inc., in the amount of \$50,000, including extra services. Under this contract, Hunt Design, Inc., provided design consulting services to assess, design and develop Sign Guidelines for City parks and recreation facilities.

Project Status

Since the project initiation, the Department and Hunt Design, Inc., has held meetings to assess the needs of the Department, review the current signage system, and develop new concept designs. Concept designs were presented to the Parks and Recreation Commission on December 15, 2015. Presentations with the Ad Hoc Joint Sign Committee (representatives from Sign Committee, Historic Landmarks Commission and Architectural Board of Review) occurred five times to refine concept design to final sign

design, including fabrication materials and methods. The final Parks and Recreation Facility Sign Guidelines (Guidelines) were approved by the City's Joint Sign Committee on July 27, 2016. The Guidelines specify official icons, typefaces, colors, materials, and clear sign wording plus describes standard installation details.

Additional services are necessary to move sign design into a fabrication-ready art package. Services include developing full size working templates for all sign types in the program; site survey planning, sign content, graphics and symbols layout for 11 of Santa Barbara's priority parks and facilities; and packaging of production ready files. Completing the 11 parks provides the Department with production-ready art files for the most common sign types system-wide. Concurrently, the Department will complete site survey planning for the remaining parks and recreation facilities. Any remaining unique sign types will be easily developed in house using ready-made templates.

Once complete, the Department will secure the services of a sign manufacturing company and initiate sign replacement. It is anticipated that installation of new signs will begin in late spring 2017.

BUDGET/FINANCIAL INFORMATION:

Approval of additional services increases the total contract amount from \$50,000 to \$77,730. Funds for this project are appropriated in the Fiscal Year 2017 Capital Program.

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

PREPARED BY: Mandy Burgess, Administrative Analyst

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

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 11, 2016

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Approval Of A Professional Services Contract For A Distribution System Water Quality Assessment

RECOMMENDATION:

That Council authorize the Public Works Director to execute a professional services contract with Water Quality Treatment Solutions, Inc., in the amount of \$79,900 for a distribution system water quality assessment, and approve \$10,000 for extra services, for a total contract amount of \$89,900.

DISCUSSION:

Background

In normal water years, the City of Santa Barbara's drinking water system has been supported by a healthy and diverse water portfolio, with most of its water supplies coming from Lake Cachuma and Gibraltar Reservoir. However, Santa Barbara is currently in the sixth consecutive year of drought, which has resulted in dwindling water supplies. The City is having to rely more on state water and groundwater, and early next year, desalinated water will become a new water supply for the City's drinking water system.

Proposed Work

As the drought persists, the City will continue to use various water supply sources, with each source having its own unique water chemistry. Water Resources staff believes it is prudent to perform a water quality assessment of the various water supply sources to determine the effects each water supply might have on the water distribution system. Depending on the assessment results, an action plan would then be created for managing the water quality changes in the distribution system.

Staff proposed contracting with Water Quality Treatment Solutions, Inc. (WQTS) for this work effort, because their vast experience of analyzing the City's various water supplies greatly exceeds that of any other contractor. This uniquely qualifies WQTS to perform the proposed services.

WQTS was on the consultant team chosen through a competitive Request for Proposals process for the Cater Advanced Treatment Solutions Project which ensured that the Cater Water Treatment Plant (Cater) could comply with the Stage 2 Disinfection Byproduct Rule. Below is a list of water quality services WQTS has performed for the City:

- Water analysis for the Cater Ozone Project and recommendations for using ozone as a pre-treatment process to help Cater meet changing state and federal water quality regulations.
- A post Zaca fire raw water quality assessment to propose a treatment plan at Cater for removing the resulting high levels of organic carbon from the Lake Cachuma and Gibraltar Reservoir water supplies.
- A treatment plan for the Ortega Groundwater Treatment Plant which treats water for the City's four downtown wells.

In addition, WQTS is currently working on a water quality plan to assist with reactivating the City's Charles E. Meyer Desalination Facility.

WQTS has submitted an acceptable proposal to perform the proposed distribution system water quality assessment. Given WQTS's successful completion of similar projects for the City, staff recommends that Council authorize the Public Works Director to execute a contract with WQTS to provide a distribution system water quality assessment in the contract amount of \$79,900, and approve \$10,000 for extra services, for a total contract amount of \$89,900.

Under the proposed contract, WQTS will assess the impacts of the City's various water supplies on the water distribution system. If necessary, WQTS will recommend an action plan to assist staff with managing the City's changing water quality. The assessment, conclusions, and recommendations will be submitted in the form of a technical report.

BUDGET/FINANCIAL INFORMATION:

There are sufficient appropriated funds in the Water Drought Fund for the proposed contract.

SUSTAINABILITY IMPACTS:

Delivering safe drinking water that meets state and federal regulations is the primary goal for the City's drinking water system. The proposed distribution system water quality assessment will help staff to better understand the City's changing water quality. This will enable the City to continue delivering safe drinking water to its water customers.

PREPARED BY: Catherine Taylor, Water System Manager/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 11, 2016

TO: Mayor and Councilmembers

FROM: City Attorney's Office
Planning Division, Community Development Department
Finance Department

SUBJECT: Vacation Rental Enforcement Update

RECOMMENDATION:

That Council receive and review a report from staff on the current status of the City's enforcement efforts on short term rentals.

EXECUTIVE SUMMARY:

The purpose of this report is to provide an overview and background information on the status of short term rental (STR) enforcement, typically referred to as Vacation Rentals, over last six (6) months. STR refers to rental agreements for less than thirty (30) consecutive days. The operation of a STR clearly meets the definition of a hotel under Santa Barbara Municipal Code (SBMC) section 28.04.395. It is illegal to operate this type of commercial activity within many of the residential zoning districts in the City.

With the growth of online commerce and savvy technical platforms or internet host providers, the STR market has become much more mainstream and widespread over the last five years, with more entering the market each year. In response to this issue, Council approved funding for proactive STR enforcement. City staff has taken several STR enforcement actions, including issuing legislative subpoenas to internet host providers to gather information about the Santa Barbara STR market, opening up individual enforcement cases against STR operators, and establishing a complaint hotline for neighbors affected by nuisance activities resulting from STRs. This report provides an update on City enforcement activities, detailing what has been accomplished and discussing some of the unforeseen issues that have arisen.

The enforcement case statistics detailed in this report demonstrate that the number of STR cases opened, enforced on, and settled has steadily increased in the past six months as compared to the first six months. City staff anticipates enforcement cases to increase expeditiously over the course of the next year due to the hiring of additional staff.

Another factor in projecting an increasing number of enforcement cases over the next year is the allocation of more time and resources to each individual case versus time spent implementing the process to deal with the broad issues presented by STR enforcement. In this first year, a significant amount of time and resources have been allocated to identifying new unanticipated issues and developing strategies to handle enforcement. Now that staff has developed a program and operation dealing with the wide array of issues that STR enforcement presents, more time and resources can be focused on individual enforcement cases, thereby increasing the enforcement numbers (presented below) and reducing the number of illegally operated STRs in the City.

DISCUSSION:

On August 11, 2015, Council approved funding for proactive STR enforcement and proposed enforcement priorities to govern the expenditure of these funds. Council also directed the preparation of a six-month enforcement status report and presentation, which occurred on March 1, 2016. At that meeting, Council requested that staff return in another six months to provide Council with an updated status report.

This status report provides information on the following items: the number of enforcement cases opened; the number of enforcement cases that have been settled or closed; the dollar amount of Transient Occupancy Taxes (TOT) collected from enforcement cases against STRs; the results of the legislative subpoenas issued to internet host providers; an explanation of the shift in enforcement priorities starting on January 1, 2017; and the issues presented by legally converting residential units to STRs in zones where permitted.

Legislative Subpoenas

In the past year, the City Attorney's Office issued forty-four (44) legislative subpoenas to internet host providers that facilitate the bookings of STRs. Of the 44 subpoenas, thirty-five (35) host providers responded to the subpoena by either providing the documentation and information requested or attesting that they did not have any responsive records. Staff was unable to successfully deliver three (3) of the legislative subpoenas issued to out-of-state host providers and are investigating whether they are currently in operation or have new addresses.

Six (6) of the host providers responded to the subpoena by raising legal objections and refused to turn over the requested documents. Those six providers are Paradise Retreats World Class Vacation Rentals LLC, Airbnb, VRBO, Home Away Inc., FlipKey Inc., and TripAdvisor LLC. It should be pointed out that VRBO is a subsidiary of HomeAway, and FlipKey and TripAdvisor are owned by the same entity.

In May 2016, the City filed a motion in Santa Barbara Superior Court to compel compliance to the legislative subpoena against a local host provider, Paradise Retreats

World Class Vacation Rentals LLC (“Paradise”). The City’s motion requested that the Court order Paradise to turn over the responsive records asked for in the subpoena.

The Court granted the City’s motion, recognizing that legislative bodies possess broad subpoena powers, and Paradise provided the requested documents in July pursuant to the Court’s order. The Santa Barbara Superior Court’s ruling is in line with other California court decisions regarding legislative subpoenas, which have consistently held that the legislative power of inquiry, with the power to enforce it, is an essential and appropriate auxiliary to the legislative function.

In regard to the remaining internet host providers that have not complied with the subpoena, the City Attorney’s Office is in the process of pursuing compliance through the Santa Barbara Superior Court as it did with Paradise. In addition, the City Attorney’s Office is working with Airbnb on communicating the City’s zoning laws related to STRs to its clients, as well as obtaining responsive documents to the subpoena that was issued.

The Settlement and Closure of Enforcement Cases

In the fall of 2015, the City Attorney’s Office drafted a standard settlement agreement to be used to resolve enforcement cases amicably prior to the City Attorney’s Office initiating litigation against property owners operating STRs. The settlement agreement requires the STR operator to do the following:

- Acknowledge violation of the applicable Santa Barbara Municipal Code section in operating an unpermitted STR.
- Permanently discontinue the STR.
- Remove any references to the STR from any advertising or website promotional material.
- Submit to the Finance Director an accounting of the last three (3) years of transient occupancy and business license taxes as required under the Municipal Code.
- Remit any taxes owed within (30) days of executing the settlement agreement.
- Permit a future City inspection of the property with forty-eight (48) hours advance notice provided to the property owner. The City is required to provide to the property owner the probable cause that demonstrates that STR activity is still occurring and in violation of the settlement agreement.

In March 2016, six (6) settlement agreements were executed by property owners engaged in STRs. As of September 2016, that number has increased to thirty-two (32) settlement agreements, with another ten (10) in the process of being finalized. The agreements executed have been accompanied by the remittance of TOT and business license tax (if owed), which has totaled \$175,115.

In addition, another nineteen (19) enforcement cases have been closed for several reasons, which include the sale of the property or the determination from the records obtained through legislative subpoenas that short-term rentals have not occurred within the past three years. Also, another seventeen (17) additional properties have voluntarily ceased (without the threat of enforcement) operating STRs and surrendered their business licenses.

Zoning Enforcement Update

The information received from the documents turned over by the internet host providers pursuant to the legislative subpoenas has generated one hundred and thirty three (133) enforcement cases. As of September 19, 2016, there are 1,011 pending STR enforcement cases.

It should be noted that five hundred and sixty-three (563) of these cases originated from documents received from Craigslist.org. However, because Craigslist only advertises and does not engage in the business of actually booking STRs, there is a greater chance that some of the listings may be fraudulent because a third party listed the property as a STR without the property owner's knowledge or consent. Staff has resolved this issue by closing the enforcement case upon the receipt of a signed affidavit from the property owner stating that he or she has not engaged in the business of operating a STR.

As staff has engaged in proactive enforcement of STRs in the past year, they have also become aware of the issue of STRs operating in recently constructed projects developed under the Average Unit-Size Density (AUD) Incentive Program. As a result of this additional violation, staff is now prioritizing STR enforcement efforts in the following five categories:

1. Existing and new nuisance-related complaints about STRs.
2. STRs ***operating in any AUD Incentive Program development***, or operating without a City business license and not paying Transit Occupancy Tax (TOT) in single-family, R-2, and R-3 Zones.
3. STRs operating without required land use approvals, a City business license, and not paying TOT in areas where hotels can be allowed (R-4 and Commercial Zones).
4. STRs operating with a City business license and paying TOT in single-family, R-2, and R-3 Zones.
5. STRs operating without required land use approvals, but with a City business license and paying TOT in areas where hotels can be allowed (R-4 and Commercial Zones).

In August 2015, Council authorized \$90,000 in funds to hire a full-time permanent employee and one half-time hourly employee who would focus solely on STR enforcement. The Planning Division was unable to hire a permanent full-time

enforcement officer in Fiscal Year 2016 but is currently in the process of filling that position. However, \$32,000 of the funding provided by Council was expended in FY16 for hourly staff committed to this project. The remaining \$55,324 that was funded but not expended in FY16 will be carried over to FY17. The Planning Division has also had current staff assist with STR enforcement, which has been equivalent in hours to a full-time enforcement officer working on STRs.

Finance Department Update

As previously mentioned, in March 2016 there were six (6) settlement agreements that were executed. As of September 2016, there have been thirty-two (32) settlement agreements executed with the accompanying remittance of TOT, including penalties, interest, and business license taxes, which has totaled \$175,115 (\$117,820 TOT).

In June 2015, Council directed Finance Department staff to cease issuing business licenses for STRs. However, currently licensed STR operators will be permitted to renew their existing business licenses through December 31, 2016.

At the time of Council's direction in June 2015, there were three hundred and forty-nine (349) registered STRs. As of September 23, 2016, there are two hundred and fifteen (215) registered STRs, representing a total decline of one hundred and thirty four (134). This decline is attributable to owners ceasing operations on a voluntary basis in anticipation of the City's enforcement efforts.

In May 2016, a letter from the City was issued to all known operators of STRs. This letter detailed the City's enforcement efforts and approach to STR operators, including the offer of settlement and remittance of TOT and business license taxes to close an enforcement case.

Enforcement Priorities Starting in 2017

The highest enforcement priority for STRs since August 2015 has been those properties with operators who have failed to remit TOT owed to the City, failed to obtain a business license, or have had nuisance complaints made by neighbors impacted by the unsupervised operation of a STR. Examples of what constitutes a nuisance complaint are noisy or unruly guests, or STR guests impacting neighborhood parking.

The STRs that remitted TOT, registered for a business license, and had no nuisance complaints reported were placed at the lowest enforcement level.

With the exception of promptly responding to nuisance complaints and illegal STRs operating in AUD units, there will be no formal enforcement priority categories starting in 2017. Enforcement action will be immediately initiated against any unpermitted STR operating in 2017, regardless of whether or not the operator previously remitted TOT payment, obtained a business license, and had no previous nuisance complaints filed.

Proposals to Convert Existing Residential Units to STRs

Since the initiation of proactive enforcement efforts on STRs began in August 2015, Planning staff has seen an increase in requests to consult with applicants and property owners about the feasibility and eventual process of converting one or more residential units on a site to a STR. The extent of the increased workload for merely the consultation process is being absorbed by existing staff and expends approximately half of a full-time employee's workload, which is a significant cost.

Some sites involving the conversion of just one unit can be reviewed and approved with relative ease. However, applications involving conversion of more than one unit on a site require a Hotel Conversion Permit, which requires significant steps, including a Development Application Review Team (DART) review and decision by the Planning Commission. Based on initial contacts with property owners wanting to convert, we currently anticipate receiving two to three requests for such a Permit within the next several months that involve up to twelve (12) residential units. These requests will significantly increase the workload of the City's Land Development Team.

BUDGET/FINANCIAL INFORMATION:

The City receives over \$1 million annually from STRs. The City's enforcement efforts will ultimately result in a loss of those revenues. The cost of the enforcement in this fiscal year has been funded from previous Council action; therefore, no additional appropriations are needed.

PREPARED BY: Renee Brooke, City Planner; Danny Kato, Senior Planner;
John Doimas, Deputy City Attorney

SUBMITTED BY: George Buell, Community Development Director;
Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 11, 2016

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Request From Councilmembers Dominguez And White Regarding Staff Review Of The Property Assessed Clean Energy Program

RECOMMENDATION:

That Council consider the request from Councilmembers Dominguez and White regarding staff review of the Property Assessed Clean Energy (PACE) Program.

DISCUSSION:

Attached is a memorandum from Councilmembers Dominguez and White requesting that staff review the PACE Program and bring recommendations to Council.

ATTACHMENT: Memorandum From Councilmembers Dominguez and White

PREPARED BY: Nicole Grisanti, Administrator's Office Supervisor

SUBMITTED BY: Paul Casey, City Administrator

APPROVED BY: City Administrator's Office



City of Santa Barbara
City Administrator's Office

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CITY ADMINISTRATOR'S OFFICE
SANTA BARBARA

Memorandum

DATE: Tuesday, August 02, 2016

TO: Paul Casey, City Administrator

FROM: Jason Dominguez, Councilmember
Bendy White, Councilmember *Jason Dominguez*
Bendy White

SUBJECT: Councilmembers Dominguez and White ask Staff to review PACE program and bring recommendations to Council

Pursuant to Council Resolution 05-073 regarding the Conduct of City Council Meetings, we request that an item be placed on the Santa Barbara City Council Agenda to refer to Ordinance Committee a staff review of benefits and implementation of PACE (Property-Assessed Clean Energy) programs.

PACE programs have been adopted by municipalities throughout the nation and California, including many tri-county cities and involves public private partnerships in which private companies supply 100% of the initial funding for improvements to homes that can conserve water and reduce utility bills and greenhouse gas emissions.

We are requesting that this be scheduled in October, 2016 or at the earliest convenient Council meeting.

cc: Mayor and Council
Ariel Calonne, City Attorney