

**CITY OF SANTA BARBARA  
CITY COUNCIL**

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



**Paul Casey**  
*City Administrator*

**Ariel Pierre Calonne**  
*City Attorney*

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

**OCTOBER 18, 2016  
AGENDA**

**ORDER OF BUSINESS:** Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

**REPORTS:** Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and <http://www.SantaBarbaraCA.gov>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (<http://www.SantaBarbaraCA.gov>). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

**PUBLIC COMMENT:** At the beginning of the 2:00 p.m. session of each regular City Council meeting, and at the beginning of each special City Council meeting, any member of the public may address the City Council concerning any item not on the Council's agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the City Council. Should City Council business continue into the evening session of a regular City Council meeting at 6:00 p.m., the City Council will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

**REQUEST TO SPEAK:** A member of the public may address the Finance or Ordinance Committee or City Council regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or City Council.

**CONSENT CALENDAR:** The Consent Calendar is comprised of items that will not usually require discussion by the City Council. A Consent Calendar item is open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council considers the Consent Calendar.

**AMERICANS WITH DISABILITIES ACT:** If you need auxiliary aids or services or staff assistance to attend or participate in this meeting, please contact the City Administrator's Office at 564-5305. If possible, notification at least 48 hours prior to the meeting will usually enable the City to make reasonable arrangements. Specialized services, such as sign language interpretation or documents in Braille, may require additional lead time to arrange.

**TELEVISION COVERAGE:** Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at [www.santabarbaraca.gov/citytv](http://www.santabarbaraca.gov/citytv) for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

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

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### CEREMONIAL ITEMS

1. **Subject: Proclamation Honoring The Samarkand's 60th Anniversary, October 2016**

### CHANGES TO THE AGENDA

### PUBLIC COMMENT

### CONSENT CALENDAR

2. **Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of October 4, 2016.

3. **Subject: Introduction Of Ordinance Approving Sale Of Excess City Land Related To The Mason Street Bridge Replacement Project (530.04)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute the Land Purchase Agreement, Escrow Instructions, and Grant Deed as Approved by the City Attorney for the Sale of Certain City Excess Land, Located at 20 West Mason Street, to Stuart Rubin in the amount of \$2,840,000.

## CONSENT CALENDAR (CONT'D)

**4. Subject: Adoption Of Ordinance Authorizing Agreement For The Potential Refinancing Of The 2004 Sewer Revenue Bonds (240.03)**

Recommendation: That Council 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, 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.

**5. Subject: Adoption Of An Ordinance For A Lease Agreement With Jon Marshall And Melissa Schumacher, Doing Business As Deep Blue Sea (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 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.

**6. Subject: Resolution For Acceptance Of Easement For The Montecito Street Bridge and Pedestrian Improvements Project (530.04)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Accept a Permanent Easement for Street Purposes on a Portion of the Real Property Commonly Known as 223 North Salinas Street; Santa Barbara County Assessor's Parcel Number 017-073-001.

**7. Subject: Resolution For Acceptance Of Easement For The Mason Street Bridge Replacement Project (530.04)**

Recommendation: That Council adopt, by a reading of title only, A Resolution of the Council of the City of Santa Barbara to Accept a Permanent Easement for Street Purposes on a Portion of the Real Property Commonly Known as 101 State Street; Santa Barbara County Assessor's Parcel Numbers 033-075-011 and 033-075-016.

## CONSENT CALENDAR (CONT'D)

**8. Subject: Resolution For Acceptance Of Easements For The Gutierrez Street Bridge Replacement Project (530.04)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept Permanent and Temporary Construction Easement Interests, Located at 101 West Gutierrez Street, and Authorizing the City Administrator to Execute the Purchase Agreement and Related Documents as Necessary, in a Form Approved by the City Attorney.

**9. Subject: Acceptance Of Adult Education Block Grants From Santa Barbara City College For Digital Literacy In Support Of Workforce Development And Dyslexic Tutoring (570.04)**

Recommendation: That Council:

- A. Authorize the Library Director to accept a grant of \$81,341.83 grant from Santa Barbara City College to develop and implement the "One in Five" (\$43,465.77) and "Digital Literacy" (\$36,876.06) programs; and
- B. Increase revenue and appropriation in the Library's General Fund, Central Library Program by \$81,341.83 in Fiscal Year 2017.

**10. Subject: Contract With Campbell-Hill Aviation Group, LLC For Air Service Development Services (560.01)**

Recommendation: That Council authorize the Airport Director to execute a contract with Campbell-Hill Aviation Group, LLC, for specialized air service development support for the Santa Barbara Airport, in an amount not to exceed \$92,500.

**11. Subject: Approval Of Parcel Map And Execution Of Agreements For 1135 San Pascual Street (640.08)**

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,816, and standard agreements relating to the approved subdivision at 1135 San Pascual, and authorize the City Engineer to record, upon completion of any required public improvements, a recital document stating that the public improvements have been completed and that the previously recorded Land Development Agreement may be removed from the title document.

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

**12. Subject: Purchase Of Downtown Parking Attendant Kiosk At City Lot 5 (550.05)**

Recommendation: That Council find that it is in the best interest of the City to waive bidding requirements as authorized by Municipal Code Section 4.52.070 L, and authorize the General Services Manager to issue a purchase order, to B.I.G. Enterprises, Inc., for a pre-fabricated parking attendant kiosk located at 1220 Chapala Street, City Lot 5, in an amount not to exceed \$44,763.

## NOTICES

13. The City Clerk has on Thursday, October 13, 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.
14. Receipt of communication advising of vacancy created on the Civil Service Commission with the resignation of Kathryn McKee. This vacancy will be part of the next recruitment.

**This concludes the Consent Calendar.**

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### COMMUNITY DEVELOPMENT DEPARTMENT

**15. Subject: Extension Of Interim Emergency Ordinance Prohibiting Non-Medical Marijuana-Related Businesses(800.07)**

Recommendation: That Council adopt an Interim Emergency Ordinance Of The Council Of The City Of Santa Barbara Extending Ordinance No. 5763 to Prohibit Non-Medical Marijuana Businesses For 22 Months And 15 Days Or Until September 5, 2018.

CITY ATTORNEY

**16. Subject: Oversized Vehicle Parking Ordinance (550.01)**

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Santa Barbara Municipal Code by Adding Section 10.44.220 with Respect to Oversized Vehicle Parking, Amending Section 10.44.200 to Eliminate the Term "Temporary Recreational Vehicle," and Repealing Section 10.44.205 Pertaining to Recreational Vehicle Parking;
- B. Direct the Access Advisory Committee to Study and Report to Staff on Options for On-street Disabled Parking; and
- C. Create an Ad Hoc Stakeholder Committee, Including the New Beginnings Counseling Center, to Consider Additional Off-street Parking Opportunities for Persons Living in Vehicles.

PUBLIC WORKS DEPARTMENT

**17. Subject: Consideration Of A Vision Zero Policy To Reduce Fatal And Severe Transportation-Related Collisions**

Recommendation: That Council:

- A. Receive a report regarding a potential City policy on Vision Zero;
- B. Direct staff to return with a resolution to adopt a Vision Zero policy; and
- C. Authorize staff to submit a 2016 Caltrans Sustainable Transportation Planning Grant to support Vision Zero plan development and community education.

**COUNCIL AND STAFF COMMUNICATIONS**

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

**PUBLIC COMMENT (IF NECESSARY)**

**ADJOURNMENT**



*In Honor of the*  
**60<sup>TH</sup> ANNIVERSARY**  
*of*  
**THE SAMARKAND**

**WHEREAS, The Samarkand, a faith-based, nonprofit continuing care retirement community, was established in Santa Barbara in 1956; and**

**WHEREAS, The Samarkand has been operated by its parent company, Covenant Retirement Communities, for 50 years; and**

**WHEREAS, The Samarkand remains committed to providing its 300-plus residents with a well-rounded senior living experience that fosters community, promotes education and the arts, nurtures residents' health and well-being, and supports fellowship; and**

**WHEREAS, The Samarkand recognizes the importance of not-for-profit services within Santa Barbara, and as such provides meeting space to other local nonprofit organizations; and**

**WHEREAS, residents and staff of The Samarkand believe strongly in volunteerism and community service, collectively spending many hours serving in various capacities throughout Santa Barbara;**

**NOW, THEREFORE I, MAYOR HELENE SCHNEIDER, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California, do hereby congratulate Covenant Retirement Communities, the staff, and retirement-community residents, on the 60<sup>th</sup> Anniversary of The Samarkand. On behalf of the Santa Barbara City Council, we thank you for your contribution to the Santa Barbara community and wish you many years of continued success.**

**IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed to this 18<sup>th</sup> day of October, 2016.**

**HELENE SCHNEIDER**  
Mayor



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING October 4, 2016 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

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

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

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

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Deborah L. Applegate.

### CEREMONIAL ITEMS

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

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

Documents:

October 4, 2016, report from the Administrative Services Director.

Speakers:

Staff: City Administrator Paul Casey, Award Recipients John Ewasiuk and Robert Dayton.

## **CEREMONIAL ITEMS (CONT'D)**

### **2. Subject: Proclamation Declaring October As National Community Planning Month (120.04)**

Action: Proclamation was presented to City Planner Renee Brooke a representative of the Planning Department, Planning Commissioner Chair John Campanella, a representative of the Planning Commission, and Steve Welton, a representative of the local chapter of the American Public Works Association (APWA).

## **PUBLIC COMMENT**

Speakers:

- Members of the Public: Jordan Killebrew, Santa Barbara Foundation & Restoration Community Network; Kenneth Loch; Phil Walker; Philip Marteney; Andrea Roselinsky.
- Staff: City Attorney Ariel Calonne.

## **CONSENT CALENDAR (Item Nos. 3 – 12)**

Motion:

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

Vote:

Unanimous roll call vote.

### **3. Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of September 20, 2016.

Action: Approved the recommendation.

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

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara 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.

Action: Approved the recommendation (October 4, 2016, report from the Public Works Director; proposed ordinance).

**5. Subject: Introduction Of An Ordinance For A Lease Agreement With Nature's Own Gallery, Inc. (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 Nature's Own Gallery Inc., Located at 217 Stearns Wharf, Suite C, Commencing Upon the Effective Date of the Enabling Ordinance.

Action: Approved the recommendation (October 4, 2016, report from the Waterfront Director; proposed ordinance).

**6. Subject: Introduction Of An Ordinance To Approve An Amendment To The Lease Agreement With West Marine Products, Inc. (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 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.

Action: Approved the recommendation (October 4, 2016, report from the Waterfront Director; proposed ordinance).

**7. Subject: Approval Of Purchase Order Increase For Automatic Gate And Overhead Door Maintenance At Various City Fire Stations (700.08)**

Recommendation: That Council approve an increase of the City's Purchase Order with Vortex Industries, Inc., by \$15,000, for a total Purchase Order amount of \$50,000, to pay for emergency work done on City gates and overhead doors.

Action: Approved the recommendation (October 4, 2016, report from the Public Works Director).

**8. Subject: Contract For Design Of Runway 7-25 Rehabilitation (560.04)**

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Tartaglia Engineering in the amount of \$385,334 for design services of the Runway 7-25 Rehabilitation project, and authorize the Public Works Director to approve expenditures of up to \$38,000 for extra services of Tartaglia Engineering that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 25,710 (October 4, 2016, report from the Public Works Director).

**9. Subject: Contract For Construction For ADA Compliant Gangway At Sea Landing (570.03)**

Recommendation: That Council:

- A. Award a contract with Hanley General Engineering Corporation, in their low bid amount of \$140,790 for construction of an ADA Compliant Gangway at Sea Landing, Bid No. 3832; and authorize the Waterfront Director to execute the contract and approve expenditures up to \$14,100 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- B. Authorize the appropriation of an additional \$41,000 from Waterfront Capital Fund reserves for an ADA Compliant Gangway at Sea Landing.

Action: Approved the recommendations; Agreement No. 25,711 (October 4, 2016, report from the Waterfront Director).

**10. Subject: Appropriation Of Asset Forfeiture Funds For The Purchase Of Equipment For Narcotics Enforcement (520.04)**

Recommendation: That Council appropriate \$20,000 in the Fiscal Year 2017 Police Department Police Asset Forfeiture and Grants Fund that is available from asset forfeiture reserves for the purchase of equipment for narcotics enforcement.

Action: Approved the recommendation (October 4, 2016, report from the Chief of Police).

**11. Subject: Donation Of Equipment From The Santa Barbara Police Foundation (520.04)**

Recommendation: That Council accept a donation of fifty (50) fire retardant brush jackets valued at \$9,200 from the Santa Barbara Police Foundation to be used in wild-land fire incidents.

Speakers:

Members of the Public: Gregg Hons, Santa Barbara Police Foundation.

Action: Approved the recommendation (October 4, 2016, report from the Chief of Police).

**NOTICES**

- 12. The City Clerk has on Thursday, September 29, 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 concluded the Consent Calendar.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### CITY ADMINISTRATOR

#### **13. Subject: Options To Update Smoking Ordinances Regarding Prohibited Smoking Areas And Tobacco Retailing (800.07)**

Recommendation: That Council provide direction to staff on whether to work with the Ordinance Committee to prepare amendments to the smoking ordinance to expand areas where smoking is prohibited under Municipal Code Section 9.20 on Smoking Prohibited in Certain Public Areas and Section 9.21 on Regulation of Tobacco Retailers.

#### Documents:

- October 4, 2016, report from the City Administrator.
- PowerPoint presentation prepared and made by Staff.
- October 4, 2016, email from jhoran@cox.net.
- October 4, 2016, statement from Santa Barbara Youth Council.
- October 4, 2016, letter from Maggie Campbell, Downtown Santa Barbara.
- October 4, 2016, letter from Agneta Albinsson and Mats Wahlstrom.
- October 4, 2016, letter from Shelia Comin-DuMong.

#### Speakers:

- Staff: Senior Assistant to the City Administrator Nina Johnson.
- Members of the Public: Foster Markolf, Carpinteria Beautiful; Shella DuMong; Jayne Breschwald, Collation Enforcement For A Smoke Free Effort (Environment) (CEASE); Kathy Janega-Dykes, Visit Santa Barbara; Will Norton, Nightlife, (Tonic, Blush, Indo, and MBrox); Nicole Enos, Wildcat Lounge, Bobcat Room; Jacqueline Nunex, Coalition of Youth Advocates (COYA); Asaf Dimanti, Tonic, Blush, Indo; Primo Castro, American Cancer Society Cancer Action Network; Lee Moldaver; Kelly Bartlett.
- Santa Barbara Youth Council: Charlie Thrift.

Discussion: Staff presented the City's current ordinances which restrict smoking and presented other options to expand outdoor smoke-free areas, and/or other possibilities to reduce access to tobacco products. Council heard the presentation and their questions were answered.

#### Motion:

Councilmembers Dominguez/Rowse to move this item to the Ordinance Committee for further consideration.

#### Vote:

Unanimous voice vote.

## POLICE DEPARTMENT

### **14. Subject: Police Department Update (520.04)**

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

Documents:

- October 4, 2016, report from the Police Chief.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Police Chief Lori Luhn.
- Members of the Public: Marcus Cheritaresi; Lizzie Rodriguez, Restorative Community Network; Maggie Campbell, Downtown Santa Barbara Organization.

Action: Council heard the presentation and their questions were answered.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

- Councilmember Rowse commented on his attendance at the Fourth Annual Menudo Festival at Franklin School, a benefit for the Santa Barbara Police Department's Explorer program.
- Councilmember Hotchkiss reported on his attendance at the Santa Barbara Community Prayer Breakfast where the keynote speaker was Monte Fraker.
- Councilmember Murillo reported on her attendance at the New Beginnings Fundraising Gala and the City's Sustainability Committee meeting.
- Councilmember Dominquez reported on his recent meetings of the Community Development and Human Services Committee, and the Parks and Recreation Commission meeting where various youth programs were being discussed.
- Mayor Schneider reported on her attendance at the United States Conference of Mayors in Oklahoma City. She also mentioned she received a letter from the Fighting Back Steering Committee in support of Measure D which will be on the upcoming ballot.
- Councilmember White reported on the Los Padres National Forest announcement of a new Santa Barbara Communities Defense Zone Project where the goal is to create more resilient landscapes, help at-risk communities be fire adaptive and try to provide a safer and more effective firefighter response.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 4:26 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

ATTEST:

\_\_\_\_\_  
DEBORAH L. APPLGATE  
DEPUTY CITY CLERK



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 18, 2016

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Introduction Of Ordinance Approving Sale Of Excess City Land Related To The Mason Street Bridge Replacement Project

### RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute the Land Purchase Agreement, Escrow Instructions, and Grant Deed as Approved by the City Attorney for the Sale of Certain City Excess Land, Located at 20 West Mason Street, to Stuart Rubin in the amount of \$2,840,000.

### DISCUSSION:

On July 14, 2015, Council authorized the sale of excess real property located at 20 West Mason Street (Property) pursuant to the Santa Barbara City Charter Section 520 and Municipal Code Chapter 4.28. The Property was acquired as a necessary right of way acquisition for the Mason Street Bridge Replacement Project (Project), which is now nearing substantial completion.

The intent, as with other necessary acquisitions done for past bridge projects, has been to protect the properties in place during construction, complete any necessary repairs to the properties upon completion of the Project, and sell the properties as excess to the City's needs. The proceeds from the sale are restricted for use for eligible transportation projects including bridge replacement projects.

On September 15, 2015, a contract for Professional Services Agreement with Goodwin and Thyne Properties (Goodwin and Thyne) was approved for the listing, marketing, and bid/auction sale of the Property. The Professional Services Agreement allowed for a three and one-half percent selling commission, with one and one-half percent to be paid to Goodwin and Thyne as the listing-seller's agent, and two percent to the buyer's agent, should there be one. In the absence of a buyer's agent, the total selling commission would be one and one-half percent of the gross sales price to Goodwin and Thyne.

**SUMMARY OF EXCESS PROPERTY:**

20 West Mason Street is a two-story triplex with a studio and bath unit, a two bedroom, one bath unit downstairs, with a larger two bedroom, two bath unit with front and back decks on the second floor. It is located adjacent to the northwesterly bank of Mission Creek and the Mason Street Bridge (See Attachment). The Property was originally acquired as approved by Council on May 7, 2013, as a necessary right of way acquisition for the Project, due to its proximity to the creek bank and existing bridge, and anticipated damages to the Property as a consequence of construction.

Environmental Review:

California Environmental Quality Act Guidelines (CEQA), Section 15312, exempts from CEQA review, the sale of surplus government property except for parcels of land located in an area of statewide, regional, or area wide concern identified in CEQA Section 15206(b)(4). A review of the Property and a Notice of Exemption was completed on May 17, 2016, by City staff. The parcel is not located in an area of statewide, regional, or area wide concern. The parcel is developed as a triplex for residential use.

Marketing and Sale of Land and Noticing of Auction:

Goodwin and Thyne was contracted to manage the marketing and bid/auction sale process as well as a market analysis of value for the excess Property. A minimum offer/bid price for the Property of \$2,750,000 was established. The Property was listed in the Multiple Listing Service, on the internet, and advertised in local print publications on several occasions. Notice of the City's bid/auction process was published on two different occasions, detailing the terms, date, and location of the sealed bid/auction. Information packages were made available to all interested parties five weeks prior to the auction.

As advertised, on September 27, 2016, at 10:00 am, the bid/auction took place at 630 Garden Street in the main Public Works Conference Room for the Property, with the General Services Manager administering the sale.

The Property bid/auction produced one qualifying minimum bid, in the amount of \$2,840,000, submitted by Stuart Rubin. Evidence of financial capability to complete the purchase was demonstrated and a deposit of \$85,200 (three percent of purchase price) was submitted with the bid, as required.

**BUDGET/FINANCIAL INFORMATION:**

Financial – Escrow:

Upon execution of the Purchase Agreement, Escrow Instructions, and Grant Deed by the City Administrator, escrow will be opened and administered by First American Title Company, Inc. Title insurance and escrow fees will be split between the City and the

Council Agenda Report

Introduction Of Ordinance Approving Sale Of Excess City Land Related To The Mason Street Bridge Replacement Project

October 18, 2016

Page 3

buyer. The escrow will also administer the payment of the seller-agent sales commission and distribute the net remaining sales proceeds to the City as follows:

20 West Mason Street:

Gross sale amount	\$2,840,000
Commission (1.5 percent to seller-agent)	-\$42,600
One-half Title Insurance and Escrow fees (approximate)	-\$1,653
Net proceeds to City (approximate)	<b>\$2,795,747</b>

The buyer was located and represented by Goodwin and Thyne. The Professional Services Agreement with Goodwin and Thyne, as the selling agent for the City, limits them to a total commission of one and a half percent. A two percent commission was offered for a buyer's agent when the Property was listed and advertised. Since the buyer's agent was Goodwin and Thyne, the same as the seller's, the City realizes \$56,800 in commission savings.

Upon close of escrow, and the effective date of the approving Ordinance, First American Title will be authorized to record the Grant Deed for the Property in the Official Records of Santa Barbara County, and the transfer of the title will be completed.

The City anticipated proceeds from the sale of this Property, and previously appropriated expenditures and estimated revenues from a portion of the net proceeds. The appropriations were used to cover portions of the City-funded construction match for the Cabrillo Bridge Replacement Project. In addition, funds have been temporarily borrowed from the Pavement Overlay account to fund portions of the City match for the Gutierrez, De la Guerra, and De La Vina Bridge Replacement Projects. After returning funds to these projects, there will be \$1,137,742, from the sale proceeds available for current projects.

The majority of the available net proceeds are intended to be used for the construction match of the Gutierrez Street Bridge Replacement Project, as well as for other upcoming bridge projects. Appropriation of these funds will be requested separately in future Council Agenda Reports.

Staff recommends that Council approve the Ordinance as presented and authorize the City Administrator to execute the Purchase Agreement, Grant Deed, and any related documents for the sale of the Property, as approved to form by the City Attorney.

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

Council Agenda Report

Introduction Of Ordinance Approving Sale Of Excess City Land Related To The Mason Street Bridge Replacement Project

October 18, 2016

Page 4

**ATTACHMENT:** Aerial Map for Property Sale at 20 West Mason Street

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/DT/kts

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

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

20 West Mason Street Property For Sale as Excess



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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE LAND PURCHASE AGREEMENT, ESCROW INSTRUCTIONS, AND GRANT DEED AS APPROVED BY THE CITY ATTORNEY FOR THE SALE OF CERTAIN CITY EXCESS LAND, LOCATED AT 20 WEST MASON STREET, TO STUART RUBIN IN THE AMOUNT OF \$2,840,000

WHEREAS, at its meeting of May 7, 2013, the City Council approved by adoption of resolution the acquisition of the real property at 20 West Mason Street related to the Mason Street Bridge Replacement Project;

WHEREAS, at its meeting of July 14, 2015, the City Council declared the property at 20 West Mason Street to be excess to the City's needs and subject to disposal by public auction, and to negotiate final terms in accordance with the Santa Barbara City Charter Section 520 and Chapter 4.28 of the Santa Barbara Municipal Code subject to the review and approval by the City Attorney;

WHEREAS, on September 27, 2016, the City of Santa Barbara duly noticed and conducted a public auction in the City Public Works Main Conference Room pursuant to Santa Barbara Municipal Code Chapter 4.28;

WHEREAS, Stuart Rubin, having been the qualifying bidder at said auction, has executed and delivered a Land Purchase Agreement and Escrow Instructions for the purchase of said excess City land; and

WHEREAS, City Charter Section 520 requires the approval of the disposal of this excess City land by Council's adoption of an approving ordinance.

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

SECTION 1. That the Land Purchase Agreement, Grant Deed, and Escrow Instructions between the City of Santa Barbara and Stuart Rubin, regarding the sale of certain City excess land located at 20 West Mason Street, is hereby approved, and the City Administrator is authorized to execute any documents related to said escrow.

SECTION 2. That upon the successful completion of escrow, and the effective date of this Ordinance, First American Title Company, Inc., is authorized to record the Grant Deed for said excess City land in the Official Records, in the office of the County Recorder, Santa Barbara County.

SECTION 3. That this Ordinance shall be subject to referendum.

**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]**



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 18, 2016

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Resolution For Acceptance Of Easement For The Montecito Street Bridge and Pedestrian Improvements Project

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Accept a Permanent Easement for Street Purposes on a Portion of the Real Property Commonly Known as 223 North Salinas Street; Santa Barbara County Assessor's Parcel Number 017-073-001.

### **DISCUSSION:**

A proposed project is currently undergoing final design review for the City of Santa Barbara to replace the existing bridge for Montecito Street at Sycamore Creek, with a wider structure to include a sidewalk to improve pedestrian and bicycle safety. The project will also consist of installation of a pedestrian sidewalk and other improvements along the public right of way on Salinas Street. The majority of the associated costs will be provided by a grant from the State of California Active Transportation Program.

The subject permanent easement is proposed to encumber an approximate five square foot area on the northeasterly corner of the property commonly known as 223 North Salinas Street located at the intersection of Sycamore Canyon Road and Salinas Street (See Attachments 1 and 2). This permanent easement is needed for street pedestrian purposes to allow for the installation of a new American Disabilities Act compliant sidewalk. Although the new improvement will be installed primarily within the existing public street right of way, the additional area on the private property will result in full compliance with access standards.

The area is currently only utilized for the maintenance of minor landscaping and has been nominally valued at five hundred (\$500) dollars. The valuation was based on tax assessed land values, recent comparable sales, and current listings of properties in the vicinity.

Council Agenda Report  
Resolution For Acceptance Of Easement For The Montecito Street Bridge and Pedestrian  
Improvements Project  
October 18, 2016  
Page 2

**ATTACHMENTS:** 1. Assessor's Parcel Map for 017-073-001  
2. Easement Area Exhibit

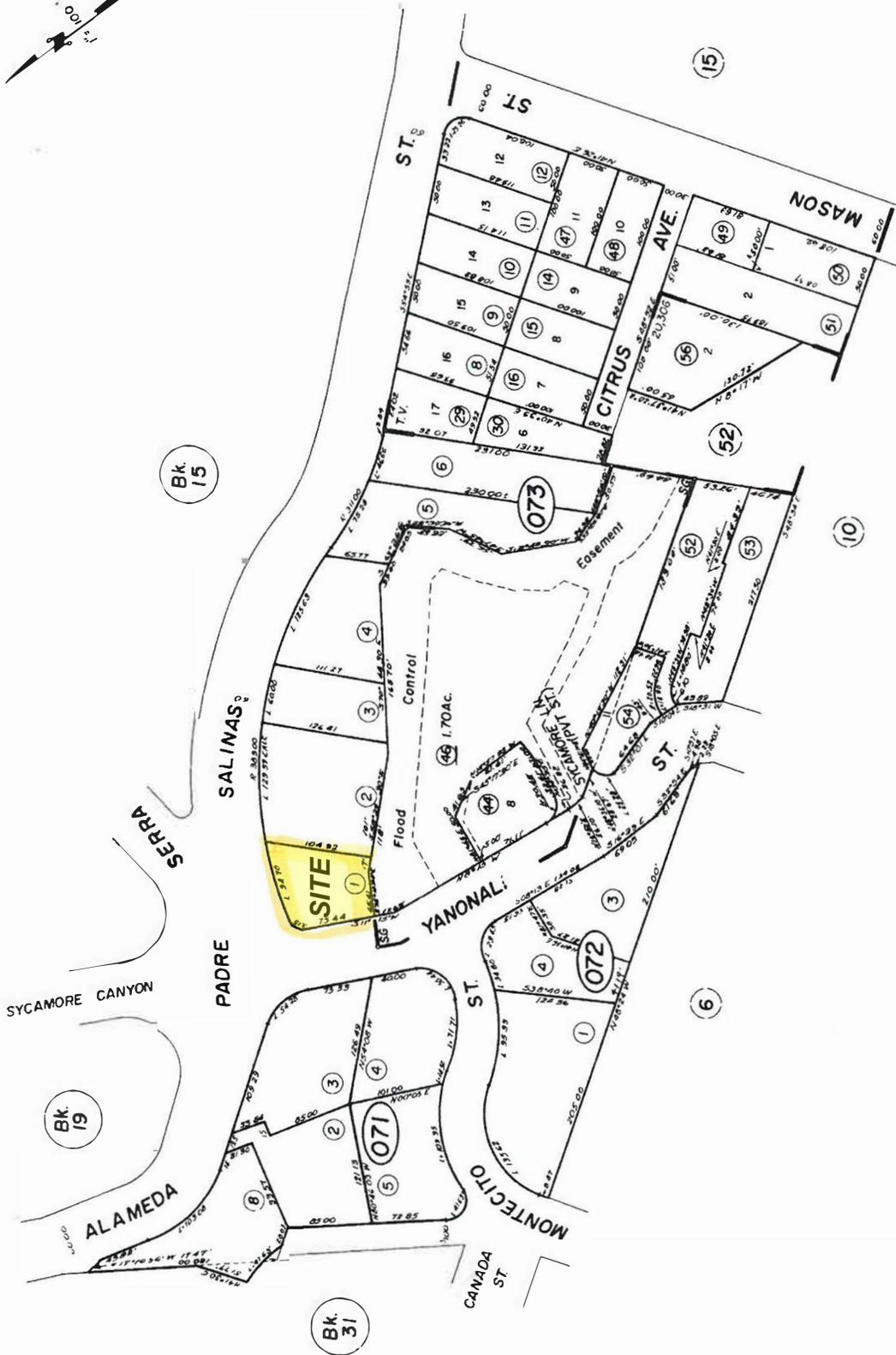
**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/DT/kts

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

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



PUEBLO LANDS



Assessor's Map Bk. 17 - Pg. 07  
 County of Santa Barbara, Calif.  
 07/06 Pg. 52

R. M. Bk. 15, Pg. 86 - Terrace Vista Subdivision  
 6/1/65 R.M. Bk. 73, Pg. 100 - Sycamore Gardens (SEE NEXT LINE BELOW)  
 10/8/71 R. M. Bk. 78, Pg. 47 - Sycamore Gardens - reversed to acreage  
 6/11/81 R. M. Bk. 121, Pg. 35-36 - Tract 20,306

NOTE - Assessor's Block Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Circles

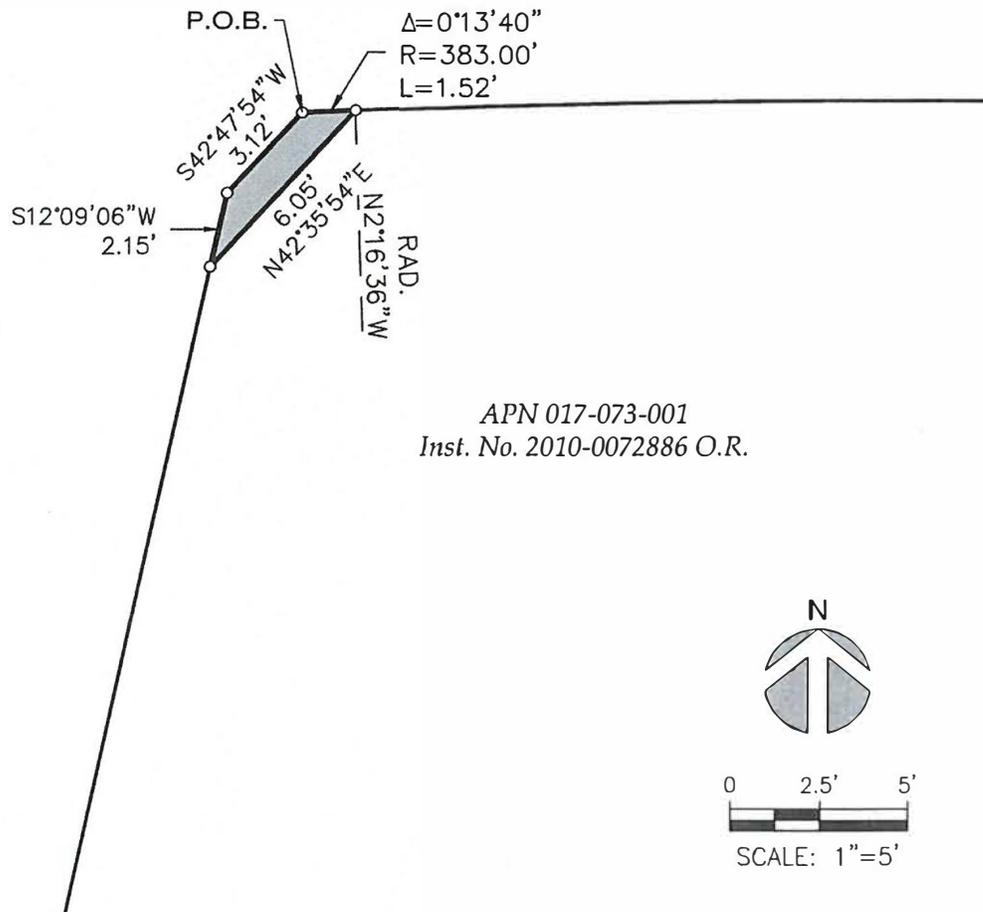
Exhibit "B"

LEGEND

P.O.B. - Point of Beginning

**N SALINAS STREET**

**SYCAMORE CANYON ROAD**



201 N. Calle Cesar Chavez, Ste 300  
Santa Barbara, CA 93103  
805.692.6921 Phone

ENGINEERING  
PLANNING  
SURVEYING  
CONSTRUCTION MANAGEMENT

CISBA.140287 \* Sidewalk ESMT.dwg \* 5/25/2016 \* RCS \* E-FILE



**SIDEWALK EASEMENT**  
Portion of APN 017-073-001  
City of Santa Barbara  
County of Santa Barbara  
4.96 ± SQ. FT.



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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACCEPT A PERMANENT EASEMENT FOR STREET PURPOSES ON A PORTION OF THE REAL PROPERTY COMMONLY KNOWN AS 223 NORTH SALINAS STREET; SANTA BARBARA COUNTY ASSESSOR'S PARCEL NUMBER 017-073-001

WHEREAS, a proposed project is currently undergoing final design review for the City of Santa Barbara to replace the existing bridge for Montecito Street at Sycamore Creek, with a wider structure to include a sidewalk to improve pedestrian and bicycle safety, and additional pedestrian sidewalk and other improvements along the public right of way known as Salinas Street, with the majority of the associated costs provided by a grant from the State of California Active Transportation Program;

WHEREAS, the bridge replacement project requires the nominal purchase by the City of a permanent easement for street purposes on a portion of the real property commonly known as 223 North Salinas Street, Santa Barbara County Assessor's Parcel Number (APN) 017-073-001, owned by Benita Baker Crane, Trustee of the Benita Crane Living Trust, UTD, 11/21/2006, due to the property location immediately adjacent to a portion of the proposed new pedestrian sidewalk at the southwesterly corner of the intersection of Sycamore Canyon Road and Salinas Street;

WHEREAS, the respective permanent easement has been valued at \$500, the written valuation and offer has been accepted by the respective owner, and the Easement Grant Deed has been signed voluntarily to allow the City to purchase the real property interest, subject to final approval by the Council of the City of Santa Barbara; and

WHEREAS, this Resolution will demonstrate intent and provide authorization by the Council of the City of Santa Barbara to accept the offer for the permanent easement interest particularly described in the respective document delivered for such purpose, subject to approval as to form by the City Attorney, without further action or subsequent resolution.

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

SECTION 1. The City of Santa Barbara hereby accepts that certain easement for public street and all related purposes described in the Street Easement Deed to the City of Santa Barbara, a municipal corporation, by Benita Baker Crane, Trustee of the Benita Baker Crane Living Trust, UTD, 11/21/06, the owner of the

real property commonly known as 223 North Salinas Street; Santa Barbara County Assessor's Parcel Number 017-073-001, for total compensation in the amount of five hundred dollars (\$500).

SECTION 2. The City of Santa Barbara hereby consents to the recordation by the City Clerk in the Official Records, County of Santa Barbara of the Street Easement Deed as executed.

SECTION 3. This Resolution shall become effective immediately upon its adoption.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 18, 2016

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Resolution For Acceptance Of Easement For The Mason Street Bridge Replacement Project

### **RECOMMENDATION:**

That Council adopt, by a reading of title only, A Resolution of the Council of the City of Santa Barbara to Accept a Permanent Easement for Street Purposes on a Portion of the Real Property Commonly Known as 101 State Street; Santa Barbara County Assessor's Parcel Numbers 033-075-011 and 033-075-016.

### **DISCUSSION:**

The Mason Street Bridge Replacement Project required the realignment of Kimberly Avenue for the placement of the newly designed bridge to accommodate the Lower Mission Creek Flood Control Channel Widening Project. A portion of the private property known as Assessor's Parcel Number (APN) 033-075-016, adjacent to Kimberly Avenue, was acquired to provide for the new alignment. A new hotel development project is currently in construction at this location.

There are two APNs listed for reference purposes, both owned by the Antonio Romasanta Revocable Trust and the Birgit Romasanta Qualified Trust. APN 033-075-011 abuts State Street. APN 033-075-016 abuts Kimberly Avenue, and is the parcel affected by the proposed easement. The parcels have been recently merged into one lot as a condition of the hotel's development approval. However, a new, single APN has not yet been assigned by the County Assessor's Office for the merged parcels, hence the reference to both APNs. The 101 State Street address is the primary address for the new hotel.

The permanent easement is for public sidewalk purposes and is located adjacent to Kimberly Avenue at the new hotel driveway, one block west of State Street, and just north of Mason Street (See Attachment 1). It is approximately 82 square feet. The area needed coincides with a portion of the driveway improvement from Kimberly Avenue into the new hotel garage, which is currently in construction.

The easement is necessary as there is not sufficient area within the public right of way to accommodate the new driveway approach and sidewalk on the east side of Kimberly Avenue. The easement area will allow for the standard width of the sidewalk and slope of the driveway apron, and continue along the private property before merging back onto the Kimberly Avenue public right of way (See Attachment 2).

There is no cost for the easement right as it is an accommodation by the property owner for mutual benefit to the new hotel project and the City. Staff recommends acceptance of the Resolution by Council.

**ATTACHMENTS:** 1. Assessor's Parcel Map for subject easement area  
2. Survey Exhibit of Easement area

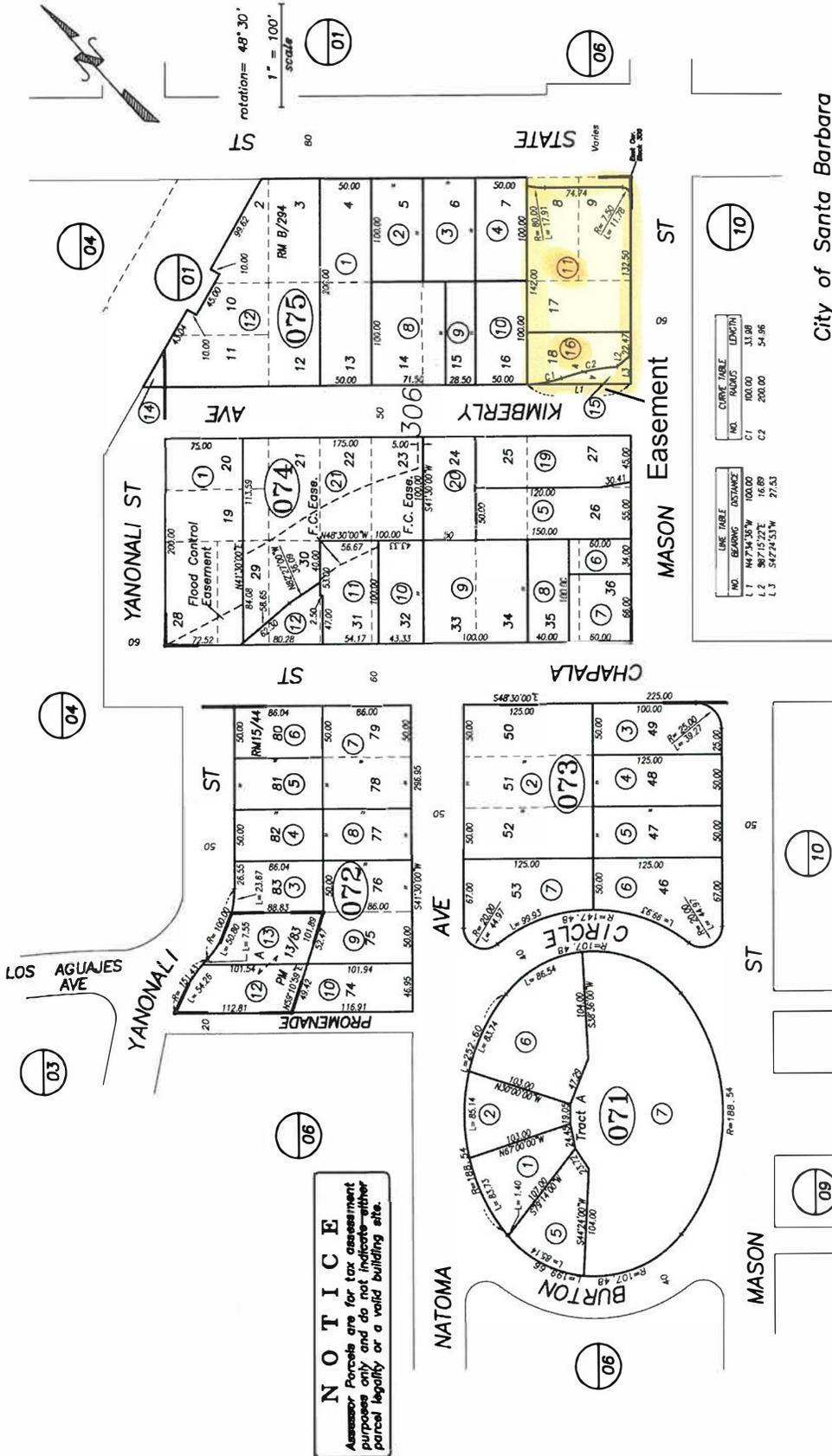
**PREPARED BY:** Adam Hendel, Principal Civil Engineer/DT/kts

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

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

033-07

POR. PUEBLO LANDS



**NOTICE**  
Assessor's Parcels are for tax assessment purposes only and do not indicate whether parcel legality or a valid building site.

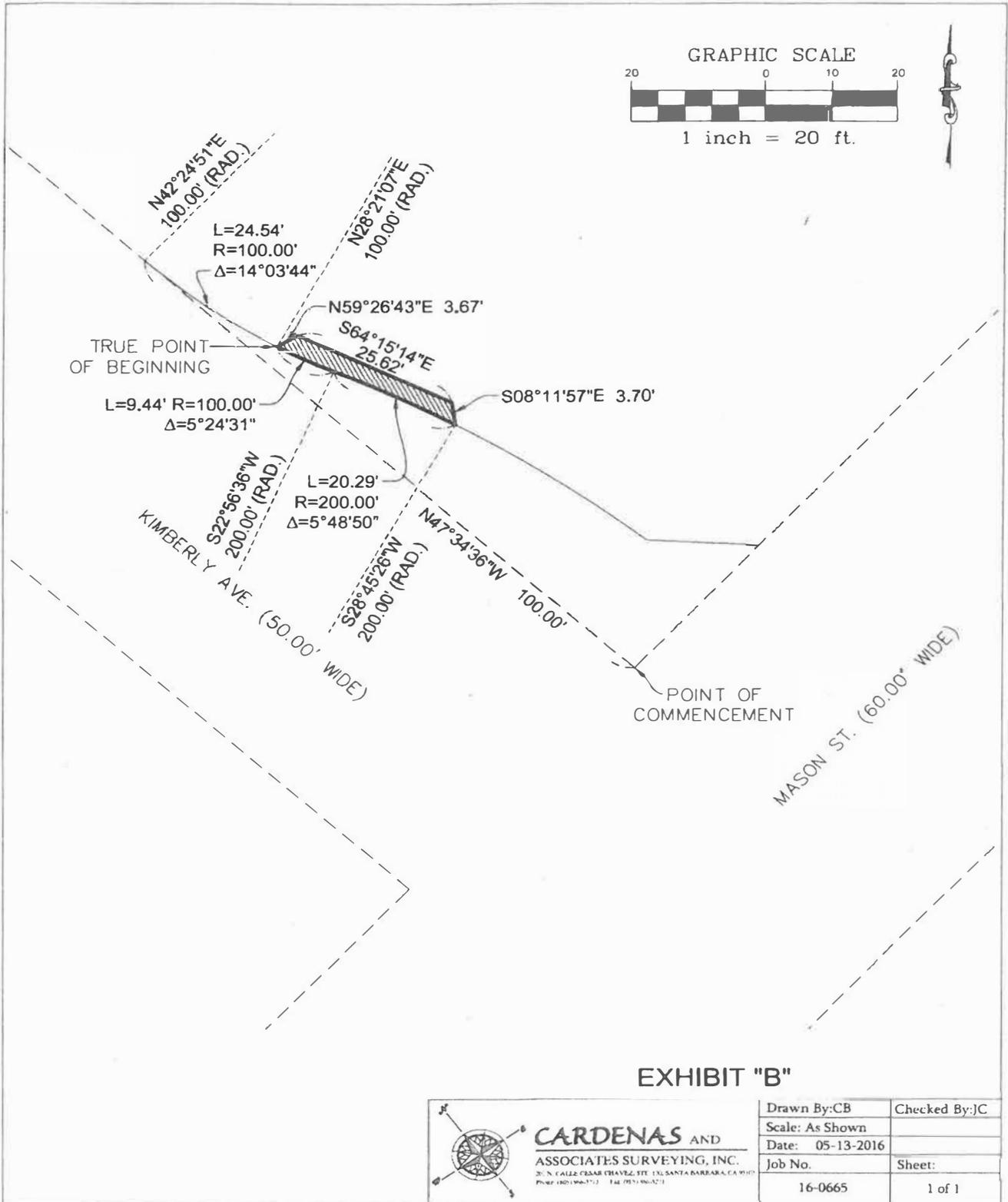
NO.	BEARING	DISTANCE
L1	N 72° 15' 30" W	103.00
L2	S 87° 15' 27" E	16.89
L3	S 47° 24' 53" W	27.53

NO.	CURVE BEARING	LENGTH
C1	100.00	33.08
C2	200.00	54.98

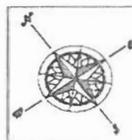
City of Santa Barbara  
Assessor's Map Bk, 033 -Pg. 07  
County of Santa Barbara, Calif.

04/08/1924 R.M. Bk. 15 , Pg. 44-45 , Tract "Ambassador Tract"  
12/18/1875 R.M. Bk. B , Pg. 294 , Tract Subd. of Block 306

074-11 & 21, Flood control easements  
075-06 into 075-15 & 16  
LD/14



**EXHIBIT "B"**



**CARDENAS AND ASSOCIATES SURVEYING, INC.**  
 20 N. CALLE CESAR CHAVEZ, STE. 103, SANTA BARBARA, CA 93101  
 PH: (805) 966-3713 FAX: (805) 966-3711

Drawn By: CB	Checked By: JC
Scale: As Shown	
Date: 05-13-2016	
Job No.	Sheet:
16-0665	1 of 1

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACCEPT A PERMANENT EASEMENT FOR STREET PURPOSES ON A PORTION OF THE REAL PROPERTY COMMONLY KNOWN AS 101 STATE STREET; SANTA BARBARA COUNTY ASSESSOR'S PARCEL NUMBERS 033-075-011 AND 033-075-016

WHEREAS, a project for the City of Santa Barbara (City) to replace the existing bridge for Mason Street at Mission Creek, required the realignment of the public street, known as Kimberly Avenue, at Mason Street, and new pedestrian sidewalk, curb, gutter, and other street improvements were necessary for completion of the the realignment of Kimberly Avenue;

WHEREAS, a new hotel development project was approved and permitted requiring the merger of two Assessor's Parcel Numbers (APNs) 033-075-011 and 033-075-016 having the same owner, with APN 033-075-016 being the parcel abutting Kimberly Avenue where the new hotel will construct a driveway entrance;

WHEREAS, the new sidewalk along Kimberly Avenue requires a sufficient level area to accommodate pedestrian traffic, and the new driveway requires depth from the street into the property to allow for appropriate slope of the driveway, the new sidewalk requires an easement on the hotel property allowing for pedestrian access at a level area beyond the slope of the driveway;

WHEREAS, the owner of the private hotel property, who has been cooperating with the City in it's efforts to replace the Mason Street Bridge and complete the Kimberly Avenue realignment and improvements while proceeding with the hotel development project, has agreed to grant the street easement to the City for convenience and mutual benefit at no cost, and the Easement Grant Deed has been signed voluntarily to allow the City to acquire the real property interest, subject to final approval by the Council of the City of Santa Barbara; and

WHEREAS, this Resolution will demonstrate intent and provide authorization by the Council of the City of Santa Barbara to accept the offer for the permanent easement interest particularly described in the respective document delivered for such purpose, subject to approval as to form by the City Attorney, without further action or subsequent resolution.

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

SECTION 1. The City of Santa Barbara hereby accepts that certain easement for public street and all related purposes described in the Street Easement Deed to the City of Santa Barbara, a municipal corporation, by Antonio R. Romasanta Trustee of the Antonio Romasanta Revocable Trust dated 1/07/2007, and Antonio R. Romasanta Trustee of the Birgit Romasanta Qualified Trust dated 1/07/2007, the owner of the real property commonly known as 101 State Street; Santa Barbara County Assessor's Parcel Number 033-075-016, for mutual benefit.

SECTION 2. The City of Santa Barbara hereby consents to the recordation by the City Clerk in the Official Records, County of Santa Barbara of the Street Easement Deed as executed.

SECTION 3. This Resolution shall become effective immediately upon its adoption.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 18, 2016

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Resolution For Acceptance Of Easements For The Gutierrez Street Bridge Replacement Project

### RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept Permanent and Temporary Construction Easement Interests, Located at 101 West Gutierrez Street, and Authorizing the City Administrator to Execute the Purchase Agreement and Related Documents as Necessary, in a Form Approved by the City Attorney.

### DISCUSSION:

The Permanent and Temporary Construction Easements (TCE) identified below are necessary for the replacement of the Gutierrez Street Bridge. The easements are being acquired by the City to complete the Right of Way Phase of the project allowing for the construction phase to begin as scheduled.

The Purchase Agreement and related documents identified in the proposed Resolution for the acquisitions described below, have been executed and delivered to City staff. They now require authorization and approval by City Council for their acceptance, execution by the City Administrator, and subsequent recordation with the County of Santa Barbara.

### Gutierrez Street Bridge Replacement Project Easement Acquisitions:

Assessor's Parcel No	Site Address	Type of Easement	Owner
037-245-003	101 West Gutierrez Street	Permanent	Gutierrez Partners, LLC
037-245-003	101 West Gutierrez Street	TCE	Gutierrez Partners, LLC

A written offer to the property owner to purchase the easements necessary for the project was made based on valuations approved by the State of California Department of Transportation (Caltrans). The offers have been negotiated in good faith, and final agreements have been executed by the property owners.

The proposed Resolution approves the acceptance of the real property rights by the City, and authorizes the execution of the agreement and related documents necessary to complete the acquisitions as listed above.

**BUDGET/FINANCIAL INFORMATION:**

The total amount of compensation being paid to acquire the easements covered by the agreement and being authorized by the recommended Council action is:

<b>APN:</b>	<b>Owner</b>	<b>Total Compensation</b>
037-245-003	Gutierrez Partners, LLC	\$2,000

There are sufficient funds in the Streets Capital Fund to cover this cost. The City's share of total compensation is 11.47 percent (\$229.40) with the remaining percentage of compensation being reimbursable by the Federal Highway Administration administered through Caltrans.

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

**ATTACHMENT:** Easements Exhibit for 101 West Gutierrez Street

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/DT/kts

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

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



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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACQUIRE AND ACCEPT PERMANENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS, LOCATED AT 101 WEST GUTIERREZ STREET, AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE PURCHASE AGREEMENT AND RELATED DOCUMENTS AS NECESSARY, IN A FORM APPROVED BY THE CITY ATTORNEY.

WHEREAS, a proposed project is currently undergoing final design and environmental review for the City of Santa Barbara (City) to replace the existing bridge for Gutierrez Street at Mission Creek, due to age, increasingly deteriorated condition, and limited flood control capacity, with anticipated reimbursement of a significant portion of the City's associated costs using funding provided by the United States Department of Transportation, Federal Highway Administration (FHWA), as administered by the State of California, Department of Transportation (Caltrans);

WHEREAS, the bridge replacement project requires the purchase by the City of a permanent easement for street, bridge, and flood control purposes, and temporary construction easement, on portions of the real property commonly known as 101 West Gutierrez Street, Santa Barbara County Assessor's Parcel Numbers (APNs) 037-245-003, owned by Gutierrez Partners, LLC, a California Limited Liability Corporation, due to the property's location immediately adjacent to the existing bridge and the proposed new Gutierrez Street bridge at Mission Creek;

WHEREAS, as authorized by FHWA and Caltrans, the respective permanent easement and temporary construction easement have been valued, and in accordance with applicable laws and guidelines, subject to final approval by the Council of the City of Santa Barbara, a written offer and required valuation summaries and agreement have been delivered to the respective owner;

WHEREAS, the written purchase offer has been accepted by the respective owner and the agreement has been signed voluntarily to allow the City to purchase the real property interests, subject to final approval by the Council of the City of Santa Barbara;

WHEREAS, this Resolution will provide authorization by the Council of the City of Santa Barbara for the City Administrator to execute the agreement with the affected owner, subject to approval as to form by the City Attorney;

WHEREAS, this Resolution will also provide authorization by the Council of the City of Santa Barbara for the City Administrator to subsequently execute any other documents that may become necessary to accomplish such purchases by the City of the interests in the real property, subject to approval as to form of such documents by the City Attorney, which may include among others, but not be limited to, escrow instructions; and

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept the permanent and temporary construction easement interests particularly described in the respective documents delivered for such purpose, without further action or subsequent resolution.

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

SECTION 1. The City Administrator is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement and Joint Escrow Instructions with Gutierrez Partners, LLC, a California Limited Liability Company, for the purchase by the City of a permanent and temporary construction easement for the purposes of bridge and appurtenant public works improvements and related facilities construction work, on a portion of the real property commonly known as 101 West Gutierrez Street, Santa Barbara County APN 037-245-003, for total compensation in the amount of \$2,000 dollars, plus related escrow closing costs.

SECTION 2. The City of Santa Barbara hereby accepts all interests in and on the real property as described above, and more particularly as described in the Gutierrez Street Bridge Permanent and Temporary Construction Easement Deeds and the Easement Purchase Agreement signed by the respective property Owner of the property as described above, which have been executed and delivered hereunder.

SECTION 3. The City of Santa Barbara hereby consents to the recordation by First American Title Company, 3780 State Street, Santa Barbara, CA 93105, under the respective Escrow for the Gutierrez Street Bridge Permanent Easement and Temporary Construction Easement Deeds, in the Official Records, County of Santa Barbara, at the close of escrow.

SECTION 4. This Resolution shall become effective immediately upon its adoption.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 18, 2016

**TO:** Mayor and Councilmembers

**FROM:** Library Department

**SUBJECT:** Acceptance Of Adult Education Block Grants From Santa Barbara City College For Digital Literacy In Support Of Workforce Development And Dyslexic Tutoring

**RECOMMENDATION:** That Council:

- A. Authorize the Library Director to accept a grant of \$81,341.83 from Santa Barbara City College to develop and implement the "One in Five" (\$43,465.77) and "Digital Literacy" (\$37,876.06) programs; and
- B. Increase revenue and appropriation in the Library's General Fund, Central Library Program by \$81,341.83 in Fiscal Year 2017.

**DISCUSSION:**

The Library Department has been awarded a total of \$81,341.83 from Santa Barbara City College that will fund the "One in Five" (\$43,465.77) and "Digital Literacy" (\$37,876.06) programs.

The "One in Five" program will serve two distinct cohorts. One set of individuals will include adults 18 and over with dyslexia, and the second will include community members, which include seniors, parents, caregivers, and grandparents. The adults that are 18 and over with dyslexia will be tutored by volunteers and teachers who will receive training in research-tested approaches to reading in order to help them thrive in adult education and career transition. The community member will be trained to develop the knowledge and skills to successfully work with persons who struggle with reading because of dyslexia.

The "Digital Literacy" will establish a learning center within the Central branch dedicated to helping adults improve their access to the online world of services and learning. This learning center will enable staff to conduct small classes, one-to-one tutoring, and individual online learning which will build digital literacy for adults 18 and over and

enable successful navigation of online interfaces for attaining public services, vocational training, job searching, educational opportunities, financial services and basic information literacy.

**BUDGET/FINANCIAL INFORMATION**

Staff recommends that Council authorize the increase of revenues and appropriations for the Library's General Fund, Central Library Program by \$81,341.83 for these programs.

**SUBMITTED BY:** Jessica Cadiente, Library Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 18, 2016

**TO:** Mayor and Councilmembers

**FROM:** Airport Administration, Airport Department

**SUBJECT:** Contract With Campbell-Hill Aviation Group, LLC For Air Service Development Services

### **RECOMMENDATION:**

That Council authorize the Airport Director to execute a contract with Campbell-Hill Aviation Group, LLC, for specialized air service development support for the Santa Barbara Airport, in an amount not to exceed \$92,500.

### **DISCUSSION:**

#### Background

Since 1979 the Airport has contracted with firms for specialized air carrier development services to assist the Airport in meeting its strategic goals of maintaining existing service and attracting new service.

In July 2016 Airport staff solicited Statements of Qualifications (SOQ) from experienced firms providing air service development consulting services. The proposals were evaluated based upon experience and qualifications of the consultant team and project manager, experience of the proposing firm, and approach to scope of services

As a result of the interviews and evaluation of the SOQs, Campbell-Hill was selected to provide air consulting services for the Airport. Kevin Schorr, the project manager, has more than 15 years of air service consulting experience, including 5 years for Santa Barbara Airport, and airline management experience at Trans World Airlines (TWA). In addition, Campbell-Hill has performed consulting services in the past five years for airlines such as Southwest, Allegiant, Peninsula Airways (PenAir), and Hawaiian.

#### Contract Scope of Services

Campbell-Hill will work with the Airport to develop and present an effective, comprehensive program to maintain and improve air service, including:

- Conducting a “leakage study” that analyzes the passenger volume from an expanded area around the Santa Barbara Airport, including for passengers that utilize other neighboring airports;
- Evaluating and prioritizing specific passenger routes based on leakage study results and airline strategies, including recommending actions to address deficiencies and competitive opportunities with the airlines;
- Assisting the Airport in scheduling and facilitating high-level meetings with domestic air carriers regarding potential new and/or improved air service routes, including developing detailed, written proposals and professional presentations;
- Conducting on-site meetings with community stakeholders; and
- Preparing additional market analyses and conducting research, as needed, related to Airport business and operational issues.

**BUDGET/FINANCIAL INFORMATION:**

This contract is at the discretion of the Airport Director and is charged on a time and materials basis. Funding for this contract is included in the Airport Department’s Fiscal Year 2017 operating budget.

**PREPARED BY:** Hazel Johns, Airport Director

**SUBMITTED BY:** Hazel Johns, Airport Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 18, 2016

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Approval Of Parcel Map And Execution Of Agreements For 1135 San Pascual Street

### RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,816, and standard agreements relating to the approved subdivision at 1135 San Pascual, and authorize the City Engineer to record, upon completion of any required public improvements, a recital document stating that the public improvements have been completed and that the previously recorded Land Development Agreement may be removed from the title document.

### DISCUSSION:

A Tentative Map for the subdivision located at 1135 San Pascual Street (Attachment 1), was conditionally approved on October 1, 2014, by adoption of the Staff Hearing Officer (SHO) Conditions of Approval, Resolution Number 056-14 (Attachment 2). The project is a four-unit condominium development. Staff has reviewed the Parcel Map and has found it to be in substantial compliance with the previously approved Tentative Map, the Conditions of Approval, the State Subdivision Map Act, and the City's Subdivision Ordinance. The County Surveyor has reviewed this map for technical correctness.

In accordance with the SHO approval, the Owner, 1135 San Pascual, LLC, has signed and submitted the Map and the required Agreements to the City. Council approval is required if Council agrees with the staff determination that the Map conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of the approval of the Tentative Map.

Staff recommends that Council authorize the City Administrator to execute the required *Agreement Relating to Subdivision Map Conditions Imposed on Real Property* and the *Agreement for Land Development Improvements*.

The *Agreement Assigning Water Extraction Rights* does not require Council approval, and will be signed by the Public Works Director in accordance with City Council Resolution Number 02-131.

The parcel map is available for review in the City Clerk's office.

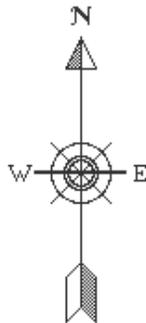
**ATTACHMENTS:** 1. Vicinity Map  
2. Conditions required to be recorded concurrent with Parcel Map Number 20,816 by the Staff Hearing Officer Conditions of Approval Resolution Number 056-14

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

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

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

Vicinity Map  
1135 San Pascual Street



Not to Scale

### CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH FINAL MAP NUMBER 20,816 BY STAFF HEARING OFFICER CONDITIONS OF APPROVAL, RESOLUTION NO. 056-14

#### ADDRESS

Said approval is subject to the following conditions:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on October 1, 2014, is limited to a four unit residential condominium project comprised of the existing one-story 1,152 square foot unit with a 300 square foot addition, and its existing one-car garage and three new two-story units of 1,294 square feet each, each with an attached one-car garage, and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara. The project includes a Habitat Restoration and Enhancement Plan for the area adjacent to Old Mission Creek.
2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Tree Protection.** The five existing oak trees and two acacia trees shown on the Tentative Subdivision Map shall be preserved, protected, and maintained. The following provisions shall apply to any oak trees to remain on the property:
  - a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
  - b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
6. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the Habitat Restoration/Enhancement Area (as shown on the Landscape Plan), which drains directly into Old Mission Creek.

7. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for the following:
- a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
  - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
  - c. **Parking Space Assignment.** Parking spaces within the project shall be allocated to each condominium unit in accordance with SBMC §28.90.100.G.3.e.
  - d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan. Such plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
  - e. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
  - f. **Public Improvement Districts.** A covenant that includes a waiver to protest formation of public improvement districts.
  - g. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
8. **Residential Parking Permit Program.** If the Residential Parking Permit Program is extended to include the subject property, neither Owners nor residents of the units shall be eligible to participate in the Program.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 18, 2016

**TO:** Mayor and Councilmembers

**FROM:** Downtown Parking Section, Public Works Department

**SUBJECT:** Purchase Of Downtown Parking Attendant Kiosk At City Lot 5

### **RECOMMENDATION:**

That Council find that it is in the best interest of the City to waive bidding requirements as authorized by Municipal Code Section 4.52.070 L, and authorize the General Services Manager to issue a purchase order, to B.I.G. Enterprises, Inc., for a pre-fabricated parking attendant kiosk located at 1220 Chapala Street, City Lot 5, in an amount not to exceed \$44,763.

### **DISCUSSION:**

The Public Works Department's Downtown Parking Program, operates a total of 15 parking lots and garages in the downtown district with a total of approximately 3,558 parking stalls spread throughout the 5 parking garages and 10 surface parking lots. All but 3 of the 15 lots have staffed attendant kiosks. Staffed kiosks play a vital role in revenue collection, traffic control, and relaying information to the parking patrons.

Several years back, in order to facilitate access to the Victoria Theater Restoration Project construction site, the Victoria Street entrance was converted to an exit and a temporary kiosk was constructed. Shortly after completion of the theater project, the City began designing a permanent exit, including enhanced landscaping, realigned curbs, and sidewalks, and a permanent kiosk (Kiosk Project). The new kiosk will be American with Disabilities Act compliant and have a similar appearance to the kiosk installed at City Lot 4. On August 29, 2012, the City received final design approval from the Historic Landmarks Commission for the permanent kiosk at the Victoria Street exit lane.

B.I.G. Enterprises, Inc. (B.I.G.), has supplied parking lot kiosks for most of the City's downtown and waterfront parking lots. B.I.G. offers a variety of pre-fabricated structures commonly used in parking lots and similar venues. In order to maintain consistency in appearance and function, the City recommends a sole source purchase order with B.I.G. for the purchase of one B.I.G. kiosk to be placed at the Victoria Street exit lane of City Parking Lot 5. The new kiosk will be located in the same general location as the

temporary one and will be compatible with Downtown Parking's existing parking lot access control equipment.

Due to the amount of lead time needed to fabricate and deliver the new kiosk (e.g. 12 to 14 weeks), staff recommends purchasing the kiosk before the Kiosk Project goes out to bid in order to ensure quality control and timely delivery.

Based on staff research, B.I.G.'s prefabricated kiosks are considerably less expensive than custom kiosks. Additionally, B.I.G. is considered the leading booth manufacturer in America and is recognized for its durability, longevity, and warranty of product. B.I.G. is located in El Monte, California, and is readily available and able to provide support and respond to requests within 24 hours. For these reasons, staff is recommending that Council find it in the best interest of the City to waive bidding requirements and authorize the Public Works Director to purchase the kiosk from B.I.G.

The Kiosk Project construction is anticipated to start in February 2017, immediately following completion of the Santa Barbara International Film Festival.

**BUDGET/FINANCIAL INFORMATION:**

The total purchase order cost of the prefabricated kiosk is \$44,763, which includes 10 percent for unanticipated change order costs. The Kiosk Project is funded from the Downtown Parking Enterprise Fund. There are sufficient appropriated funds to cover the cost of the Kiosk Project.

**PREPARED BY:** Robert J. Dayton, Principal Transportation Planner/TG/mj

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 18, 2016

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Extension Of Interim Emergency Ordinance Prohibiting Non-Medical Marijuana-Related Businesses

### **RECOMMENDATION:**

That Council adopt an Interim Emergency Ordinance Of The Council Of The City Of Santa Barbara Extending Ordinance No. 5763 to Prohibit Non-Medical Marijuana Businesses For 22 Months And 15 Days Or Until September 5, 2018.

### **DISCUSSION:**

#### Background

On September 6, 2016, in order to retain local control over marijuana-related land uses, the City Council adopted by reading in full, and by unanimous vote, an interim zoning ordinance (Interim Zoning Ordinance) prohibiting non-medical marijuana-related businesses in the City. The Interim Zoning Ordinance was effective on the date of adoption for a maximum period of 45 days, as allowed under California Government Code Section 65858. This initial prohibition expires on October 21, 2016 unless Council adopts an ordinance extending the Interim Zoning Ordinance for up to 22 months and 15 days by four-fifths vote. If the extension is adopted, the Interim Zoning Ordinance will expire on September 5, 2018, unless otherwise repealed by Council on an earlier date. This time extension is necessary to see if the Adult Use of Marijuana Act (AUMA) is approved by the voters on the November 8, 2016 election ballot, and then to determine if and how Council would like to adopt an ordinance to address the zoning impacts and secondary impacts to public health, safety, and welfare arising from the AUMA.

#### Adult Use of Marijuana Act

The AUMA is a statewide ballot measure known as Proposition 64 that will be considered for approval by the people of the State of California on the November 8, 2016 General Election ballot. The AUMA has the political support of Lt. Governor Gavin Newsom and the California Medical Association. Recent polls show approximately 60% support among California voters for legalization, and according to government filings, pro-

Proposition 64 interests have contributed \$11.4 million to passing the measure, while opponents have raised less than \$200,000. The AUMA received a relatively favorable ballot summary from the Attorney General, who stated that it would prohibit marijuana sales to persons under the age of 21, impose a 15% statewide excise tax, and allow some degree of local regulation and taxation of marijuana. Medical marijuana would be exempt from state sales and use taxes.

If approved by the voters, the AUMA would legalize the cultivation, processing, manufacture, distribution, testing, sale, transport, purchase, use, and possession of non-medical marijuana up to certain limits by adults over the age of 21. Subject to state licensing, it allows for commercial marijuana-related businesses, including retail and delivery services. The AUMA permits local governments to generally regulate marijuana-related activities, but it does not allow complete prohibition of indoor cultivation of marijuana for personal use. Under the AUMA, the City may reasonably regulate indoor cultivation of up to six marijuana plants and prohibit, if it so chooses, outdoor cultivation.

The AUMA provides for some local regulation of marijuana-related land uses, such as:

- Banning all marijuana-related commercial activity;
- Banning outdoor cultivation, unless the California Attorney General determines marijuana is no longer illegal under federal law; and
- Reasonably regulating indoor cultivation in private residences, but not banning it outright.

If approved, the AUMA would become effective on November 9, 2016, the day after the election, and personal cultivation and possession would become legal as allowed under the Act. Non-medical marijuana businesses will require licenses issued by the State. The AUMA requires that the State begin issuing non-medical marijuana business licenses by January 1, 2018. The League of California Cities anticipates that the State will not begin issuing such licenses before late 2017.

#### Possible Next Steps for Regulating Non-Medical Marijuana-Related Businesses

Staff have begun meeting to discuss the potential future work program necessary to adopt a permanent Zoning Ordinance regulating non-medical marijuana-related businesses. Staff expects that it could be an approximate 18-month effort from initiation to ordinance adoption given the sensitivity of the land use. Staff envisions that the development of a new ordinance will be similar to the process used to establish the City's Medical Cannabis Dispensaries Ordinance.

If the City does not regulate non-medical marijuana activity the State will have the sole authority to determine where, how, and how many commercial marijuana activities occur within the City. A new ordinance will need to address the cultivation, distribution, manufacture, retail sales, and transportation of non-medical marijuana. Additionally, existing medical marijuana dispensaries, if not prohibited by a local ordinance, may apply for a State license to sell non-medical marijuana from existing storefront locations. The

City currently has two approved medical marijuana dispensaries and if an ordinance either prohibiting or regulating retail sales of non-medical marijuana is not adopted, these dispensaries could become licensed to sell non-medical marijuana and operate solely under regulation by the State.

At a minimum, if non-medical marijuana businesses and cultivation is allowed, the issues that need to be addressed in a new ordinance include:

- Locations where non-medical marijuana land uses would be allowed (e.g., cultivation, manufacture, sales)
- Operational standards for various aspects of the businesses
- the process for permitting the businesses and opportunities for appeal
- Potential regulatory fees
- Level of enforcement effort and policing

The work program for developing an ordinance would include, at a minimum:

- Extensive public outreach and/or workshops
- Draft ordinance development
- Environmental review
- Planning Commission review
- Council Ordinance Committee review
- Council Finance Committee review
- City Council review and adoption

#### City Administrator's Written Report to Council

Government Code section 65858 requires that a written report describing the measures taken to alleviate the condition which led to the initial adoption of the Interim Zoning Ordinance be issued ten days prior to the expiration of the Interim Zoning Ordinance on October 21, 2016. In furtherance of this requirement, on October 3, 2016 the City Administrator issued a memorandum to the City Council, consistent with section 65858, describing the actions that staff from the City Attorney's Office, Community Development Department, Finance Department, and Police Department have taken, and intend to take to address the passage of the AUMA. The memorandum is Attachment 1 to the Council Agenda Report.

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

The extensive public outreach and research necessary to draft an ordinance of this nature will require significant staff resources from various City departments. This work effort was not anticipated in the FY 2017 budget, and was not included in previous workload priority discussions with the City Council. Once a project scope is refined, staff will return to City Council with a staffing recommendation that may include an appropriation request and/or a service reduction in other areas, such as Planner Consultations and Pre-Application Review.

**ATTACHMENT:** Memorandum from Paul Casey, City Administrator

**PREPARED BY:** Tony Boughman, Assistant Planner

**SUBMITTED BY:** George Buell, Community Development Director

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



City of Santa Barbara  
Community Development Department  
**Memorandum**

**DATE:** October 3, 2016

**TO:** Mayor and Council

**FROM:** Paul Casey, City Administrator 

**SUBJECT:** Interim Prohibition of Non-Medical Marijuana Businesses

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**Background**

This memorandum is in response to Council action on September 6, 2016 adopting an Interim Emergency Zoning Ordinance Of The Council Of The City Of Santa Barbara Prohibiting Non-medical Marijuana Businesses (Interim Ordinance). This is consistent with California Government Code Section 65858, and Santa Barbara City Charter Section 511. Pursuant to Section 2.F of the Interim Ordinance, the City Administrator shall prepare a written report to City Council describing the measures taken to alleviate conditions which led to the adoption of the Interim Zoning Ordinance.

**Conditions which led to the adoption of this Ordinance**

The California Adult Use of Marijuana Act (AUMA, see attached FAQ) qualified for the November 2016 General Election ballot as Proposition 64. If successful, it would legalize non-medical marijuana-related businesses statewide which could have adverse implications for the City of Santa Barbara in the form of security, circulation and parking, and neighborhood compatibility.

**Measures taken to alleviate the Conditions**

Since the adoption of the Interim Ordinance on September 6, 2016, staff from the City Attorney's Office, Community Development Department, Finance Department, and Police Department met to discuss future work programs that will need to be completed in order to adopt a permanent Zoning Ordinance amendment regulating non-medical marijuana-related businesses. The City Attorney's Office participated in a seminar by the Bureau of Medical Cannabis Regulation.

The work programs will involve a scoping meeting with City Council, public outreach and workshops, and review by Planning Commission, Finance Committee, Ordinance Committee, and City Council. The preparation of presentation materials, maps, draft ordinances, reports, and a web site will require dedication of staff time and resources in various City departments.

Community Development staff are currently preparing a project budget and schedule, and assessing workload in order to advise in greater detail what the preparation of a Zoning Ordinance amendment would entail.

**Next Steps**

If Proposition 64 is successful, Planning Division staff would conduct a scoping hearing with the City Council in January 2017 to define the parameters of a necessary Zoning Ordinance amendment to implement AUMA. Staff estimates that from project initiation to Ordinance adoption, the work effort would require approximately 18 months in order to elicit community input to ensure that a broad range of public input is heard and to allow for public hearings by the Planning Commission, Ordinance Committee, Finance Committee, and City Council.

**Attachment:**

League of California Cities Frequently Asked Questions regarding AUMA

September 12, 2016



## Frequently Asked Questions (FAQs)

### Adult Use of Marijuana Act<sup>1</sup>

#### Proposition 64

**Question#1:** If passed, when will the AUMA take effect?

**Answer:** The AUMA will take effect November 9, 2016, the day after the election. But note, the AUMA requires a state license to engage in commercial nonmedical marijuana activity. Licensing authorities are required to begin issuing licenses by January 1, 2018 and the League anticipates that the issuance of licenses will not occur much in advance of January 1, 2018. Thus, the AUMA provisions legalizing commercial nonmedical marijuana activity will not become operational until the state begins issuing licenses (likely in late-2017). The AUMA provisions legalizing personal use and cultivation of nonmedical marijuana take effect November 9, 2016.

**Question #2:** Assuming the AUMA passes, can private individuals cultivate nonmedical marijuana at home beginning November 9, 2016?

**Answer:** Yes, within a residence by a person 21 years and older for personal use. The AUMA provides that local governments can reasonably regulate, but cannot prohibit personal indoor cultivation of up to six marijuana plants. This includes cultivation in a greenhouse that is on the property of the residence but not physically part of the home, as long as it is fully enclosed, secure, and not visible from a public space. Because this activity is not subject to state licensing requirements, private individuals may cultivate up to six living marijuana plants indoors beginning November 9, 2016—unless a city enacts an ordinance imposing a reasonable regulatory scheme that would preclude them from doing so before complying with the city's regulatory requirements. Cities cannot adopt or enforce bans on private indoor cultivation of six living nonmedical marijuana plants on or after November 9, 2016.

Local governments may regulate or ban all outdoor personal cultivation. However, the AUMA includes language purporting to repeal any ordinance that bans personal outdoor

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<sup>1</sup> Please consult your City Attorney before taking action to implement the AUMA. The answers to these FAQs may be different in your city based upon your municipal code, regulations, and policies. The answers do not constitute legal advice from the League of California Cities®.

cultivation upon the California Attorney General's determination that nonmedical use of marijuana is lawful under federal law.

**Question #3:** What does the AUMA say about possession, transporting, purchasing or giving away of non-medical marijuana?

**Answer:** A person 21 years of age or older may possess, process, transport, purchase or give away to persons 21 years of age or older not more than 28.5 grams of marijuana in the non-concentrated form and not more than 8 grams of marijuana in a concentrated form including marijuana products. If the AUMA passes, these activities will be lawful under state law and cannot be prohibited under local law.

**Question #4:** Do cities that ban or regulate medical marijuana businesses need to update their ordinances to include nonmedical marijuana?

**Answer:** Yes. The AUMA prohibits state licensing authorities from issuing a license to a commercial nonmedical marijuana business if operation of the business violates a local ordinance of the jurisdiction in which the business will operate. This means that a city wishing to adopt business or land use regulations prohibiting or regulating commercial nonmedical marijuana businesses must adopt an ordinance prior to the date the state begins issuing licenses, which the League anticipates will be in late 2017.<sup>2</sup>

**Question #5:** Can cities be confident that a permissive zoning code, by itself, provides sufficient protection against nonmedical marijuana businesses setting up shop without local approval?

**Answer:** No. It is unlikely that cities will succeed in arguing that nonmedical marijuana land uses are prohibited by permissive zoning codes under the AUMA, because the AUMA does not contain the same protective language as the MMRSA with respect to permissive zoning. Therefore, cities that wish to ban all or some nonmedical marijuana activities should adopt express prohibitions, even if they operate under a permissive zoning code.

**Question #6:** Are cities at risk of losing the opportunity to impose bans on personal outdoor cultivation if they don't act until after the November election?

**Answer:** No. A city may adopt an ordinance banning or regulating personal outdoor cultivation at any time. However, if a city does not adopt a ban or regulatory scheme before November 9, 2016, individuals will be able to cultivate marijuana outdoors for personal use until such time as the city enacts a ban or regulatory scheme. Because the logistics of enforcing a ban after an individual's outdoor cultivation operations have begun, the best practice may be to adopt an ordinance before November 9, 2016.

**Question #7:** Are cities at risk of losing the opportunity to impose bans on nonmedical marijuana businesses, if they don't act until after the November election?

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<sup>2</sup> Please see Question #8 regarding the use of public roads for transportation and delivery.

**Answer:** No. However, if a city does not adopt an ordinance expressly banning or regulating nonmedical marijuana businesses before the state begins issuing state licenses nonmedical businesses, a state-licensed nonmedical marijuana business will be able to operate within its jurisdiction without local permission or permitting. This is due to a provision in the AUMA that provides that state licenses cannot be issued where the activity would violate a local ordinance. If a jurisdiction has no ordinance regulating nonmedical marijuana businesses, then the local regulatory scheme is silent on that type of activity, and the state can unilaterally issue a license under terms fully compliant with the AUMA. Cities may adopt an ordinance expressly banning or regulating such operations after the state begins to issue licenses, but it will be difficult to terminate the state licensee's operations until the state license is up for renewal. Therefore, the best practice is to adopt an ordinance before the state begins issuing state licenses.

**Question #8:** Can cities ban deliveries under the AUMA?

**Answer:** Yes. Cities can ban deliveries within their territorial limits. However, cities cannot prevent the use of public roads for the delivery of marijuana. For example, if a licensed delivery company located in City A must travel on public roads through City B to make an authorized delivery in City C, City B cannot prohibit the licensed delivery company from travelling on public roads in City B to get to City C. In addition, cities may not prevent the use of public roads within its jurisdiction to transport nonmedical marijuana.

**Question #9:** What is the best way for cities to notify the state licensing agencies of their local ordinances that regulate and/or prohibit commercial non-medical marijuana activities within their jurisdictions?

**Answer:** Unless the state licensing agencies indicate otherwise, cities should mail copies of their local ordinances that regulate or prohibit commercial nonmedical marijuana activities within their jurisdictions to the Department of Consumer Affairs, the Department of Food and Agriculture, and the Department of Public Health. Cities should regularly check each Department's website to ensure that this practice complies with any regulations the Departments may pass regarding notice of local ordinances. In addition, Cities should ensure that any updates or amendments to local ordinances that regulate or prohibit commercial nonmedical marijuana activities are promptly submitted to each Department.

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

AN INTERIM EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA EXTENDING ORDINANCE NO. 5763 TO PROHIBIT NON-MEDICAL MARIJUANA BUSINESSES FOR 22 MONTHS AND 15 DAYS OR UNTIL SEPTEMBER 5, 2018

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

**SECTION 1. Findings and Determinations.**

A. The Adult Use of Marijuana Act (“AUMA”) is a statewide initiative which will be considered for approval by the People of the State of California on November 8, 2016 as Proposition 64. If approved by the voters, the AUMA would legalize the cultivation, processing, manufacture, distribution, testing, sale, and use by adults over the age of 21 of non-medical marijuana.

B. Santa Barbara Municipal Code section 28.10.030 A. provides as follows:

“No building or structure shall be erected, moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed, or intended to be used, for any purpose or in any manner other than is permitted in the zones in which such land, building, structure or premises are located.”

C. The City Council finds that SBMC 28.10.030 A. establishes “permissive” zoning which does not permit any land use, including non-medical and medical marijuana uses, unless such use is expressly identified, enumerated, and authorized in the Zoning Ordinance.

D. The City Council wishes to assure that non-medical marijuana businesses are not permitted, licensed, opened, or operated in Santa Barbara until such time as the Community Development, Finance, Fire, Police and other City departments have had a reasonable opportunity to study the ramifications of non-medical marijuana businesses, and report their findings to the Planning Commission and City Council so that appropriate land use decisions can be made to regulate the locations, activities and operating parameters for such businesses.

E. The establishment of non-medical marijuana businesses before appropriate procedures and regulations are enacted, and the preparation of potential non-medical marijuana businesses preparing to do business through generating capital and purchasing and leasing property, will cause adverse impacts to surrounding residential and non-residential neighborhoods and unacceptable risks to the public health, safety and welfare of the City's residents and the general public and it is, therefore, urgent that the City have the opportunity to consider whether such facilities should be allowed or prohibited in the City and, if so allowed, to develop regulations governing the location and operation of non-medical marijuana businesses to prevent the adverse impacts to the public health, safety and welfare that could result from the unregulated placement and operation of such uses.

F. Furthermore, the AUMA will give priority to the issuance of retail sale licenses for non-medical marijuana to medical marijuana dispensaries that were operating prior to January 1, 2018, and those medical marijuana dispensaries will be allowed to convert to non-medical marijuana retail dispensaries unless otherwise regulated or prohibited by a local agency.

G. Because the City has approved two applications for operation of medical marijuana dispensaries in compliance with Santa Barbara Municipal Code Chapter 28.80, and a third application is under review, it is therefore necessary for the City to prohibit the conversion of its permitted medical marijuana dispensaries to non-medical marijuana retail businesses until such time as it has had the opportunity to consider the effects of the possible conversion, and whether or not non-medical marijuana retail businesses should be allowed; and if allowed, to develop regulations governing location and operation to prevent adverse impacts to public health, safety, and welfare that could result from the unregulated operation of retail marijuana businesses.

H. Given the time required to undertake the necessary study and planning, the City Council finds that it is necessary that this interim Ordinance be immediately enacted to ensure that no non-medical marijuana businesses that may be in conflict with any state or federal law, or the City's general plan, zoning, and/or development policies are permitted in the interim.

I. Based upon the foregoing, on September 6, 2016, the City Council determined that there was an immediate need to protect the public health, safety and welfare as a result of unregulated development (including capitalization, and purchasing and leasing property) and operation of non-medical marijuana businesses so that an interim ordinance pursuant to Government Code section 65858, and an emergency ordinance pursuant to City Charter section 511, needed to be adopted to take effect immediately.

J. Ordinance No. 5763, adopted on September 6, 2016 by a unanimous vote of the City Council as an interim emergency ordinance, will expire on October 21, 2016 unless otherwise extended for up to an additional 22 months and 15 days by a four-fifths vote of the City Council, as authorized under Government Code section 65858.

K. The City Council finds and determines that based upon the foregoing, there remains a current and immediate need to protect the public health, safety, and welfare which requires that interim Ordinance No. 5763, incorporated by reference, be extended for 22 months and 15 days as authorized under Government Code section 65858, and that the ordinance must take effect immediately upon adoption, and the urgency is hereby declared.

L. The City intends to undertake within a reasonable time during this 22 months and 15 days, a study of whether non-medical marijuana businesses must or should be permitted or prohibited, and if permitted, the appropriate regulations for such uses.

M. The City Council has held a duly noticed public hearing in connection with consideration and adoption of this Ordinance.

N. The City Council now desires to adopt this Ordinance extending Ordinance No. 5763, as an emergency ordinance, effective immediately, and thereby prohibit the establishment of non-medical marijuana businesses in any zone of the City pursuant to the authority set forth in California Government Code section 65858.

O. The City Council finds that this Ordinance should be read in full and adopted on an emergency basis pursuant to the authority in Charter section 511.

## SECTION 2. Interim Zoning Adopted.

A. The findings and determinations in Section 1 are true and correct.

B. In accordance with the authority granted to the City Council under Government Code section 65858 and City Charter section 511, upon the effective date of this Ordinance, Ordinance No. 5763 is extended, and incorporated herein by this reference, for a period of 22 months and 15 days, or until September 5, 2018, so that no use permit, variance, building permit, business license, or other applicable entitlement for use of any kind whatsoever shall be approved or issued for the establishment or operation of a non-medical marijuana business, nor shall any non-medical marijuana business be allowed to open, operate, or seek permits to open or operate, and during that period any such activity shall be unlawful.

C. For the purposes of this Ordinance, the definitions set forth in Ordinance No. 5763 shall apply.

D. This Ordinance is an interim emergency ordinance adopted pursuant to the authority granted to the City Council by Government Code Section 65858 and City Charter section 511. It is necessary for the immediate preservation of the public health, safety and welfare. The facts constituting the emergency and urgency, as stated in Section 1 of this Ordinance, are incorporated herein by this reference.

E. The City Administrator, acting by and through such City departments as he or she may deem appropriate, is directed to study the applicable legal and land use issues related to operation of non-medical marijuana businesses and develop appropriate zoning and licensing guidelines or regulations governing such uses, and/or a possible prohibition on such uses if authorized by law and desired by the City Council.

F. The violation of any of the provisions of this Ordinance shall be a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each and every day such a violation exists shall constitute a separate and distinct violation of this Ordinance. Any violation is also subject to the penalties established by Santa Barbara Municipal Code Chapter 1.28 and the administrative code enforcement procedures established by Santa Barbara Municipal Code Chapter 1.25.

G. In addition to the penalties and other methods of enforcement provided herein, any condition caused or permitted to exist in violation of any provision of this Ordinance shall be deemed a public nuisance and may be, by this City, summarily abated as such. The City Attorney is authorized to commence actions and proceedings for abatement, removal or enjoinder thereof in the manner provided by law, and shall take such other steps as necessary and shall apply to any court as may have jurisdiction to grant relief for such abatement, removal or enjoinder. Each day that such condition continues shall be regarded as a new and separate offense.

H. The City Attorney is hereby authorized to commence any legal and administrative actions and proceedings for the abatement, removal or enjoinder of non-medical marijuana businesses, and shall take such other legal actions and steps as he or she may deem necessary, and shall apply to any court as may have jurisdiction to grant relief for abatement, removal or enjoinder of non-medical marijuana businesses which are prohibited by this Ordinance.

### SECTION 3. Severability and Interpretation.

A. Severability. If any provision of this interim emergency Ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this interim emergency Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this interim emergency Ordinance are hereby declared to be severable.

B. Interpretation. This interim emergency Ordinance shall be construed to confer upon the City the maximum power and authority allowed by state and federal law. In the event state or federal law is found to conflict with and preempt any provision of this Ordinance, or in the event state or federal law changes to conflict with and preempt any provision of this Ordinance, the remaining and non-conflicting provisions of this Ordinance shall be interpreted and construed to give maximum effect to the remaining and non-conflicting provisions so as to effectuate to the greatest extent possible the purposes and restrictions expressed herein.

#### SECTION 4. Effective Date.

This interim emergency Ordinance shall become effective immediately upon adoption and shall be in effect for twenty-two months and fifteen days from expiration of Ordinance No. 5763, or until September 5, 2018. The City Council may repeal or modify this Ordinance at any time.

#### SECTION 5. CEQA Findings.

The City Council on the basis of the whole record and exercising its independent judgment finds that this interim emergency Ordinance is not subject to environmental review pursuant to the State Guidelines for Implementation of the California Environmental Quality Act sections 15060(c)(2) and 15060(c)(3), pertaining to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under Section 15378. This Ordinance has no potential for resulting in physical change to the environment directly or indirectly in that it prevents change to the environment pending the completion of the contemplated research and studies.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 18, 2016

**TO:** Mayor and Councilmembers

**FROM:** City Attorney's Office

**SUBJECT:** Oversized Vehicle Parking Ordinance

**RECOMMENDATION:** That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Santa Barbara Municipal Code by Adding Section 10.44.220 with Respect to Oversized Vehicle Parking, Amending Section 10.44.200 to Eliminate the Term "Temporary Recreational Vehicle," and Repealing Section 10.44.205 Pertaining to Recreational Vehicle Parking;
- B. Direct the Access Advisory Committee to Study and Report to Staff on Options for On-street Disabled Parking; and
- C. Create an Ad Hoc Stakeholder Committee, Including the New Beginnings Counseling Center, to Consider Additional Off-street Parking Opportunities for Persons Living in Vehicles.

**EXECUTIVE SUMMARY:**

On June 7, 2016, the Ordinance Committee recommended the above-listed actions to the City Council. The Ordinance Committee also asked staff to consider appropriate signage requirements before reporting back to the City Council. In meetings and collaboration during July, August and September, staff identified several clarifications and improvements to the oversized vehicle ordinance which are reflected on the attached ordinance. This report describes the history of oversized vehicle regulation in Santa Barbara, the proposed ordinance and staff's recommendations for signage.

**DISCUSSION:**

On November 24, 2015, Council Members Rowse and Francisco sought and received Council authority (5-2, Mayor Schneider and Council Member Murillo opposed) for the Ordinance Committee to re-examine the City's existing Recreational Vehicle (RV) parking regulations. The November Council memorandum stated that the purpose of

this referral was to extend the discretionary authority of the Public Works Director and Police Chief to restrict excessive on-street RV parking in negatively impacted neighborhoods. The memorandum also suggested that the extended authority might cover any “sensitive” land use.

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

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

#### History of the “No RV” Parking Ordinances

Recreational vehicle parking regulation in Santa Barbara has a lengthy history which includes at least three lawsuits, including a pending case brought by Homes on Wheels. The City’s history also includes substantial funding and zoning changes to accommodate off-street parking for persons living in recreational vehicles, as well as substantial funding over the years to provide housing for unhoused and at-risk residents.

On January 29, 2002, the City Council approved the formation of the Task Force on Vehicle Dwelling, which included representatives from the Committee for Social Justice, Catholic Charities, recreational vehicle dwellers, and numerous neighborhood and shelter organizations. The Task Force reported back to Council on June 25, 2002, making several recommendations including options for off-street RV parking and enforcement of ordinances. On November 19, 2002, the City Council adopted Ordinance No. 5263 to, among other things, prohibit overnight parking (2 a.m. to 6 a.m.) of RVs and certain other large vehicles and trailers. Thereafter, in *Homes on Wheels v. City of Santa Barbara* (2004) 119 Cal.App.4<sup>th</sup> 1173, the Court of Appeal upheld (against a preemption argument) Santa Barbara’s power under Vehicle Code section 22507 to regulate overnight RV parking. But the Court of Appeal also ruled that the City had failed to provide adequate notice of the RV parking regulations because it had not

posted each street where the regulations might be applicable, relying instead on posting just 33 locations that the City Attorney had deemed to be “entrances” to the City.

In 2005, the City Council amended the Zoning Ordinance to allow the use of recreational vehicles as overnight accommodations in certain non-residential zones of the City and on church and nonprofit parking lots and, under some circumstances, in parking lots owned and operated by the City. Likewise in 2005, the City Council created and funded a Recreational Vehicle Accommodation Program to enable off-street vehicle dwelling.

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

The City’s actions in furtherance of the settlement were reflected in Ordinance No. 5411, adopted on February 6, 2007, and in Resolution No. 07-026, adopted on April 24, 2007 (which repealed and superseded Resolution No. 05-072). Ordinance No. 5411 amended SBMC section 10.44.200 to remove RVs from the citywide 2 a.m. to 6 a.m. large vehicle and trailer parking prohibition. It also implemented the agreed-upon “waterfront” area RV parking restrictions. Resolution No. 07-026 authorized the City Administrator to retain a nonprofit social service organization (New Beginnings Counseling Center -- NBCC) to administer the Recreational Vehicle Accommodation Program (Safe RV Parking Program) and further designated certain public lots for “temporary transitional use for overnight Recreational Vehicle accommodations.” Over the years, the City Council has authorized over \$440,000 for the Safe RV Parking Program. New Beginnings provides more than 115 off-street parking spaces for persons living in vehicles. In addition, since 2005, the City Council has authorized the expenditure of more than \$8.9 million for temporary and emergency housing for the unhoused.

On June 10, 2008, the Council received an update from NBCC on the Safe RV Parking Program. As part of that update, City staff briefed the Council on efforts by the Police, Public Works and the City Attorney’s Office to address RV issues in the community.

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

The update noted that “No RV Parking” signs had been posted around Alice Keck Park, Alameda Park, and Ortega Park due to traffic safety concerns. The update concluded by alerting Council that these departments were working on broader solutions to address unwanted RV intrusion into neighborhoods.

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

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

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

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

9. any designated safe route to schools that would limit the locational and quantitative reach of the new ordinance.”

This language was approved by the Ordinance Committee and forwarded to the full Council. Council adopted the language as SBMC 10.44.205 (Ordinance No. 5475) on December 23, 2008. Since adoption, staff has used the ordinance extensively to post no RV parking zones in response to public complaints. In some instances where traffic safety needs warranted posting, and prior to the 2015 amendments to define “excessive,” staff have considered parking of a single RV to be “excessive.”

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

Homes on Wheels and individual plaintiffs again sued the City in 2015, using a complaint virtually identical to the 2011 case. The Santa Barbara Superior Court rejected the case because it was a duplicate of the prior case HoW had lost. HoW appealed. In August 2016, the Court of Appeal again ruled in the City’s favor. Thereafter, HoW switched lawyers and the Court of Appeal granted a rehearing to determine whether HoW should be allowed an opportunity to amend its complaint. That issue remains pending in the Court of Appeal.

### The Current Situation and Available Regulatory Options

In May and June 2016, staff presented two regulatory options to the Ordinance Committee. Staff discussion and analysis between November 2015 and the May Ordinance Committee deliberations considered a factual record of widespread and repeated public complaints, generally from persons living in residential areas, about the nuisance and safety concerns they feel are posed by long-term RV parking adjacent to their stationary homes. These concerns include problems with litter, sewage disposal, and noise. Public concerns also arise due to the large size of many RVs, with attendant impacts on motor vehicle, bicycle and pedestrian safety. Some members of the public also articulated a generalized fear related to the transient nature of some RV dwellers.

Staff’s factual analysis focused upon the size and character of RVs, rather than the status of RV dwellers. We advise Council to do the same. There is no consistent

evidence that RV dwellers are themselves dangerous. Oversized vehicles, however, do raise serious concerns. With respect to size, RVs are often very large in relation to city streets and other vehicles. This poses line of sight and street width challenges, especially on Santa Barbara's historic and narrow streets and in older neighborhoods. With respect to many neighborhood nuisance concerns, the troublesome characteristics of RVs arise from the fact that they are intended to be at least temporary dwelling spaces. City streets are not designed or intended for human occupancy, even temporary in nature; there are no human sanitation facilities, there is no access to utilities, there is no private open space, and there is no access to garbage removal or postal services. Staff asked the Ordinance Committee to weigh and evaluate these facts in order to identify the health, safety and general welfare concerns which might support new regulations based upon traffic and pedestrian safety.

The first regulatory option presented to the Ordinance Committee built upon the existing street location identification system established in SBMC section 10.44.205. Quite simply, in addition to the categorical list of sensitive land uses, Council could add authority for the Public Works Director to post no RV parking signs in areas where it is necessary or desirable for traffic safety reasons. The specific language offered to the Ordinance Committee in May 2016 provided that:

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

While the safety impairment determination would require judgment and discretion, it is quite specific in identifying the purpose and objective of no RV parking areas. Staff advised that this would be a reasonable and rational standard for the exercise of staff discretion. Sign posting would be required in prohibited areas.

The second approach identified by staff does not focus on RVs. Instead, it would create a ban on all oversized vehicle parking, subject to a series of special exceptions. The proposed size criteria, which are used in many nearby cities (Goleta, Ventura, Camarillo and Thousand Oaks), provide:

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

mean or include a pickup truck, which is less than twenty-five (25') feet in length and eighty-two (82") inches in height.

Like the locational traffic safety approach, sign posting would be required under state law to provide "adequate notice" of the restrictions.

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

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

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

#### Ordinance Committee Recommendations

The Ordinance Committee chose to pursue the second option which focuses upon all oversized vehicles, rather than just RVs. Staff supports this choice although it represents a change in direction for the City. Notably, the City Attorney expressed concern about the existing language in section 10.44.205 which regulates RV parking based upon its adjacency to certain land uses because it is unclear whether that approach is based solely upon traffic safety considerations.

The City Attorney also briefed the Ordinance Committee on new case law extending the Americans with Disabilities Act to on-street parking programs. Under current City law, RVs with distinguishing disabled placards or license plates are not permitted to park in blue curb zones in those areas where all RV parking is prohibited. The validity of this approach is one of the issues currently being litigated in the Court of Appeal in *Homes on Wheels 3*. In addition, recent federal case law makes it clear that on-street parking is a “program, service, or activity” under Title II of the ADA and the Rehabilitation Act, so that the City must consider reasonable modifications to its ordinances when needed to provide meaningful access for a disabled person. The City remains in a difficult position as the recent federal case law does not define the appropriate technical standards for disabled on-street parking, such as how much is needed and where it should be located. Accordingly, the Ordinance Committee approved an exception for *all* oversized vehicles with distinguishing disabled placards or plates, and recommended that Council direct the Access Advisory Committee to consider more precise regulations that would limit the impact of oversized vehicle parking while still accommodating the needs of the disabled.

The Ordinance Committee also heard testimony about the impacts of the existing and proposed ordinance upon persons living in RVs as emergency or temporary housing. As a result, the Ordinance Committee also recommended that Council form an ad hoc task force to continue working on off-street parking solutions like the Safe Parking program previously established by the Council.

Finally, the Ordinance Committee asked staff to consider the signage necessary to provide adequate public notice of the City’s oversized vehicle parking regulations. In response to *Homes on Wheels 1*, the City switched from posting only the entrances to the City to posting every block face. The Ordinance Committee was interested in less costly and less obtrusive signage approaches that would be consistent with state law.

#### Staff Recommended Changes from the Ordinance Committee Draft Ordinance

Staff began its review of the Ordinance Committee actions and discussion in early July. At that time, it became apparent that several provisions of the originally proposed oversized vehicle ordinance approach could be improved consistent with the Ordinance Committee’s recommendations. Given the fluid nature of the law in this area, staff now recommends several clarifications and improvements to the original ordinance proposed to the Ordinance Committee. These clarifications are denoted on the attached proposed ordinance with double underscores and double strikethroughs so that Council can compare what went to the Ordinance Committee with what is now being presented. (Proposed Ordinance.) We will discuss the substantive changes below.

First, several of the exceptions to the ordinance have been redrafted for clarity. Exception 1, which allows oversized commercial vehicles to load and unload without a permit has been limited to 30 minutes. Transportation and Police Enforcement staff felt

this time limit was necessary to enforce the ordinance consistent with the Ordinance Committee's intent.

Second, exception 2, which allows for on-street emergency repairs to oversized vehicles, has been limited to 4 hours. Staff felt this was a reasonable period to effect emergency repairs to an inoperable oversized vehicle.

Third, exception 3 has been added to allow for bus parking. Although many buses would be allowed to park under the original proposal because they are governmentally owned, staff was concerned that private buses might need to park for limited periods during tours or other activities. The new exception allows bus parking for up to 2 hours, and recognizes the City's authority to post bus parking zones in certain areas to accommodate longer term parking.

Fourth, the most significant and legally important change has to do with the originally proposed exception for oversized vehicles with distinguishing disability plates or placards. Staff and the City Attorney believe that case law is better implemented with a permit system for oversized vehicles with distinguishing disability placards or plates. Thus, rather than using a blanket exception for blue plate/placard oversized vehicles, which might be rolled back after consideration by the Access Advisory Committee, the proposal now creates a system for reasonable modification of the ordinance on a case-by-case basis through issuance of an "Oversized Vehicle Disability Parking Permit." Importantly, these permits implement state and federal disability law by allowing individualized consideration of the needs of each disabled person seeking to park an oversized vehicle. The disabled individual would be required to show their need to access the proposed parking location and how their oversized vehicle is specially equipped and necessary to accommodate their disability, among other requirements. We believe this approach is consistent with current law, but must caution that the law is developing rapidly in this area so significant uncertainty remains.

Fifth and finally, the proposed ordinance includes a slightly modified approach to issuing "Temporary Oversized Vehicle Parking Permits." These permits are intended to allow for temporary access to specific locations for residents, commercial businesses, and non-resident visitors. Staff proposes to limit those temporary permits to locations to those areas that do not create or exacerbate a dangerous traffic safety condition.

### Signage

State law requires signage that provides "adequate public notice" of a parking restriction. City Transportation staff have analyzed the situation and concluded that signage which posts the entrances to each neighborhood would provide adequate notice under state law. This will result in a reduction of the number of signs from several thousand (if each block face were posted) to about 373 signs citywide. This signage approach would also result in a reduction in the number of "No RV" signs currently posted. The staff's evidentiary analysis and sign description are attached to

this report as Attachment 1. Attachment 2 is an inventory of the existing 462 “No RV” sign posting block face locations.

Repeal of Existing Law

We further recommend repeal of existing SBMC 10.44.205, the locational restriction ordinance. It will no longer be necessary under the oversized vehicle system.

**BUDGET/FINANCIAL INFORMATION:**

The proposed oversized vehicle ordinance would require Council to adopt cost recovery fees to cover the cost of issuing and managing a permit system. Staff estimates that citywide sign removal and new posting can be accomplished for about \$75,000. If Council adopts the oversized vehicle ordinance, Public Works Department staff will return to Council with a fee resolution for cost recovery of staff time associated with establishing and operating a permitting system. The ordinance will create an increase in calls for service and complaints into the 911 Public Safety Combined Communications Center, and an increase in workload for the Parking Enforcement personnel and Patrol Division personnel assigned to handle and process the complaints. The increased workload will create extended response times to these types of complaints.

**ATTACHMENT(S):** 1. Evidentiary analysis and sign description  
2. Inventory of existing 462 “No RV” sign posting block face locations.

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

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

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



City of Santa Barbara  
Public Works Department

## Interoffice Memorandum

**DATE:** September 6, 2016  
**TO:** Ariel Calonne, City Attorney  
**FROM:** Derrick Bailey, Supervising Transportation Engineer   
**SUBJECT:** Sign Spacing Analysis for Oversized Vehicle Prohibition

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The purpose of this technical memorandum is to document the decision process regarding sign frequency and sign design on Santa Barbara streets that provide notice to drivers of the oversized vehicle parking prohibition.

### Sign Frequency

Signs should be posted frequently enough to provide drivers with adequate notice of the prohibition. This prohibition applies citywide as opposed to most other parking prohibitions or limits that can vary block by block. For block by block prohibitions and limits, more frequent sign postings are needed to provide reasonable notice of the specific rules for that block, typically at least one sign per block face. Because the oversized vehicle prohibition is citywide, the rules are consistently applied block by block, and therefore less frequent sign postings are needed.

The worst case scenario in terms of driver familiarity with Santa Barbara and local rules is a visitor from out of town. To account for this level of familiarity with Santa Barbara, the driver should preferably be given multiple notifications before arriving at a potential on street parking location.

To provide multiple notifications, a layered approach will be taken. Visitors to the City will enter the City, and most likely drive along one of Santa Barbara's major streets before potentially entering a neighborhood with the intention of parking their vehicle. The layered approach will provide signs:

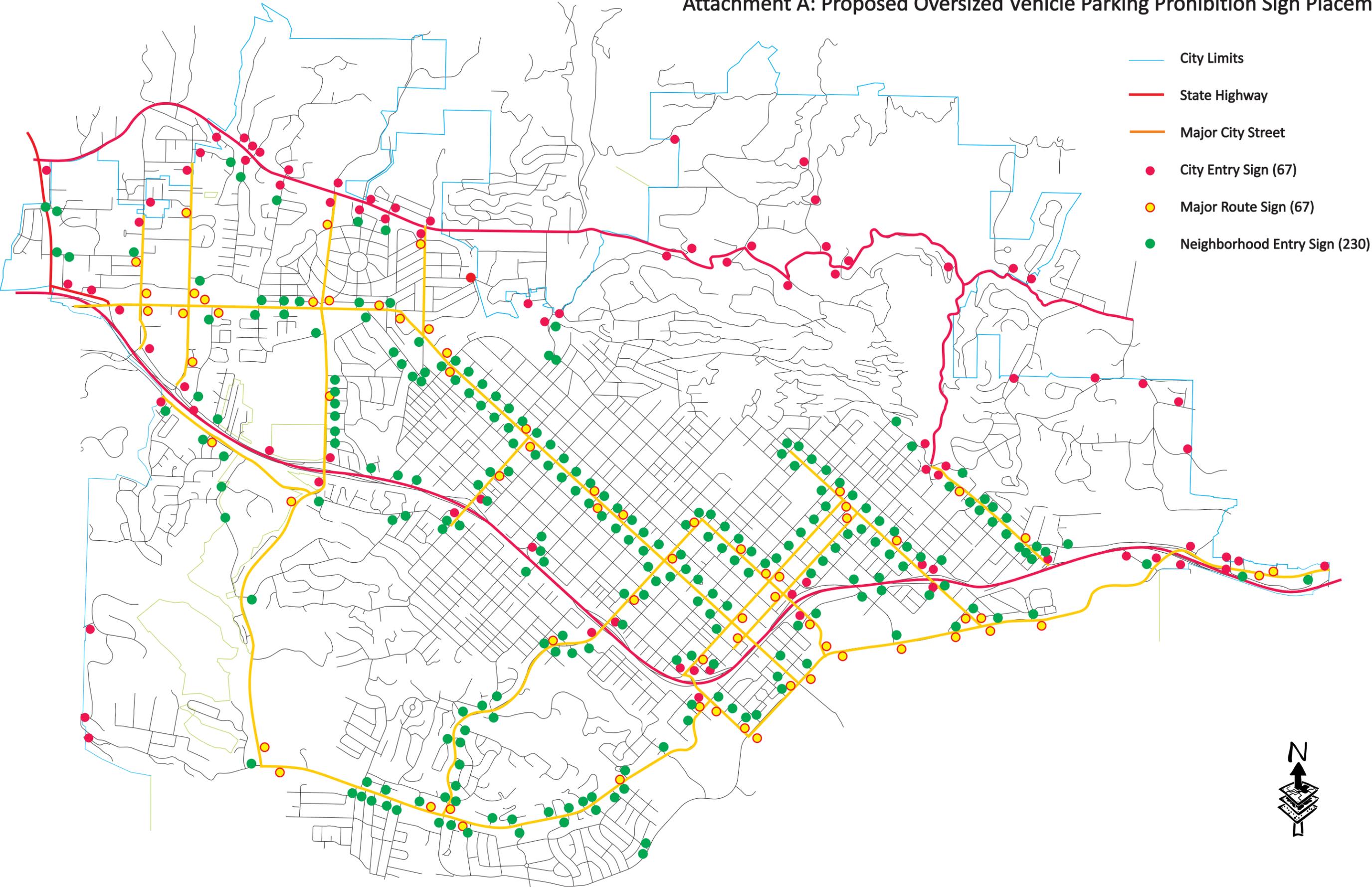
1. At entry points into the City (76 signs)
2. Along major roadways (67 signs)
3. At entry points to neighborhoods (230 signs).

This will provide approximately 373 signs throughout Santa Barbara. Attachment A illustrates placement of those signs. More or fewer signs may be needed depending on the location.

### Sign Design

Standard parking signs compliant with the California Manual on Uniform Traffic Control Devices are typically 18-inches high by 12-inches wide. For this application, I recommend larger signs that are more noticeable to moving traffic. A sign 30-inches high by 24-inches wide (same size as a standard speed limit sign) will provide good visibility of the prohibition. A concept sign design is illustrated on Attachment B.

Attachment A: Proposed Oversized Vehicle Parking Prohibition Sign Placement



Attachment B: Proposed Oversized  
Vehicle Parking Prohibition Sign



## NO RV Sign Location List as of 8/31/16

Street	Block Number	Number of Posted Signs
Alameda Padre Serra	1900	2
Alisos St. (North)	100	2
Alisos St. (North)	200	2
Anacapa St.	100	1
Anacapa St.	1400	2
Anapamu St. (East)	100	1
Anapamu St. (West)	500	2
Anapamu St. (West)	600	2
Arrellaga St. (East)	200	2
Ashley Ave.	00	2
Cabrillo Blvd. (East)	00	0
Cabrillo Blvd. (East)	100	1
Cabrillo Blvd. (East)	200	1
Cabrillo Blvd. (East)	300	1
Cabrillo Blvd. (East)	400	1
Cabrillo Blvd. (East)	500	1
Cabrillo Blvd. (East)	600	0
Cabrillo Blvd. (East)	700	0
Cabrillo Blvd. (East)	800	1
Cabrillo Blvd. (East)	900	0
Cabrillo Blvd. (East)	1000	1
Cabrillo Blvd. (East)	1100	1
Cabrillo Blvd. (East)	1200	1
Cabrillo Blvd. (West)	00	2
Cabrillo Blvd. (West)	100	0
Cabrillo Blvd. (West)	200	2
Cabrillo Blvd. (West)	300	1
Cacique St.	700	3
Cacique St.	800	2
Cacique St.	1000	2
Cacique St.	1100	1
Cacique St.	1200	2
Calle Cesar Chavez (North)	00	1
Calle Cesar Chavez (North)	100	2
Calle Cesar Chavez (North)	200	2
Calle Cesar Chavez (North)	300	2
Calle Cesar Chavez (South)	00	1
Calle Cesar Chavez (South)	100	0
Calle Puerto Vallarta	800	2
Calle Puerto Vallarta	900	2
Calle Real	2300	2
Canada St. (South)	100	2
Canada St. (South)	200	2
Canada St. (South)	300	2
Canon Perdido St. (East)	300	2

NO RV Sign Location List as of 8/31/16

Street	Block Number	Number of Posted Signs
Canon Perdido St. (East)	400	2
Canon Perdido St. (East)	500	2
Canon Perdido St. (East)	600	2
Canon Perdido St. (East)	700	2
Canon Perdido St. (East)	800	2
Canon Perdido St. (West)	300	2
Canon Perdido St. (West)	400	2
Carpinteria St.	700	2
Castillo St	00	1
Castillo St	100	1
Castillo St	700	2
Castillo St	800	2
Castillo St	900	2
Castillo St	1700	2
Chapala St.	00	1
Chapala St.	400	2
Chapala St.	500	2
Chapala St.	600	2
Chapala St.	1700	2
Chapala St	2300	2
Cieneguitas Rd	600	3
Cliff Dr.	1000	2
Cliff Dr.	1100	1
Cliff Dr.	1300	0
Cliff Dr.	1400	1
Cliff Dr.	1500	0
Cliff Dr.	1300	0
Cliff Dr.	1400	1
Cliff Dr.	1500	0
Cliff Dr.	1600	1
Corona Del Mar Dr.	400	3
Cota St. (East)	200	2
Cota St. (East)	300	2
Cota St. (East)	400	2
Cota St. (East)	500	2
Cota St. (East)	600	1
De La Guerra St. (East)	200	2
De La Guerra St. (East)	300	2
De La Guerra St. (East)	400	2
De La Guerra St. (East)	600	2
De La Guerra St. (East)	700	2
De La Guerra St. (East)	800	2
De La Guerra St. (West)	300	2
De La Guerra St. (West)	400	2
De La Vina St.	300	1

NO RV Sign Location List as of 8/31/16

Street	Block Number	Number of Posted Signs
De La Vina St.	400	2
De La Vina St.	500	2
De La Vina St.	600	2
De La Vina St.	900	2
De La Vina St.	2800	1
Edison Ave.	300	2
Garden St.	500	2
Garden St.	600	2
Garden St.	700	2
Garden St.	800	2
Garden St.	1400	1
Garden St.	1500	1
Gutierrez St. (East)	100	2
Gutierrez St. (East)	200	1
Gutierrez St. (East)	300	2
Gutierrez St. (East)	400	2
Gutierrez St. (East)	500	2
Gutierrez St. (East)	600	2
Gutierrez St. (East)	700	2
Gutierrez St. (East)	800	2
Gutierrez St. (East)	900	2
Gutierrez St. (East)	1000	2
Gutierrez St. (West)	100	2
Gutierrez St. (West)	200	2
Haley St. (East)	600	2
Haley St. (East)	800	2
Haley St. (East)	900	2
Hitchcock Way	00	1
Hitchcock Way	100	2
Hitchcock Way	200	1
Hope Ave. (South)	00	1
Hope Ave. (South)	100	2
Hope Ave. (South)	200	2
Indio Muerto St.	1100	2
Indio Muerto St.	1200	2
Islay St (East)	100	2
Islay St (East)	200	2
Islay St (East)	300	2
Kimball St.	700	2
La Colina	3900	3
La Colina	4000	4
Laguna St.	300	2
Laguna St.	400	2
Laguna St.	500	2
Laguna St.	600	2

NO RV Sign Location List as of 8/31/16

Street	Block Number	Number of Posted Signs
Laguna St.	700	2
Laguna St.	800	2
Lawrence Ave.	700	2
La Rada	3700	2
Los Olivos St. (West)	200	2
Los Olivos St. (West)	300	2
Mason St. (East)	700	2
Mason St. (East)	800	2
Mason St. (East)	900	2
Mason St. (East)	1000	2
Mason St. (East)	1100	2
Mason St. (West)	300	2
Meigs Rd.	200	2
Micheltorena St. (East)	100	1
Micheltorena St. (East)	200	2
Milpas St. (South)	400	1
Montecito St. (East)	00	2
Montecito St. (East)	100	2
Montecito St. (East)	400	2
Montecito St. (East)	500	2
Montecito St. (East)	600	2
Montecito St. (East)	700	2
Montecito St. (East)	800	2
Montecito St. (East)	900	2
Montecito St. (East)	1000	2
Montecito St. (East)	1100	2
Montecito St. (West)	00	2
Montecito St. (West)	100	2
Neil Park Ave.	1000	2
Ninos Dr.	500	2
Ninos Dr.	600	2
Nopal St. (North)	00	2
Nopal St. (North)	100	2
Nopal St. (North)	200	2
Nopal St. (North)	300	2
Nopal St. (North)	400	2
Nopal St. (North)	500	4
Nopal St. (North)	800	2
Nopal St. (North)	900	2
Nopal St. (North)	1000	2
Nopal St. (North)	1100	2
Nopalitos Way	100	1
Nopalitos Way	700	1
Olive St.	300	2
Olive St.	400	2

NO RV Sign Location List as of 8/31/16

Street	Block Number	Number of Posted Signs
Olive St.	500	2
Olive St.	600	2
Olive St.	700	2
Olive St.	800	2
Olive St.	900	2
Ortega St. (East)	200	2
Ortega St. (East)	300	2
Ortega St. (East)	400	2
Ortega St. (East)	500	2
Ortega St. (East)	600	2
Ortega St. (East)	800	1
Ortega St. (East)	900	3
Palm Ave.	200	1
Palm Ave.	300	2
Park Pl.	1400	2
Pesetas Ln	200	2
Por La Mar Dr.	400	4
Powers Ave	100	2
Primavera Rd	4000	2
Quarantina St. (North)	00	2
Quarantina St. (North)	100	2
Quarantina St. (North)	200	2
Quarantina St. (North)	300	2
Quarantina St. (North)	400	2
Quarantina St. (North)	500	2
Quarantina St. (North)	700	2
Quarantina St. (North)	800	2
Quarantina St. (South)	00	3
Quarantina St. (South)	100	2
Quinientos St. (East)	500	2
Quinientos St. (East)	600	2
Quinientos St. (East)	800	2
Quinientos St. (East)	900	2
Quinientos St. (East)	1000	2
Reddick St.	700	2
Reddick St.	800	2
Richardson Ave.	500	2
Rose Ave.	300	2
Rose Ave.	400	2
Saint Vincent Ave	900	2
Salsipuedes St. (North)	500	2
Salsipuedes St. (North)	600	2
Salsipuedes St. (North)	700	2
Salsipuedes St. (North)	800	2
San Andres St.	900	1

NO RV Sign Location List as of 8/31/16

Street	Block Number	Number of Posted Signs
San Andres St.	1000	1
Santa Barbara St.	300	1
Santa Barbara St.	400	1
Santa Barbara St.	500	2
Santa Barbara St.	600	2
Santa Barbara St.	700	2
Santa Barbara St.	1100	2
Santa Barbara St.	1400	2
Santa Barbara St.	1500	2
Shoreline Dr.	1200	2
Sola St. (East)	100	1
Sola St. (East)	200	1
Soledad St. (North)	00	2
Soledad St. (North)	100	2
Soledad St. (North)	200	2
State St.	3000	1
State St.	3100	1
Union Ave.	700	2
Valerio (East)	100	2
Valerio (East)	200	2
Victoria St. (West)	100	2
Vine Ave.	800	2
Voluntario St. (North)	00	2
Voluntario St. (North)	200	2
Walnut Ave.	1100	2
Wilson St.	200	2
Yanonali St. (East)	400	2
Yanonali St. (East)	500	1
Yanonali St. (East)	700	2
Yanonali St. (East)	800	2
Yanonali St. (East)	900	2
Yanonali St. (East)	1000	2
Yanonali St. (East)	1200	2
Total posted signs		462

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

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE SANTA BARBARA MUNICIPAL CODE BY ADDING SECTION 10.44.220 WITH RESPECT TO OVERSIZED VEHICLE PARKING, AMENDING SECTION 10.44.200 TO ELIMINATE THE TERM “TEMPORARY RECREATIONAL VEHICLE,” AND REPEALING SECTION 10.44.205 PERTAINING TO RECREATIONAL VEHICLE PARKING**

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

SECTION 1. Findings. The City Council finds and declares as follows:

A. Unregulated oversized vehicle parking creates a dangerous safety condition and a public nuisance for Santa Barbara’s public street system which includes many historic, narrow, and busy streets that were laid out in the 18<sup>th</sup> and 19<sup>th</sup> centuries before anyone contemplated the advent of modern oversized vehicles.

B. Parked oversized vehicles interfere with and obstruct visual access to streets, traffic control signs and signals, other vehicles, pedestrians, bicycles and sidewalks, thereby substantially increasing the risk of collisions between vehicles, as well as collisions between vehicles, bicycles and pedestrians, at intersections, near driveways, and on all streets in the city, including curved roadway sections, narrow streets, busy streets, commercial districts, and neighborhood streets. Such collisions lead to severe bodily injuries and property damage.

C. Oversized vehicles create an immediate threat to the public health, safety and general welfare by obstructing visual access to scenic resources, including historic landmarks and natural resources, such as the coastal mountains, beaches, and Pacific Ocean.

D. Parked or stopped oversized vehicles are frequently left with engines, refrigeration systems or generators running, thereby contributing to the deterioration of local air quality and quiet neighborhoods.

E. The City Council is mindful of and has carefully considered the needs of underhoused individuals who try to live in vehicles, including oversized vehicles. The City Council finds a significant distinction between the impacts of City regulations upon unhoused City residents who seek rest and respite on streets and sidewalks and the impacts of this Ordinance upon those who try to live in oversized vehicles upon City streets. Residency in an oversized vehicle parked on City streets creates serious public health and safety impacts that are not present when an unhoused person sleeps in public. These impacts include not only the safety concerns expressed above relating to the size of the vehicle, but in addition problems related to waste disposal from on-board kitchen, bathing and toileting facilities, noise and fumes from on-board generators, and privacy impacts to other nearby residents arising from the proximity of the street to fixed residential dwelling units. Moreover, Santa Barbara is one of the leading tourist destinations in the United States so that oversized vehicle residency is not solely an issue of the underhoused, but includes literally thousands of visiting tourists in oversized vehicles who come to Santa Barbara annually, and if left unregulated, would take up residency on City streets on a routine basis.

F. Consistent with the City Council's longstanding policies and current law, the City's regulations against camping in public spaces are enforced only when sufficient shelter space is available to accommodate the person involved. Moreover, the City Council has authorized the expenditure of over \$1.2 million in the current fiscal year for temporary and emergency housing for the unhoused, and over \$8.9 million since 2005. Unlike many cities, Santa Barbara's regulations governing sitting and lying down on public sidewalks apply only on the most heavily trafficked portion of State Street, the City's main tourist and commercial thoroughfare, thereby leaving ample locations for rest and respite throughout the City, including many parks and other public open spaces.

G. With respect to living in vehicles, the City Council has for decades undertaken numerous substantial actions to provide safe off-street parking opportunities. These actions include, among others, formation of and financial support for a City Task Force on Vehicle Dwelling in 2002 which included representatives from the Committee for Social Justice, Catholic Charities, recreational vehicle dwellers, as well as numerous neighborhood and shelter organizations; amending the City's Zoning Ordinance in 2005 to allow the use of recreational vehicles as overnight accommodations in certain non-residential zones of the City and on church and nonprofit parking lots and, under some circumstances, in parking lots owned and operated by the City; creation of and funding a Recreational Vehicle Accommodation Program in 2005; limiting in 2007 the City's recreational vehicle overnight parking prohibitions to the City's beachfront areas with limited on-street parking; expanding the Safe Overnight RV Parking Program in 2007; funding nonprofit administration of the

Safe Overnight RV Parking Program by the New Beginnings Counseling Center with the payment of over \$440,000 since 2007; and, through the services of New Beginnings Counseling Center's Safe Parking program, providing over 115 off-street parking spaces for people living in vehicles.

H. The City Council recognizes and accepts that the City's on-street parking system is subject to the rights of the disabled established under state and federal law. This Ordinance, therefore, includes an Oversized Vehicle Disability Parking Permit program which is intended to allow reasonable modifications of the City's oversized vehicle restrictions in order to promote equal access for the disabled. In addition, the City Council will refer this Ordinance to the City's Access Advisory Committee, which is charged with ensuring equal access for people with disabilities to the City's programs, activities and services, in order to obtain recommendations on the best practices for implementing on-street disabled parking in the absence of state or federal technical guidance.

SECTION ~~4~~2. Chapter 10.44 of Title 10 of the Santa Barbara Municipal Code is amending by adding Section 10.44.220 to read as follows:

**10.44.220 Restriction of Oversized Vehicle Parking.**

A. DEFINITIONS. The following words and phrases shall have the meaning set forth in this subsection:

1. "Bus" shall mean a bus as defined in California Vehicle Code section 233; a schoolbus as defined in California Vehicle Code section 545; a transit bus as defined in California Vehicle Code section 642; a bus regulated by the Department of Motor Vehicles pursuant to California Vehicle Code section 34500(b); a tour bus regulated by

the Department of Motor Vehicles pursuant to California Vehicle Code section 34500.1  
or, a bus of a charter-party carrier with a valid permit issued pursuant to California  
Public Utilities Code section 5375.

2. "Oversized vehicle" means any vehicle, as that word is defined in  
stateCalifornia Vehicle Code Section 670, or a combination of connected vehicles  
(including but not limited to trailers as defined in California Vehicle Code section 630),  
which exceeds twenty-five (25') feet in length, or eighty (80") inches in width, or eighty-  
two (82") inches in height, exclusive of such projecting lights or devices as are expressly  
allowed pursuant to the stateCalifornia Vehicle Code as it now exists or hereafter may  
be amended. Oversized vehicle shall not mean or include a pickup truck, which is less  
than twenty-five (25') feet in length and eighty-two (82") inches in height.

B. RESTRICTION ON OVERSIZED VEHICLE PARKING. No person shall  
park or leave standing any oversized vehicle on any streets or portions of streets in  
areas where the Public Works Director has caused signs or markings giving adequate  
notice of the restriction to be placed, except as provided in subsection C. of this section.

C. EXCEPTIONS. This Subsection B. shall not apply to:

1. Any oversized commercial vehicle actively engaged in the loading or  
unloading of persons, materials, supplies or goods, in the delivery of goods, wares,  
merchandise, or other materials, or in the course of construction or other work at an  
adjacent residence or business for no longer than thirty (30) minutes;

2. Any inoperable oversized vehicle upon which a person is actively engaged  
in making temporary or emergency repairs, as authorized by Santa Barbara Municipal  
Code section 10.44.040, for no longer than four (4) hours;

3. Any vehicle belonging to or under contract with federal, state, or local government authorities, or a public utility, and any emergency vehicles as defined by ~~state~~California Vehicle Code ~~S~~section 165;

4. Any bus for no longer than two (2) hours, and any bus in an area specifically posted to allow bus parking for a prescribed time;

~~54.~~ Any oversized vehicle properly displaying both a valid distinguishing disabled placard or license plates issued pursuant to the California Vehicle Code and a valid oversized vehicle disability parking permit issued pursuant to subsection D, by a governmental entity; or

~~65.~~ Any oversized vehicle that has been issued and is displaying a temporary oversized vehicle parking permit issued pursuant to subsection ~~E~~D.

D. OVERSIZED VEHICLE DISABILITY PARKING PERMITS. A person may obtain an oversized vehicle disability parking permit for a specific oversized vehicle to be parked at a specific location or locations if he or she demonstrates in writing to the satisfaction of the Public Works Director or his or her designee, on an application form prepared by the Public Works Director and upon payment of a fee prescribed by resolution of the City Council, that they meet each the following conditions:

1. The person owns or lawfully possesses an oversized vehicle;

2. The person is a permanent city resident as determined under the law of California;

3. The person possesses a distinguishing disabled placard or license plate properly issued pursuant to the California Vehicle Code;

4. The proposed parking location is necessary to provide access to a specific fixed residential address sited with a lawful dwelling unit at which the person resides or to a specific facility or facilities at which the person is employed or receives services;

5. The proposed parking location does not create or exacerbate a dangerous traffic safety condition.

6. The person demonstrates that by reason of the disability which warranted issuance of their California distinguishing placard or license plate, the oversized vehicle is specially equipped and necessary to accommodate the disability of the person seeking the permit so that a reasonable modification to the city's on-street parking regulations is warranted under state and federal law.

Oversized vehicle disability parking permits shall be valid for so long as the person remains disabled, but for no longer than one year. Permits may be renewed provided that the permit holder demonstrates in writing that he or she continues to meet the conditions of this subsection. Oversized vehicle parking with an oversized vehicle disability parking permit shall be subject to all applicable parking restrictions in the California Vehicle Code and the Santa Barbara Municipal Code, including without limitation Santa Barbara Municipal Code chapter 7.28 [street sweeping], Santa Barbara Municipal Code section 10.44.060 [72-hour parking limit], Santa Barbara Municipal Code section 10.44.200 [unlawful parking of trailers, mobilehomes, recreational vehicles, trucks and buses] and Santa Barbara Municipal Code Chapter 10.46 [permit parking].

E. TEMPORARY OVERSIZED VEHICLE PARKING PERMITS. A person may obtain a temporary oversized vehicle parking permit for a specific oversized vehicle

if he or she demonstrates in writing to the satisfaction of the Public Works Director or his or her designee, on an application form prepared by the Public Works Director and upon payment of a fee prescribed by resolution of the City Council, that they meet each the following conditions:

1. The person owns or lawfully possesses an oversized vehicle;
2. The person is a permanent city resident as determined under the law of California that wishes to temporarily park their oversized vehicle adjacent to their residence; or a commercial business that wishes to do business in the city for a temporary period at a specific fixed residential or commercial address with the consent of the resident or occupant of that address; or a non-resident temporarily visiting a specific fixed residential address with the consent of the resident of that address;
3. The proposed parking location is reasonably situated to provide temporary access to a specific fixed residential or commercial address;
4. The proposed parking location does not create or exacerbate a dangerous traffic safety condition.

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

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

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

~~3. Requirements for Oversized Vehicle Parking Permits. Any City resident, out-of-town visitor to a resident, or commercial enterprise operating within the City may obtain an oversized vehicle parking permit authorizing the resident, visitor or commercial enterprise to park an oversized vehicle on streets or portions of streets (including specific block faces) adjacent to a specified residence where he or she lives, is a guest, or a location where the enterprise is conducting business, respectively.~~

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

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

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

~~7. Oversized Vehicle Permit Duration Renewal. An temporary oversized vehicle parking permit shall be valid for a period not to exceed no longer than five (5) consecutive calendar days. Permits may be renewed for up to an additional five (5) days provided that the permit holder demonstrates in writing that he or she continues to meet the conditions of this subsection. In no event shall temporary oversized vehicle~~

~~parking permits be issued to a resident, commercial business, or non-resident specific residence or commercial enterprise for a total period in excess of ten (10) days within any consecutive ninety (90) calendar day period. Oversized vehicle parking with a temporary oversized vehicle parking permit shall be subject to all applicable parking restrictions in the California Vehicle Code and the Santa Barbara Municipal Code, including without limitation Santa Barbara Municipal Code chapter 7.28 [street sweeping], Santa Barbara Municipal Code section 10.44.060 [72-hour parking limit], Santa Barbara Municipal Code section 10.44.200 [unlawful parking of trailers, mobilehomes, recreational vehicles, trucks and buses] and Santa Barbara Municipal Code Chapter 10.46 [permit parking]. A resident or commercial enterprise may apply for and be granted an extension if the resident or commercial enterprise still qualifies under the conditions set forth herein. In no event shall oversized vehicle parking permits be issued to a specific residence or commercial enterprise for a total period in excess of ten (10) days within any consecutive ninety (90) day period.~~

F. NUISANCE DECLARED. The City Council finds, determines and hereby declares that parking oversized vehicles in violation of this section constitutes an immediate threat to the public health, safety and general welfare, thereby creating a public nuisance. Unlike much of Southern California which was developed following World War II, Santa Barbara's street grid was established in the 18<sup>th</sup> and 19<sup>th</sup> centuries at a time before modern oversized vehicles could have been contemplated. Parked oversized vehicles interfere with and obstruct visual access to streets, traffic control signs and signals, other vehicles, pedestrians, bicycles and sidewalks, thereby substantially increasing the risk of collisions between vehicles, as well as collisions

between vehicles, bicycles and pedestrians, at intersections, near driveways, and on all streets in the city, including curved roadway sections, narrow streets, busy streets, commercial districts, and neighborhood streets. Parked oversized vehicles create an immediate threat to the public health, safety and general welfare by obstructing visual access to scenic resources, including historic landmarks and natural resources, such as the coastal mountains, beaches, and Pacific Ocean. Parked or stopped oversized vehicles are frequently left with engines, refrigeration systems or generators running, thereby contributing to the deterioration of local air quality and quiet neighborhoods~~NOTICE OF RESTRICTIONS. When signed or marked in accordance with state Vehicle Code requirements, no person shall stop, stand, or park an oversized vehicle in or on any street, portion of street or block face so designated generally (where designated).~~

G. RULES AND REGULATIONS. The Public Works Director is authorized to promulgate and publish rules and regulations to interpret and implement this section.

SECTION 3. Section 10.44.200 of Chapter 44 of Title 10 of the Santa Barbara Municipal Code is amended to read as follows:

10.44.200 Unlawful Parking of Trailers, Mobilehomes, Recreational Vehicles, Trucks and Buses.

A. STREET PARKING. No person shall park or stand or permit to remain for a longer period than two (2) hours on any street or highway or public alley or on a parkway area between curb and sidewalk, any trailer, semi-trailer, or bus (all as defined in the California Vehicle Code) or any mobilehome (as defined in Title 28 of this Code), or any truck used primarily for business or commercial hauling and of a weight in excess

of three quarters (3/4) ton capacity, unless such person has a written authorization from the Chief of Police or his delegate.

B. OVERNIGHT PARKING. No person shall park or stand or permit to stand any of the following vehicles: 1. trailer, 2. semi-trailer, 3. bus (all as defined in the California Vehicle Code), 4. mobilehome (as defined in Title 28 of this Code), or 5. any vehicle which is capable of greater than 1500 pounds (3/4 ton) cargo capacity on any city street between the hours of two (2:00) a.m. and six (6:00) a.m. of any day.

C. RV OVERNIGHT PARKING RESTRICTED AREA. No person shall park or stand or permit to stand any recreational vehicle ~~or temporary recreational vehicle~~ (as those terms are defined in Section 15.16.060 of this Code) between the hours of twelve (12:00) midnight and six (6:00) a.m. in the following area of the City: south of the U.S. 101 freeway, and between Castillo Street and the eastern boundary of the City at the Andre Clark Bird Refuge and Coast Village Road (as depicted on the map attached to this chapter entitled "RV Overnight Parking Restricted Area, dated February 6, 2007.")

D. EXCEPTION. This section shall not apply to a commercial truck (as established by a current registration with the state Department of Motor Vehicles):

1. While such truck is being loaded or unloaded and such additional time is reasonably required for such loading and unloading operations; or

2. When such vehicle is parked in connection with, and in aid of, the performance of a service to or on a property in the block on which such vehicle is parked for a period reasonably necessary to complete such service

SECTION 4. Santa Barbara Municipal Code section 10.44.205 is repealed.

SECTION 5. CEQA Findings. This ordinance is exempt from CEQA pursuant to State CEQA Guidelines section 15301, minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use, and section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 18, 2016

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Consideration Of A Vision Zero Policy To Reduce Fatal And Severe Transportation-Related Collisions

**RECOMMENDATION:** That Council:

- A. Receive a report regarding a potential City policy on Vision Zero;
- B. Direct staff to return with a resolution to adopt a Vision Zero policy; and
- C. Authorize staff to submit a 2016 Caltrans Sustainable Transportation Planning Grant to support Vision Zero plan development and community education.

### EXECUTIVE SUMMARY:

Last May, Council directed staff to develop a Santa Barbara-specific Vision Zero policy to be presented at Council for its consideration following the adoption of the Bicycle Master Plan. Staff has developed a draft resolution for Council review (Attachment 1) and outlined the various actions and funding commitments the City would take to implement such a policy. A Vision Zero resolution formalizes a goal to eliminate transportation-related fatalities and serious injuries by 2030. Reaching the goal requires increasing engineering, enforcement, and education practices and managing these resources in a more coordinated manner. The City will need to prepare a planning strategy and implement a corridor-level approach to engineer, enforce, and educate in locations where collisions are most likely to reoccur. It will require full staffing of the Traffic Enforcement Unit of the Police Department so that targeted enforcement can consistently be applied to the corridors of most concern. At a time when transportation resources are strained, it will require grant funding as well as prioritizing safety improvements over other transportation capital needs. This report summarizes the fatal and severe injury collisions in the City, what other cities have done, what Santa Barbara is currently doing to reduce fatal and severe collisions, and what actions are required to increase our effectiveness at reaching the Vision Zero goal.

**BACKGROUND:**

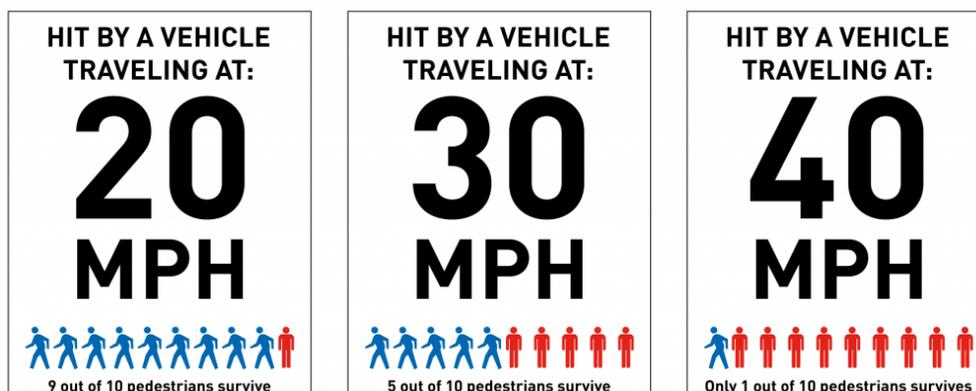
The Vision Zero policy approach to governance contains the philosophy that deaths of the traveling public are preventable and that society should not accept that any person should be killed or seriously injured while using the transportation system. Vision Zero policies typically promote an additional goal of building more safety and livability into a city's roadway system in order to better protect all people who move about a city every day.

Vision Zero originated in Sweden in 1997. Since then, the number of traffic-related deaths in Sweden have been reduced by half. In 2013, Sweden had 264 traffic-related fatalities, a record-breaking low, and a decrease from 572 deaths in 1995. Sweden's traffic related deaths have gone down while the number of cars in circulation and the number of miles driven during the same period have grown.

Within the City of Santa Barbara, of the 40 roadway fatalities that occurred between 2000-2015, 63 percent of the victims were pedestrians (20) and bicyclists (5) (see Attachment 2). Attachment 3 shows the locations of the 40 fatalities within the same period. When people bike and walk they are the most vulnerable road users because a disproportionate percentage of fatalities occur compared to when people drive. Additionally, in the case of Santa Barbara, driving under the influence (DUI) is a contributing factor to serious collisions and will also need further attention, enforcement, and education. Twelve of the 40 fatalities were DUI-related.

The Vision Zero approach acknowledges that collisions cannot be totally avoided; hence, the concept is built around avoiding deaths and serious injuries. Vision Zero proponents point out that a person walking that is hit by a person driving is more likely to be seriously or fatally wounded if the vehicle is travelling over 20 mph (see chart below). Consequently, engineering Vision Zero solutions tend to focus on a combination of speed reduction, painted intersections and bike lanes, and stronger separation of people that are biking, walking, and driving.

Relationship of Vehicle Speed to odds of Pedestrian Collision Death



Anticipating that people will make mistakes, Vision Zero programs use a "safe system" approach that prioritizes safety by slowing vehicular speeds in certain locations, providing enhanced biking/walking infrastructure, educating the public of their role, and enforcing laws to support safer behavior on the roads. In the City of Santa Barbara, 4 out of 449 severe collision locations in the past 15 years were speed-related. Because speed law is set by the 85<sup>th</sup> percentile motorist speed, more expensive traffic calming is required to re-engineer vehicle speeds. The City's Vision Zero approach will likely be more effective with more targeted enforcement combined with education, rather than re-engineering vehicle speeds.

Eighteen U.S. cities have adopted Vision Zero programs (including New York City, Boston, Ft. Lauderdale, Austin, San Antonio, Washington DC, and Seattle) to reduce the numbers of fatal crashes occurring on their roads. California cities lead the way, with San Jose, San Francisco, San Mateo, San Diego, Los Angeles, Long Beach and Fremont having adopted Vision Zero strategies and others are actively considering adoption.

The federal government is also showing support. In 2009, a national group of traffic safety stakeholders launched an effort called "Toward Zero Deaths: A National Strategy on Highway Safety." This initiative has been supported by the Federal Highway Administration (FHWA) and states throughout the United States, including California.

## **DISCUSSION:**

Attachment 4 illustrates the Santa Barbara locations of fatal and severe collisions in the past 15 years. This collision record is strategically used to help predict where collision trends exist or future collisions are most likely to reoccur. Although the collisions are spread throughout the City, some trends exist on certain City corridors. A Vision Zero plan to eliminate future severe and fatal collisions will include the three-pronged approach of Engineering, Enforcement, and Education. Below is an outline of what the City is currently doing in each category.

Attachment 1 is a draft resolution to adopt a Vision Zero policy. Adopting a Vision Zero policy would commit and prioritize Public Works and Police Department activities and more coordinated work efforts designed to eliminate traffic deaths and severe collision in Santa Barbara by 2030.

### Engineering

The engineering approach focuses on transportation system design modifications to make capital improvements resulting in increased safety. In Santa Barbara, this is done with attention to also maintaining system efficiency, capacity and mode choice. The Public Works Department currently prioritizes roadway safety by methodically reviewing locations with a demonstrated collision history and implementing incremental roadway improvements over time. Safety oriented planning documents, such as the Bicycle Master Plan and the Pedestrian Master Plan, guide the development of the Capital

Improvement Program (CIP) that emphasizes safety enhancements. One example of this is the CIP project at Carrillo and Anacapa. The collision record showed a trend of running red lights. A project was developed to install a signal mast arm for three legs of the intersection. Since the project's completion, the red light running collisions have ceased at this location.

### Enforcement

The enforcement approach increases safe travel behavior through targeted enforcement of the rules of the road. The Police Department successfully applies for grants from the Office of Traffic Safety (OTS) to conduct targeted enforcement. The grant money is used for overtime police shifts that conduct operations. For example, because of the high number of pedestrian and bike related collisions, OTS grants have been awarded for this type of enforcement where people making illegal movements while walking or cycling are ticketed. Another example is the pedestrian sting operation where a staff member crosses a street at a high pedestrian collision location. Motorists are cited when not legally yielding. Enforcement of DUI's are also sometimes funded by OTS grants.

### Education

The education approach to implementing Vision Zero policy is designed to increase the public's awareness of potential safety issues, thereby resulting in safer behaviors on the street. The City's current education approach is limited to the Safe Routes to Schools Program, which does not directly target adults. Implementation of a Vision Zero policy would require significantly more resources toward adult education, public service announcements, and greater awareness of how citizens can safely travel in Santa Barbara.

### Recommended New Vision Zero Policy Activities

When considering a City Vision Zero policy, staff recommends the following as a starting point to achieve the goal:

1. Pursue a Caltrans Sustainable Communities Transportation Planning Grant in the amount of \$200,000 with zero matching dollars to fund the creation of a Vision Zero Implementation Plan and to conduct the initial community education component of the plan (see #No. 2 below);
2. As a component of public awareness, attempt to bring basic Vision Zero concepts into as many Santa Barbara households as possible. This can be done through public service announcements and creative advertising campaigns;
3. Develop a corridor-level, strategic approach for transportation investments that makes the reduction of severe and fatal collisions the top priority;
4. Develop a stronger corridor-focused safety program to create a heightened motorist awareness of vulnerable road users in areas where severe collisions are the highest;

5. Fully staff the City Police Department's Traffic Enforcement Unit, consider staffing increases, and strengthen the partnership between the Public Works and Police Departments to ensure that education, engineering solutions, and strategic enforcement efforts are well-coordinated (This will include the continued Office of Traffic Safety grant and DUI enforcement efforts); and
6. Maintain the transportation system, with the top focus on public safety and vulnerable user groups while continuing to enhance system efficiency and multimodal transportation options.

At this point, developing the Vision Zero Implementation Plan would be grant dependent. A grant is also key to launching the education portion of the plan (more than half of the grant resource). Additionally, staff resources in the Traffic Enforcement Unit are vital to a successful implementation. Staff would also work to highlight the funding priorities of Vision Zero measures with other City work efforts, such as the Capital Improvement Program.

With Council direction, staff would return for the adoption of a resolution formalizing a City Vision Zero policy. Staff is also recommending that Council direct staff now to compete for a Caltrans Sustainable Communities Transportation Planning Grant, which is due November 4.

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

Vision Zero is a long-term strategy to prevent fatal and severe injury collisions. The most effective strategies incorporate engineering, enforcement, and education solutions. The cost of a Vision Zero policy includes staff and resources, plus additional costs for implementation. If awarded, the Caltrans Sustainable Communities Planning Grant is anticipated to provide around \$200,000 to prepare an implementation plan and conduct initial citywide education efforts.

Public Works funding levels are at critically low levels and a "fix it first" approach is in place. Currently, new capital improvement safety projects are primarily grant funded at locations with a demonstrated collision history. However, grant funding is not available for all safety projects, and the lack of existing Street Funds will delay higher-cost Vision Zero efforts that require significant capital investments.

Concurrently, the Police Department is challenged with maintaining existing motor officer levels. Filing existing positions would enable more consistent targeted enforcement. The current Police Academy may permit staff to close this gap in existing service.

- ATTACHMENTS:**
1. Draft Resolution Adopting a Vision Zero Policy
  2. Transportation Related Fatalities by Mode of Travel
  3. Fatalities by Location and Mode (2000-2015)
  4. Severe Collisions and Fatalities by Location (2001-2015)

Council Agenda Report

Consideration Of A Vision Zero Policy To Reduce Fatal And Severe Transportation-Related Collisions

October 18, 2016

Page 6

**PREPARED BY:** Rob Dayton, Principal Transportation Planner  
Peter Brown, Mobility Coordinator/mj

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

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

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

RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA SUPPORTING VISION ZERO AND  
OTHER PROGRAMS TO MAKE SAFETY THE TOP  
PRIORITY FOR TRANSPORTATION IMPROVEMENTS

WHEREAS, each year more than 30,000 people are killed on streets in the United States in traffic collisions and 40 were killed in Santa Barbara over the last 15 years in almost 500 severe collisions;

WHEREAS, traffic fatalities in America hit a seven-year high in 2015 and is estimated to have exceeded 35,000 people; with pedestrians and cyclists accounting for a disproportionate share;

WHEREAS the Centers for Disease Control recently indicated that America's traffic death rate per person was about double the average of peer nations;  
WHEREAS Vision Zero is a comprehensive strategy to eliminate all traffic fatalities and severe injuries using a multi-disciplinary approach, including education, enforcement, and engineering measures;

WHEREAS a core principal of Vision Zero is that traffic deaths are preventable and unacceptable;

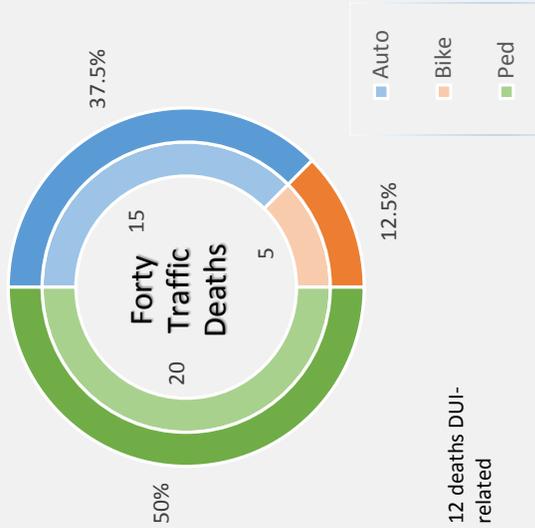
WHEREAS cities across the world have adopted and implemented Vision Zero and successfully reduced traffic fatalities and severe injuries occurring on city streets by significant margins; and

WHEREAS a safe, reliable, and efficient multi-modal transportation system is essential for a thriving Santa Barbara.

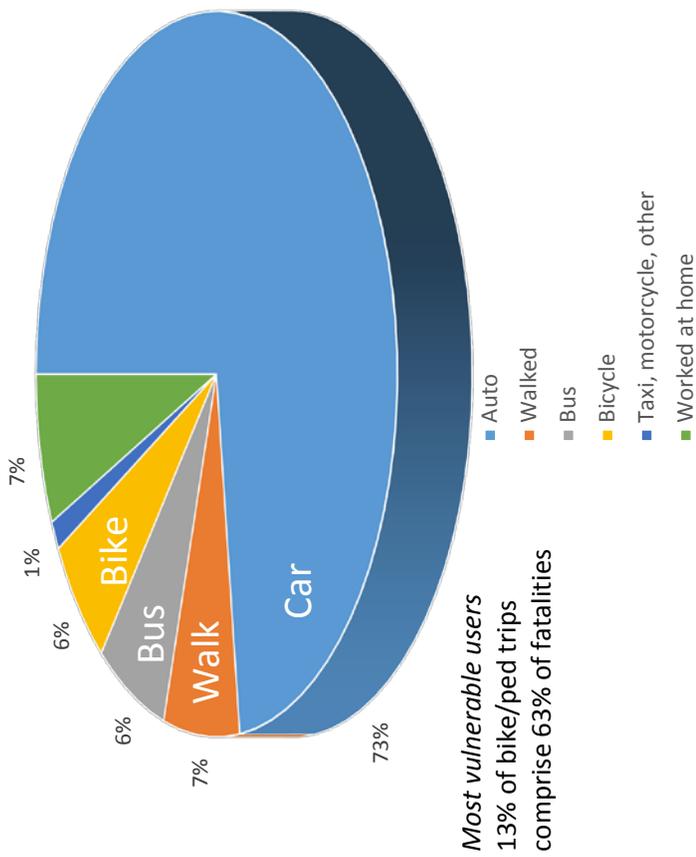
NOW, THEREFORE, be it resolved by the Council of the City of Santa Barbara to establish a Vision Zero policy to eliminate all fatal transportation related collisions by 2030; commit to supporting Vision Zero and other programs, policies, or initiatives that prioritize transportation safety; and use its existing and new resources to pursue the elimination of death and severe injury crashes on its roadways.

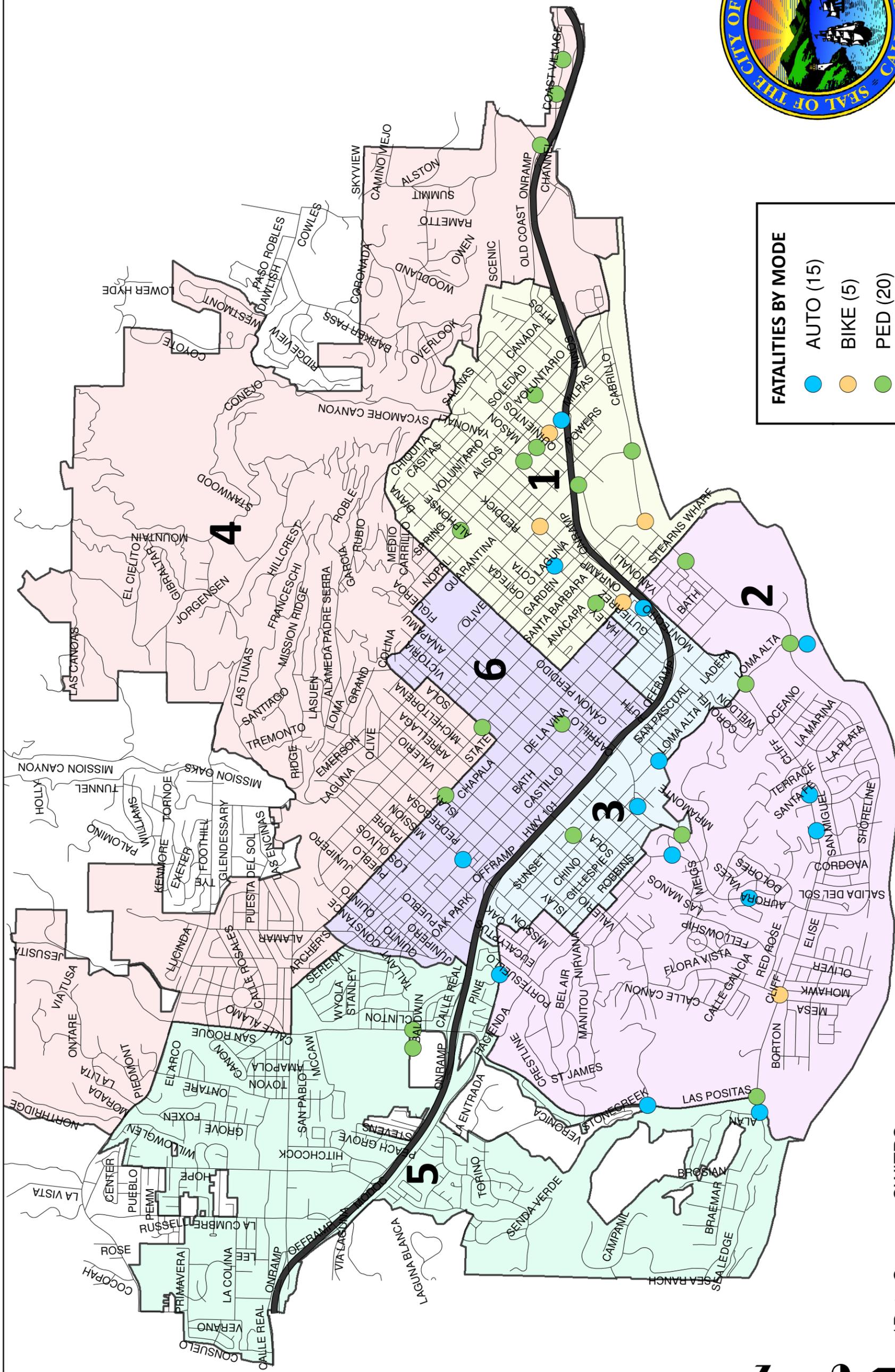
# Vision Zero SB

Transportation Fatalities 2000-2015



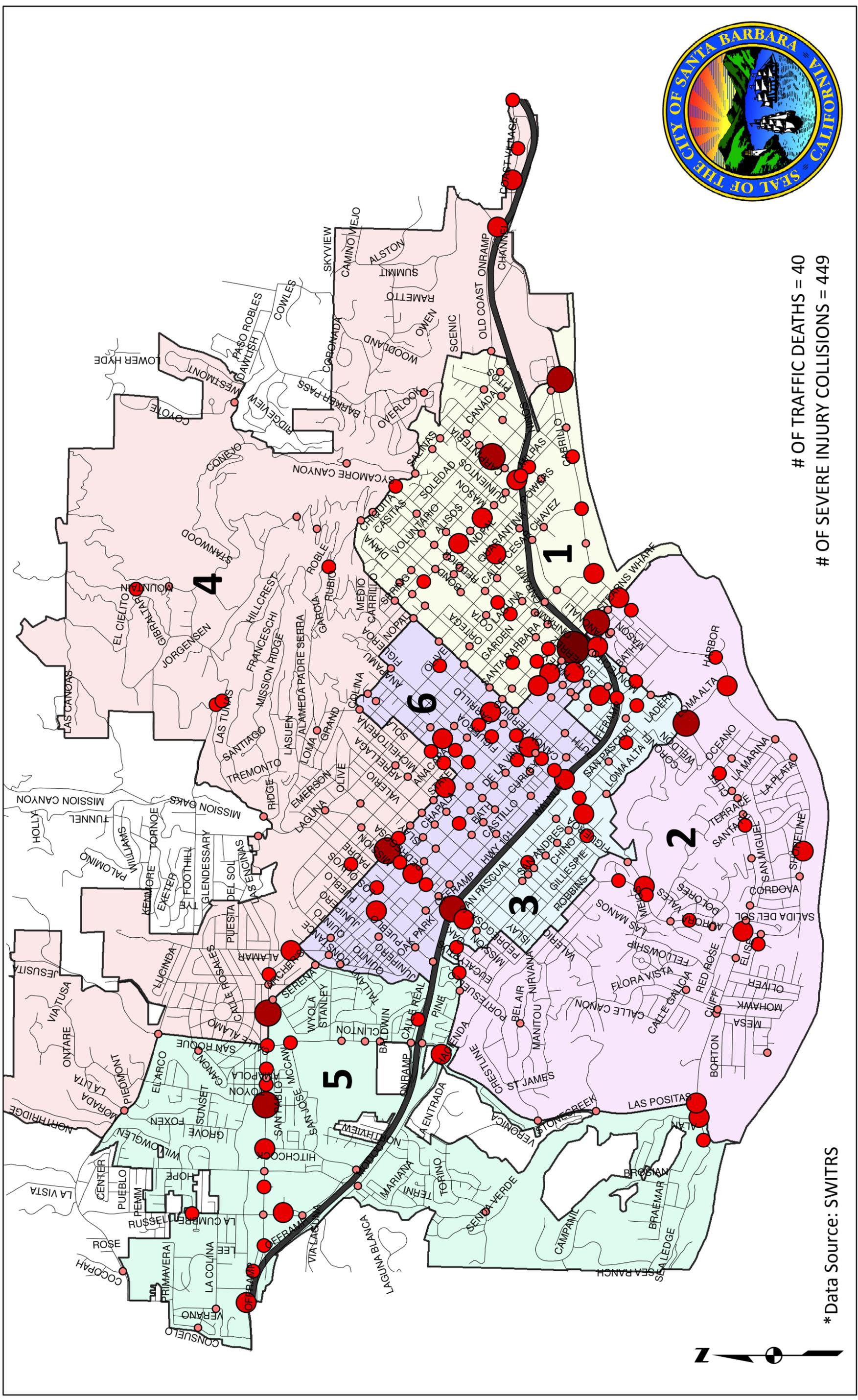
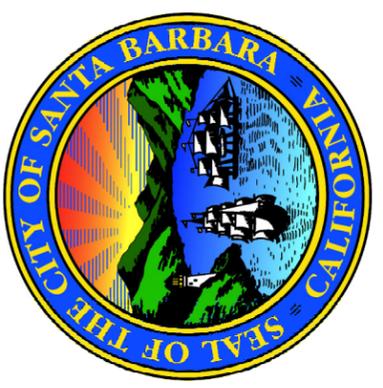
How Santa Barbara Travels, 2015





\*Data Source = SWITRS





**15 YEAR (2001-2015) SEVERE/FATAL COLLISIONS**