

**CITY OF SANTA BARBARA
CITY COUNCIL
REDEVELOPMENT AGENCY**

Marty Blum
Mayor/Chair
Dale Francisco
Mayor Pro Tempore/Vice Chair
Das Williams
Ordinance Committee Chair
Roger L. Horton
Finance Committee Chair
Iya G. Falcone
Grant House
Helene Schneider



James L. Armstrong
*City Administrator/
Executive Director*

Stephen P. Wiley
City Attorney/Agency Counsel

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

**FEBRUARY 10, 2009
AGENDA**

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council and Redevelopment Agency meetings begin 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 Council/Redevelopment Agency 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 Council/Redevelopment Agency meeting, and at the beginning of each special Council/Redevelopment Agency meeting, any member of the public may address them concerning any item not on the Council/Redevelopment Agency 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 Council/Redevelopment Agency. Should Council/Redevelopment Agency business continue into the evening session of a regular Council/Redevelopment Agency meeting at 6:00 p.m., the Council/Redevelopment Agency 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 Council/Redevelopment Agency, 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 Council/Redevelopment Agency 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 Council/Redevelopment Agency.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the Council/ Redevelopment Agency. A Consent Calendar item is open for discussion by the Council/Redevelopment Agency upon request of a Council/Agency Member, 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/Redevelopment Agency considers the Consent Calendar.

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at 564-5305 or inquire at the City Clerk's Office on the day of the meeting. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

TELEVISION COVERAGE: Each regular Council meeting is broadcast live in English and Spanish on City TV Channel 18, and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.citytv18.com for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ORDER OF BUSINESS

- 12:00 p.m. - Special Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 2:00 p.m. - City Council Meeting Begins
- 2:00 p.m. - Redevelopment Agency Meeting
- 5:00 p.m. - Recess
- 6:00 p.m. - City Council Meeting Reconvenes

SPECIAL FINANCE COMMITTEE MEETING - 12:00 P.M. IN DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)

Subject: Carbon Neutral Goal For City Operations

Recommendation: That Finance Committee review a preliminary financial feasibility plan to achieve carbon neutrality by 2020 for City operations and make a recommendation to Council on proceeding with the greenhouse gas emissions goal.

**REGULAR CITY COUNCIL MEETING – 2:00 P.M.
REGULAR REDEVELOPMENT AGENCY MEETING – 2:00 P.M.**

AFTERNOON SESSION

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

CITY COUNCIL

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of January 20, 2009 (cancelled due to lack of a quorum), and the regular meeting of January 27, 2009.

2. Subject: Termination Of The Proclamation For A Local Emergency (Tea Fire) (520.02)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Terminating a Local Emergency Due to the Tea Fire.

3. Subject: Adoption Of Ordinance For The 2008-2010 General Unit Memorandum Of Understanding (440.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Employees' Association (General Unit).

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

4. Subject: Introduction Of Ordinance For Ten-Year License Agreement With The Santa Barbara Youth Sailing Foundation (330.04)

Recommendation: That Council approve a license agreement with the Santa Barbara Youth Sailing Foundation, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year License Agreement With the Santa Barbara Youth Sailing Foundation, Effective March 26, 2009, for a 2,500 Square-Foot Water Space in Marina 1, at an Initial Rent of \$595 per Month.

5. Subject: Introduction Of Ordinance To Approve Property Transfer For Highway 101 Operational Improvements Project (670.07)

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 Property Transfer Agreement with the State of California Department of Transportation, and Subsequently, Subject to Review and Approval by the City Attorney, to Execute Any Deeds to Provide for the Transfer of Certain Properties Owned in Fee by the City of Santa Barbara Required for the State Highway Route 101 Milpas Street to Hot Springs Road Operational Improvements Project, and Accepting the Ownership in Fee of Certain Non-Freeway Properties to be Relinquished by the State of California Department of Transportation, Underlying and Adjacent to the Roundabout at Milpas Street, Now Existing Adjacent to State Highway.

6. Subject: Introduction Of Ordinance For Airport Zoning Map Revision - 1600 Cecil Cook Place (640.09)

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 Title 29 of the Santa Barbara Municipal Code to Rezone 9.04 Acres of Airport Approach and Operations Zone (A-A-O) to Aviation Facilities Zone (A-F) in the Coastal Zone at the Santa Barbara Municipal Airport; and
- B. Recommend approval of a Local Coastal Program Amendment to the California Coastal Commission to change the corresponding LCP zoning pursuant to State Public Resources Code §30514.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

7. Subject: Emergency Purchase Orders Issued For The Tea Fire (520.02)

Recommendation: That Council retroactively approve the issuance of emergency purchase orders to Tierra Contracting, Inc., in the amount of \$79,970 to construct debris racks, and to Acacia Erosion Control, Inc., in the amount of \$73,000 for slope stabilization and erosion control.

8. Subject: Preliminary Economic Development Designation For 352 Hitchcock Way Project (640.09)

Recommendation: That Council make a preliminary finding that the project proposed for 352 Hitchcock Way meets the definition of an Economic Development Project, and grant the proposed project a Preliminary Economic Development Designation for 7,925 square feet of non-residential floor area.

9. Subject: Acceptance Of Southern California Edison Energy Leaders Pilot Program Revenues (380.01)

Recommendation: That Council accept and appropriate the Southern California Edison (SCE) Energy Leaders Pilot Program incentive revenue for \$66,699.34 in the General Fund Capital Outlay, Downtown Parking and Water Operating funds, and appropriate \$36,805 for additional General Fund sustainability projects.

10. Subject: Appropriation Of Airport Improvement Program Grant Fund (560.04)

Recommendation: That Council increase appropriations and estimated revenue by \$1,647,802 in the Airport's Grant Fund for the final phase of mitigation for the Runway Safety Area project, to be funded from Federal Aviation Administration Airport Improvement Program (AIP) Grant No. 03-06-0235-37, including the City's 5% match portion (\$233,390) to be funded from Airport reserves above policy.

11. Subject: State Workforce Housing Reward Program Projects (570.07)

Recommendation: That Council redirect the remaining balance of State Workforce Housing Reward Funds from the Franklin Center project (\$98,362) to other Park and Recreation facility projects.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

12. Subject: Proposed Change To Parking Violation Penalties And Related Fees (550.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 08-060 Establishing Certain City Fees, Including Water and Wastewater Rates, and Rescinding Resolution Nos. 07-052, 07-085 and 08-013, Adjusting Parking Violation Penalties and Related Fees Effective March 1, 2009.

REDEVELOPMENT AGENCY

13. Subject: Minutes

Recommendation: That the Redevelopment Agency waive the reading and approve the minutes of the regular meetings of December 16, 2008, and January 13, 2009.

14. Subject: Notice To City Council And Redevelopment Agency Board Regarding Real Estate Interest In Redevelopment Project Area From Agency Boardmember (620.01)

Recommendation: That the Council and the Agency Board receive the notice of City Councilmember and Redevelopment Agency Boardmember Grant House of real estate interest in the Redevelopment Project Area in compliance with California Redevelopment Law Section 33130.

15. Subject: Educational Revenue Augmentation Fund Payment (150.02)

Recommendation:

- A. That Council authorize the Finance Director to notify the Santa Barbara County Auditor that the Redevelopment Agency's Educational Revenue Augmentation Fund payment will be made by the Redevelopment Agency from Redevelopment Agency tax increment revenues; and
- B. That the Redevelopment Agency Board authorize the appropriation and expenditure of \$1,403,758 from the Redevelopment Agency's General Fund to pay the Agency's obligation to the state-imposed Educational Revenue Augmentation Fund.

CONSENT CALENDAR (CONT'D)

NOTICES

16. The City Clerk has on Thursday, February 5, 2009, 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.
17. Cancellation of the regular City Council and Redevelopment Agency meeting of February 17, 2009, due to lack of a quorum.
18. Received a letter of resignation from Creeks Advisory Committee Member Daniel Hochman; the vacancy will be part of the next City Advisory Group recruitment.

This concludes the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

REDEVELOPMENT AGENCY REPORTS

19. Subject: West Beach Public Art Program Professional Services Contract (610.04)

Recommendation: That Council and the Agency Board:

- A. Authorize the General Services Manager to execute a purchase order not to exceed \$123,100 with Richard Irvine and Raphel Perea de la Cabada for design, fabrication and construction consulting of public art for three of the four plazas of the West Beach Public Art Program as part of the Redevelopment Agency-funded West Beach Pedestrian Improvement Project; and authorize the General Services Manager to approve expenditures up to \$12,300 for extra services that may result from necessary changes to the scope of work;
- B. Authorize the General Services Manager to execute a purchase order not to exceed \$25,600 with Lori Ann David for design, fabrication and construction consulting of public art for one of the four plazas of the West Beach Public Art Program as part of the Redevelopment Agency-funded West Beach Pedestrian Improvement Project; and authorize the General Services Manager to approve expenditures up to \$2,500 for extra services that may result from necessary changes to the scope of work; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara and the City of Santa Barbara Redevelopment Agency Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for Funding of Capital Improvements for the West Beach Public Art Program.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

20. Subject: Introduction Of Ordinance For 535 E. Montecito Street, Los Portales Specific Plan (SP-10) (660.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting a Specific Plan for the Los Portales Specific Plan Area ("SP-10 Zone") for Property Located at 535 E. Montecito Street, Assessor's Parcel Number 031-351-010.

PUBLIC WORKS DEPARTMENT

21. Subject: Outdoor Lighting And Streetlight Design Guidelines (530.04)

Recommendation: That Council hear a report from the Streetlight Design Guidelines Advisory Group and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing and Approving the City's Outdoor Lighting and Streetlight Design Guidelines Dated as of February 10, 2009.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

RECESS

EVENING SESSION

RECONVENE

ROLL CALL

PUBLIC COMMENT

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

**22. Subject: State And De La Vina Intersection Reconfiguration Project
(530.04)**

Recommendation: That Council:

- A. Direct Staff to continue with the Transportation and Circulation Committee's (TCC) recommended concept for the State and De La Vina Intersection Reconfiguration Project;
- B. Approve the final design elements for the Project as presented to the Architectural Board of Review (ABR) on May 8, 2008; and
- C. Authorize an increase in MNS Engineering's contract in the amount of \$20,000 to complete the Project design.

ADJOURNMENT

CITY OF SANTA BARBARA
FINANCE COMMITTEE
SPECIAL MEETING AGENDA

DATE: February 10, 2009

TIME: 12:00 p.m.

PLACE: David Gebhard Public Meeting Room
630 Garden Street

Roger L. Horton, Chair

Helene Schneider

Iya Falcone

James L. Armstrong
City Administrator

Robert D. Peirson
Finance Director

ITEM TO BE CONSIDERED:

Subject: Carbon Neutral Goal For City Operations

Recommendation: That Finance Committee review a preliminary financial feasibility plan to achieve carbon neutrality by 2020 for City operations and make a recommendation to Council on proceeding with the greenhouse gas emissions goal.



CITY OF SANTA BARBARA

FINANCE COMMITTEE REPORT

AGENDA DATE: February 10, 2009
TO: Finance Committee
FROM: Facilities Division, Public Works Department
SUBJECT: Carbon Neutral Goal For City Operations

RECOMMENDATION:

That Finance Committee review a preliminary financial feasibility plan to achieve carbon neutrality by 2020 for City operations and make a recommendation to Council on proceeding with the greenhouse gas emissions goal.

DISCUSSION:

On June 24th 2008, Council considered a recommendation from the Sustainability Council Committee to achieve carbon neutrality by the year 2020 for greenhouse gas emissions from City operations. Council directed staff to further analyze the goal and present an emissions reduction model and preliminary financial analysis to the Sustainability Council Committee and the Finance Committee. Staff worked with the Sustainability Committee to review emission reduction models and financial estimates. On February 5, 2009, the Committee will review a preliminary feasibility plan to achieve carbon neutrality by 2020.

The preliminary financial feasibility plan recommends potential greenhouse gas reduction strategies for the City's vehicle fleet and facilities using energy conservation, renewable energy generation, and carbon offsets.

A goal of carbon neutrality by 2020 will require further review of applicable regulations, financing options, and renewable energy generation alternatives.

PREPARED BY: James S. Dewey, Facilities and Energy Manager/JSD/spm

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
JANUARY 20, 2009
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on January 20, 2009, was cancelled by the Council on November 18, 2008, due to lack of a quorum.

The next regular meeting of the City Council is scheduled for January 27, 2009, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING January 27, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:01 p.m. (The Finance Committee met at 1:00 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Brenda Alcazar.

PUBLIC COMMENT

Speakers: Tom Fayram, Santa Barbara County Flood Control; David Daniel Diaz; Hans Kistner; Michael Self; Bob Hansen; Lazarus; Ruth Wilson.

ITEM REMOVED FROM CONSENT CALENDAR

6. Subject: Special Weapons And Tactics (S.W.A.T.) Weapons Exchange And Purchase (520.04)

Recommendation: That Council find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code §4.52.080(k) and approve the exchange and purchase of new weapons and equipment from Cinema Weaponry in the form of a written agreement acceptable to the City Administrator, and approved as to form by the City Attorney.

(Cont'd)

6. (Cont'd)

Documents:

- January 27, 2009, report from the Chief of Police.
- October 22, 2008, letter from Cinema Weaponry.

Speakers:

Staff: Police Captain Alex Altavilla, City Administrator James Armstrong, City Attorney Stephen Wiley.

Motion:

Councilmembers Williams/Falcone to approve the recommendation as revised; Agreement No. 22,982.

Vote:

Unanimous voice vote.

CONSENT CALENDAR (Item Nos. 1 - 5, 7 and 8)

The title of the ordinance related to Item No. 3 was read.

Motion:

Councilmembers Horton/Schneider to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of December 16, the adjourned regular meeting of December 22, the regular meeting of December 23, and the regular meeting of December 30, 2008 (cancelled due to lack of a quorum).

Action: Approved the recommendation.

2. Subject: December 31, 2008, Investment Report And December 31, 2008, Fiscal Agent Report (260.02)

Recommendation: That Council:

- A. Accept the December 31, 2008, Investment Report; and
- B. Accept the December 31, 2008, Fiscal Agent Report.

Action: Approved the recommendations (January 27, 2009, report from the Finance Director).

3. Subject: Adoption Of Ordinance For A Lease Agreement With Ag Rx (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Lease Agreement Between the City of Santa Barbara and Ag Rx for Operation of an Agricultural Supply Business at the Santa Barbara Municipal Airport.

Action: Approved the recommendation; Ordinance No. 5476; Agreement No. 22,980.

4. Subject: Wetland Mitigation Monitoring Biological Services Year 3 Contract (560.04)

Recommendation: That Council approve and authorize the Airport Director, subject to approval by the City Attorney as to form, to execute a contract with URS Corporation for post-construction biological monitoring associated with the Airfield Safety Projects and other small projects at the Santa Barbara Airport in an amount not to exceed \$106,847, and authorize the Airport Director to approve expenditures up to \$10,685 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 22,981 (January 27, 2009, report from the Airport Director).

5. Subject: Change Order Request For Solid Waste Rate Study Consultant (630.01)

Recommendation: That Council approve a change order of \$15,000 to Professional Services Agreement No. 378865 with Skumatz Economics Research Associates, Inc., bringing the total contract to \$38,930.

Speakers:

Staff: Assistant Finance Director Robert Samario.

Action: Approved the recommendation (January 27, 2009, report from the Finance Director).

7. Subject: Increase In Funding For Two Water Conservation Grants And Graywater Permit Fee Offset (540.05)

Recommendation: That Council:

- A. Accept an increase in grant funding from the U.S. Bureau of Reclamation in the amount of \$20,000 for the Sustainable Landscaping Television Series;

(Cont'd)

7. (Cont'd)

- B. Accept an increase in grant funding from the U.S. Bureau of Reclamation in the amount of \$20,000 for the Rain Sensor Program;
- C. Increase the estimated Fiscal Year 2009 Water Fund Revenues by \$40,000 and appropriate the same to the 2008-2009 Water Fund Operating Budget; and
- D. Authorize use of the Water Fund to offset a portion of the fee for issuance of graywater system permits.

Action: Approved the recommendations (January 27, 2009, report from the Public Works Director).

NOTICES

8. The City Clerk has on Thursday, January 22, 2009, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger L. Horton reported that the Committee met to review and discuss the December 31, 2008, Investment Report and the December 31, 2008, Fiscal Agent Report, which were approved by the Council as part of this agenda's Consent Calendar (Item No. 2).

RECESS

Mayor Blum recessed the meeting at 2:36 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 9 and 10. No reportable action is anticipated.

CLOSED SESSIONS

9. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is City of Santa Barbara v. United States of America; Richard Yee v. United States of America, USDC Number CV 07-7533 VBF (JCx) consolidated with CV 08-2115.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Cont'd)

9. (Cont'd

Documents:

January 27, 2009, report from the City Attorney.

Time:

2:39 p.m. - 3:04 p.m.

No report made.

10. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Landslide Repair Foundation v. City of Santa Barbara, SBSC Number 1304297.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

January 27, 2009, report from the City Attorney.

Time:

3:04 p.m. - 3:32 p.m.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 3:32 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
MAYOR

ATTEST: _____
BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2009

TO: Mayor and Councilmembers

FROM: Office of Emergency Services, Fire Department

SUBJECT: Termination Of The Proclamation For A Local Emergency (Tea Fire)

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Terminating a Local Emergency Due to the Tea Fire.

DISCUSSION:

Background

On Thursday, November 13, 2008, the Emergency Services Director for the City of Santa Barbara proclaimed a Local Emergency due to the threats posed by the Tea Fire. On Tuesday, November 18, 2008, the City Council ratified the Director's proclamation.

The Tea Fire consumed approximately 1,940 acres with 153 homes destroyed in the City of Santa Barbara. As a result of the damage the County of Santa Barbara Office of Emergency Services requested a State of Emergency. On Friday, November 14, 2008, the State Governor proclaimed a State of Emergency, which remains in effect.

On Tuesday, November 18, 2008, President Bush Declared a Major Disaster for the southern California wildfires that included Santa Barbara County, which also remains in effect.

The Tea Fire caused environmental damage when approximately 67% of the Sycamore Canyon watershed was burned, that now poses a significant public health and safety risk. Staff has been working on contingency plans for flooding and debris in this watershed.

City staff continues to work with the County by reviewing plans associated with the Tea Fire area, which includes the potential for flooding and debris flow during the rainy season. City staff is aware of the potential issues in the Sycamore Canyon and lower Eastside area and will continue mitigation planning to lessen the effects of flooding and/or debris flow.

Council Agenda Report
Termination Of The Proclamation For A Local Emergency (Tea Fire)
February 10, 2009
Page 2

PREPARED BY: Yolanda McGlinchey, Emergency Services Manager

SUBMITTED BY: Ron Prince, Fire Chief

APPROVED BY: City Administrator's Office

RESOLUTION NO. 09-006

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA TERMINATING A LOCAL EMERGENCY
DUE TO THE TEA FIRE

WHEREAS, on Thursday, November 13, 2008, the City's Emergency Services Director proclaimed a Local Emergency pursuant to Government Code Section 8558 in response to conditions of disaster and extreme peril caused by the Tea Fire;

WHEREAS, on Tuesday, November 18, 2008, the Council of the City of Santa Barbara ratified the proclamation of a Local Emergency; and

WHEREAS, the conditions of extreme peril have abated and the City's fire protection is deemed to be within the control of the normal protective services, personnel, equipment, and facilities of and within said City of Santa Barbara.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA that the Local Emergency proclaimed in response to the Tea Fire is hereby terminated.

ORDINANCE NO. 5477

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA BARBARA AND THE SANTA BARBARA CITY EMPLOYEES' ASSOCIATION (GENERAL UNIT)

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

SECTION 1. The Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Employees' Association, Local 620, Service Employees' International Union, effective as of October 1, 2008, and attached hereto and incorporated herein by reference as Exhibit "A" (hereinafter the "M.O.U.") is hereby adopted.

SECTION 2. During the term of the M.O.U., the City Administrator is authorized to provide the same salary and fringe benefit increases generally extended to employees under the M.O.U. to the City's Confidential employees.

SECTION 3. During the term of the M.O.U., the City Administrator is hereby authorized to implement the terms of the M.O.U. without further action by the City Council, unless such further action is explicitly required by state or federal law. This authorization shall include, but not be limited to, the authority to implement employee salary increases and changes to the salary schedule(s) that were adopted with the annual budget.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF SANTA BARBARA
AND THE
SANTA BARBARA CITY EMPLOYEES' ASSOCIATION, LOCAL 620
SERVICE EMPLOYEES' INTERNATIONAL UNION**

THIS AGREEMENT IS ENTERED INTO AS OF FEBRUARY 3, 2009 BETWEEN THE CITY OF SANTA BARBARA, HEREINAFTER REFERRED TO AS THE "CITY", AND THE SANTA BARBARA CITY EMPLOYEES' ASSOCIATION, LOCAL 620, SERVICE EMPLOYEES' INTERNATIONAL UNION, HEREINAFTER REFERRED TO AS "THE UNION".

Pursuant to Section 3.12 of the Municipal Code of the City of Santa Barbara and Section 3500 et. seq. of the Government Code, the duly authorized representatives of the City and the Union, having met and conferred in good faith concerning the issue of wages, hours, and terms and conditions of employment, as herein set forth, declare their agreement to the provisions of this Memorandum of Understanding.

FOR THE CITY:

FOR THE UNION:

Kristine Schmidt
Employee Relations Manager

Jeff Miller
General Unit President

Bill McTomney,
Pub. Works Administrative Officer

Michael Berman
Project Planner

Jill Taura,
Treasury Manager

Art DeRueda
Plumber

Connie Styrwoll,
Human Resources Analyst

Dave Harris
Automotive/Equipment Tech

Stanley Macias
Painter

Garrett Reynolds
Welder/Fabricator

Aundray Richey
Senior Streets Maintenance Worker

George Green
S.E.I.U., Local 620

Mike Woods
S.E.I.U., Local 620

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APPENDIX A - Shift Differential Examples

APPENDIX B - Child Care Policies

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APPENDIX D- City of Santa Barbara Drug and Alcohol Testing Policy For General Unit Employees

APPENDIX E- 9/80 Work Schedule Policy

APPENDIX F- Agreement Regarding Parks Caretakers

1. BENEFITS - PERMANENT PART-TIME EMPLOYEES

a. Employees filling positions authorized by the City Council in the City's official list of authorized positions at 20 hours or more per week on a less than full time basis shall receive benefits as follows:

- i. Cafeteria plan contribution, medical contribution, dental contribution, vision contribution, and holiday equal to the percent of time regularly scheduled versus a regular work week rounded up to the nearest ten percent (10%).
- ii. Vacation, and sick leave equal to the percent of time worked versus a regular work week rounded up to the nearest ten percent (10%).

b. Notwithstanding the above, the City may create one or more hybrid "part-time/seasonal" Recreation Program Leader positions with Cafeteria plan contribution, medical contribution, dental contribution, vision contribution, and holiday benefits pro-rated at the regular part-time (PPT) level. These positions may be required to flex-up to full-time during the summer season without a corresponding increase in benefits. (Example: Employee works 25 hours per week year-round, qualifying for 70% benefits, and can be required to work 40 hours for the summer season without a benefit increase from 70%).

c. Employees already filling positions authorized by City Council in the official 2004-2005 Position and Salary Control Resolution at 20 hours or more per week on a less-than-full-time basis as of September 3, 2004 will continue to receive full-time health benefits (cafeteria plan contribution, medical contribution, dental contribution, vision contribution).

2. BEREAVEMENT LEAVE

a. The bereavement leave policy shall be up to five (5) days leave with pay and shall include the following immediate family members: mother, father, brother, sister, spouse, child, grandparents by blood or marriage, grandchildren by blood or marriage, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, person standing in loco parentis (in place of the parents), and step family members. In addition to the immediate family members listed herein, an employee shall be eligible for up to five (5) days bereavement leave with pay for his/her domestic partner and the domestic partner's immediate family, as defined above. In order to receive this benefit, domestic partners must be registered with the City Clerk's office or the Secretary of State.

The intent of bereavement leave is to provide employees with adequate time to be with their immediate family during a period of anguish, whether it be at the time of death, preparation of funeral arrangements and/or to attend a funeral.

b. The parties agree that co-worker funeral attendance will be acceptable to the City upon Department Head approval consistent with maintenance of operations.

c. Though bereavement leave pay is not applicable, the City shall encourage departments to make reasonable efforts to allow employees to use accrued vacation, compensatory time, or personal leave to attend the funeral of an aunt, uncle, or cousin.

3. BILINGUAL SKILLS

a. The City and the Union agree to encourage employees to voluntarily develop bilingual skills in instances where the public contact nature of their jobs would make such skills valuable.

Any employee whose duty assignments require frequent and regular use of bilingual language skills in Spanish and in English with members of the public shall be designated by the Department Head in writing and said designation shall be approved by the Human Resources Manager, who shall test and certify the employees for language proficiency.

As used in this section, the phrase "regular and frequent" means at least several times in each working week. Designation of the bilingual language skill is restricted to the actual needs of the position. An employee's ability to read, write or speak Spanish occasionally or, incidental use of language skills in Spanish, or the use of bilingual skills other than for the purpose of meeting the requirements of the job shall not warrant a bilingual designation.

b. The City shall provide an updated list of designated employees at the Union's written request no more than once every six (6) months. In addition, the City shall provide a list of designated employees to the Union within 30 days of ratification of this MOU.

c. All employees designated for use of bilingual skills by their Department Head shall receive \$64.00 per pay period.

4. BULLETIN BOARDS

The City agrees to furnish space for Union-purchased bulletin boards of a reasonable size for posting of Union material. The specific locations of the bulletin boards shall be approved by the City and shall include but not be limited to the following work stations:

Bulletin Board Locations

City Hall
Main Library and Branches
Street Division
Golf Course Maintenance
Public Works-Engineering
Fire Dept. Station #1
Airport Maintenance Shop
Airport Administration Building

Police Department
Harbor Maintenance Shop
Parks Department
Water Resources Division-Yard
ICS-Garage
Wastewater Treatment Plant
Recreation Department Administration Building
Community Development

Other workstations may be added upon approval of the City by mutual agreement.

5. CAFETERIA PLAN

a. A flexible benefits plan known as a "125 Cafeteria Plan" and the "pre-tax advantage" provisions related to an employee's medical, dental, vision, psychological and supplemental life insurance premium contributions and flexible spending accounts within the meaning of Section 125(d) of the Internal Revenue Code shall be provided to employees. Each employee shall be eligible to allocate a discretionary amount of \$362.38 per month.

b. If medical, dental, and vision insurance plan selections exceed the cafeteria plan allocation, the City will pay the difference of these respective insurance premiums up to the amounts in the Medical Insurance, Dental Insurance and Vision Insurance sections of the Health Insurance article of this MOU; said excess premium payments cannot be applied to any other element of the cafeteria plan.

6. CHILD CARE

The City will provide a pre-tax salary reduction plan for employee dependent care needs in accordance with Section 129 of the Internal Revenue Code.

7. CITY RIGHTS AND EMPLOYEE RIGHTS

The parties agree that the City has an exclusive right to manage and direct the performance of services and work force performing such services unless the City has specifically delegated, abridged, or modified any such rights in this agreement. Such rights shall include but not be limited to the sole right to determine the organizational structure of the City, establish levels and types of services to be provided, determine the methods, means, and number of personnel by which operations are to be conducted, including sole

authority to contract or subcontract for municipal services, and to exercise complete control and discretion over the technology of performing the City's work. The City retains complete authority over the policies and direction and administration of all City Departments including but not limited to standards and methods of selection for employment; promotion and performance evaluation; disciplinary action; relief of employees from duty because of lack of work or other legitimate reasons; maintenance of the efficiency of government operations; and determination of the content of job classifications consistent with applicable laws and with due regard for provisions of this agreement.

Employees represented by the Union shall have the right to form, join, and participate in the activities of the Union for the purpose of representation on all matters of employee relations. The City shall not interfere with, intimidate, restrain, coerce, or discriminate against employees because of their exercise of these rights.

8. DISABILITY RETIREMENT

a. An employee found either physically or mentally incompetent to perform his/her regular duties shall, if possible, be provided with the opportunity for transfer, promotion or demotion to a position for which he/she possesses the physical or mental competence, or other action pursuant to Federal or State law and/or City Charter.

b. An employee found not to be disabled within 90 days shall be reinstated with back pay and benefits to the date such pay and benefits ceased.

c. In no case shall an industrially injured employee be entitled to use sick leave benefits to postpone the effective date of retirement.

d. An employee eligible to retire for non-industrial disability shall be entitled to use sick leave benefits to extend the date the employee is first eligible to receive retirement benefits for up to a maximum of ninety (90) days.

9. DISCIPLINARY ACTION

The City may provide the option of forfeiture of vacation time in lieu of taking other disciplinary action pursuant to Charter Section 1007 and enabling ordinances.

10. DIVE SHIFT DIFFERENTIAL

a. Waterfront maintenance employees who are authorized and agree to assignment(s) by the department to conduct underwater dive operations in the performance of maintenance-related duties, will be eligible for dive shift differential for each shift that the employee performs dive operations.

b. Differential pay will be at an hourly rate equivalent to the graveyard shift differential. All time setting up dive equipment, performing safety checks, and donning and doffing dive gear (wetsuit, BCD, etc.) as authorized by management shall be considered dive operations on City paid time.

c. Divers must comply with all dive certification and safety rules promulgated by the City. An employee scheduled to perform dive operations may choose not to dive at any time, by notifying the employee's supervisor, if the employee has a concern that to do so would likely jeopardize the safety of themselves, a co-worker, or member of the public due to weather conditions or any other reason.

11. DOMESTIC PARTNERSHIP HEALTH BENEFITS

The City shall allow same sex and opposite sex domestic partners dependent coverage under the medical, dental, and vision plans. In order to receive this benefit, domestic partners must be registered with the City Clerk's office or the Secretary of State. The affected employee(s) shall be responsible for all tax consequences of this benefit.

12. DRESS CODES

It is agreed that employees recognize and will comply with standards of dress consistent with the positive representation of the City government through its employees and consistent with uniform requirements and safety policies established by the City. Failure to do so will result in an employee being directed to conform to the appropriate dress standard. No dress codes other than the above standard are to be established in the various departments.

13. DRUG AND ALCOHOL TESTING POLICIES

Employees with commercial driver's licenses in "safety sensitive" positions are subject to the City of Santa Barbara Drug and Alcohol Testing Policy Pursuant to Department of Transportation Regulations.

Employees not subject to the City Of Santa Barbara Drug And Alcohol Testing Policy Pursuant To Department Of Transportation Regulations are subject to pre-employment drug testing and post-accident drug and alcohol testing pursuant to the City of Santa Barbara Drug and Alcohol Testing Policy for General Unit Employees, attached hereto as Appendix D.

14. ENGINEER PROFESSIONAL REGISTRATION PAY

a. When the Department Head assigns an employee in the classification of Project Engineer I or Project Engineer II in the Public Works Engineering Division to maintain the ability to assume responsible charge for sealing City design projects by using his/her professional registration, that employee shall receive an additional 5.0% of his/her base salary. The employee must maintain a current California registration to remain eligible for such pay.

b. With the written approval of the City Administrator, based on the needs of the City, the Department Head may also assign such responsibility, with corresponding registration pay, to either:

- i. A Project Engineer I or Project Engineer II with current California registration as a professional engineer who is assigned to a Division other than the Engineering Division, or
- ii. An employee in a classification other than Project Engineer I or Project Engineer II with current California registration as a professional engineer.

c. City agrees to provide the union a list of employees receiving such pay upon the unions' request.

15. EQUAL EMPLOYMENT OPPORTUNITY

a. The City and the Union agree that the provisions of this agreement shall be applied equally to all employees covered herein without favor or discrimination because of race, creed, color, sex/gender, age, national origin, political or religious affiliations, Union membership, sexual orientation, marital status, disability, or pregnancy.

b. The City and the Union agree to commit themselves to the goal of equal employment opportunity in all City services. Further, the Union agrees to encourage their members to assist in the implementation of the equal employment opportunity program.

16. FLEXIBLE STAFFING

The City may choose to flexibly staff classifications within any class series containing an entry and journey level position. Flexible staffing gives the City the ability to hire employees at the entry level or the journey level depending upon applicant qualifications and City staffing needs.

An official list of the flexibly staffed classifications shall be maintained by Human Resources. Classifications designated as flexibly staffed would not require an examination nor the establishment of an eligible list for an incumbent to promote from the entry level to the journey level classification. The City retains the exclusive right to determine if and when an employee may advance from the entry to the journey level.

Flexible staffing does not preclude the City from identifying certain positions that would be permanently assigned to the entry level for as long as their duties and responsibilities remain within the entry-level classification.

17. GRIEVANCES/DISPUTES

a. Grievances shall be defined as an alleged violation of this agreement or dispute regarding interpretations, application, or enforcement of this agreement or the City Charter, City ordinances, resolutions, and written policies related to personnel policies and working conditions. Grievances shall not include disagreements, disputes, or activities regarding or pertaining to examinations for employment or promotion, disciplinary action, performance evaluations, probationary terminations and items subject to meet and confer.

No act or activity which may be grievable may be considered for resolution unless a grievance is filed in accordance with the procedure contained herein within twenty (20) working days of the date the grievable activity occurred or the date the employee could reasonably have known such activity occurred.

b. The Union agrees that whenever investigation or processing of a grievance is to be transacted during working hours, only the amount of time necessary to bring about a prompt disposition of the matter will be utilized. At the City's discretion, time spent by City employees on the investigation and processing of grievances will be recorded on a form provided by management.

Stewards will be permitted reasonable time off with pay for the investigation and processing of grievances after first obtaining permission from his/her Department Head. Such permission will be granted promptly unless such absence would cause an undue interruption of work.

Upon entering a work location, the Steward shall inform the appropriate Department Head and supervisor of the nature of his/her business. An employee pursuing a grievance shall be granted permission to leave the job unless such absence would cause an undue interruption of work. If the employee can not be made available, the Steward will be immediately informed when the employee will be made available.

c. The parties agree that all grievances will be processed in accordance with the following procedure.

Step One

Any employee who has a grievance shall first try to get it settled through discussion with his/her immediate supervisor without undue delay. Every effort shall be made to find an acceptable solution at the lowest possible level of supervision.

Step Two

If after such discussion the employee does not believe the grievance has been satisfactorily resolved, he or she may file a formal appeal in writing to his/her Department Head within ten (10) working days after receiving the informal decision of his/her immediate supervisor.

The Department Head receiving the formal appeal shall render his/her written decision and comment to the employee within ten (10) working days after receiving the appeal.

Step Three

If, within ten (10) working days after receipt of the written decision of the Department Head the employee is still dissatisfied, he or she may request the services of a mediator from the State Mediation and Conciliation Service.

Step Four

If, within ten (10) working days after the mediation process has been completed, the employee is still dissatisfied he or she may file a written appeal of the decision of the Department Head to the City Administrator. The City Administrator shall review information provided by the employee, the decision of the Department Head, and suggestions or information provided by the Mediator. The City Administrator shall render his/her decision within twenty-five (25) working days after the appeal is filed. Except as provided under Step Five, below, the City Administrator's decision shall be considered final.

Step Five

Request for Arbitration

If the grievant is not satisfied with the decision at Step Four, he/she may, within fifteen (15) working days after the decision is mailed by the City Administrator, and with the concurrence of the Union, submit a request in writing to the City to proceed to arbitration. The Union shall have the right to invoke the arbitration procedure on behalf of a class of employees. Arbitration shall be conducted in accordance with the rules and procedures delineated in this Article.

Selection of Arbitrator

The parties shall make a good faith effort to select a mutually acceptable arbitrator from a designated list of available arbitrators. If they are unable to agree on an arbitrator within ten (10) days of the submission of the grievance to arbitration, the parties shall request a panel of experienced arbitrators from the California State Mediation and Conciliation Service. Each party shall alternately strike a name until only one name remains. The party who strikes first shall be determined by lot. By mutual agreement, the arbitration may be held under the Expedited Rules of the American Arbitration Association.

Unless the parties agree otherwise, a hearing shall be commenced within sixty (60) days from selection of the arbitrator.

Arbitrator's Authority

Only those issues which directly relate to alleged violations of this Memorandum of Understanding or the City Charter, City ordinances, resolutions and written policies related to personnel policies and working conditions shall be subject to arbitration. In addition, matters for which a separate and comprehensive administrative process is available that provides a remedy no less complete than that provided in arbitration are not within the scope of this procedure. Examples of such comprehensive processes are: discrimination complaints covered by EEOC or DFEH, safety complaints under Cal OSHA and OSHA, workers' compensation matters, and Civil Service appeals. The arbitrator will have no power to add to, subtract from, or modify the terms of this Agreement, the City Charter or Ordinances, or the written policies, rules, regulations or procedures of the City. The arbitrator however, may, in the course of determining the questions properly submitted to him/her, consider arguments and evidence based on external law.

Submission Agreement/Questions Regarding Arbitrability

If the parties cannot agree upon a submission agreement, the arbitrator shall determine the issues by referring to the written grievance and the answers thereto at each step. If any question arises as to the arbitrability of the grievance, such question shall be ruled upon by the arbitrator prior to hearing the merits of the grievance.

Hearing Procedure

Except as indicated in this Article, the arbitration hearing shall be conducted in accordance with the Labor Arbitration Rules of the American Arbitration Association.

Decision

After a hearing and an opportunity to present such closing arguments as may be appropriate, the arbitrator will make a reasonable effort to issue his/her decision within thirty (30) days after the conclusion of the hearing. The arbitrator's decision shall be in writing and set forth his/her findings of fact, reasoning and conclusions on the issues submitted. The decision shall be final and binding on the

parties.

Costs

All costs for the services of the arbitrator, including, but not limited to, per diem expenses, travel and subsistence shall be shared equally by the parties. Any cost incurred to obtain the use of a hearing room shall be shared by the parties. All other costs shall be borne by the party incurring them.

d. The time limitations for filing and responding to grievances may be waived or extended by mutual agreement of the parties. If either party to the grievance so requests, an informal hearing shall be conducted at the Department Head or City Administrator appeal levels. Employees may be represented by counsel or other person at any stage in the grievance process.

e. Grievances which are general in character and which involve interpretation or application of this MOU or City policies or which involve matters requiring resolution outside the authority of the employee's Department Head shall be filed directly with the Assistant City Administrator who shall provide a written response within ten (10) working days.

An employee may appeal the response of the Assistant City Administrator. The employee's appeal shall be handled in accordance with the procedures beginning in step three above.

f. Disputes or complaints regarding open competitive or promotional examinations for employment shall be processed in accordance with the policy adopted by the City Administrator. The City shall consult with the Union prior to adopting or amending such policy.

g. Disputes or complaints regarding performance appraisals shall first be discussed with the individual who made the appraisal. An employee dissatisfied with the appraiser's response may discuss his/her complaint with the individual at the next higher level of supervision whose decision shall be final. An employee may be represented by counsel or other individual during these discussions.

18. HEALTH AND SAFETY

a. The City and the Union agree to abide by all provisions of the California Plan approved in accordance with the provisions of the Federal Occupational Safety & Health Act of 1970, and any applicable legislation as may be passed by the State of California to implement that plan. The City recognizes that it is the duty of management to make every reasonable effort to provide and maintain a safe place of employment. The Union will cooperate by encouraging all employees to perform their work in a safe manner. It is the duty of all employees in the course of performing their duties to be alert to unsafe practices, equipment, and conditions and to report any such unsafe practices or conditions to their immediate supervisors. If such conditions can not be satisfactorily remedied by the immediate supervisor, an employee has the right to submit the matter either personally or through the Steward to his/her Department Head or his/her designated representative. On any matter of safety that is not resolved, consultation will take place between management and Union representatives. Compliance with basic safety requirements will be part of each employee's performance evaluation criteria.

b. The City agrees to conduct a Safety Program on City time for the purpose of educating employees concerning the provisions of the Occupational Safety and Health Act as well as the City's safety policies. The Union agrees to support without qualification the City's Safety Program and will encourage its members to attend safety courses if required by the City and made available on City time. The City agrees that any safety courses the employees are required to take will be provided on City time with pay and that first aid training shall be provided to City designated employees in an on-duty status.

c. Both the City and the Union recognize the need and will strive to reduce the number of industrial injuries among the employees.

d. The parties agree that the City shall perform on-site safety inspections in major work sites at least once a year, and to hold regular safety meetings with departmental safety coordinators. It is further agreed

that the City shall continue to maintain vehicles and equipment in a safe operating condition and that no employee will be penalized for refusing to use vehicles or equipment proven to be unsafe pursuant to State law.

e. In departments where regular safety meetings are conducted, if minutes of those meetings are taken, copies of those minutes shall be posted on departmental bulletin boards. Departmental stewards will be permitted to place items on the safety meeting agenda and to attend these meetings to explain those items.

f. The City shall comply with all State and federal requirements that pertain to the operation of computer equipment. In addition, as part of its commitment to making a reasonable effort to provide and maintain a safe place of employment the City shall review the Health and Safety implications of operating computer equipment.

g. Departments shall maintain binders of current Material Safety Data Sheets on substances with which unit employees work or come into contact. These binders shall be made available for inspection at all reasonable times.

19. HEALTH INSURANCES (MEDICAL, DENTAL, VISION)

a. Medical Insurance- The City agrees to provide an annual open enrollment to employees for medical insurance. The parties agree that the City will pay up to a maximum per employee per month as follows:

<u>Effective Date</u>	<u>Maximum Per Month Per Employee</u>
October 1, 2008	\$890.01
January 1, 2009	\$940.01
January 1, 2010	\$990.01

It is agreed that should the amount of subject premium be less than the medical insurance limits described above, the difference between the employee-only premium and said dollar amount shall be applied to employee dependent medical coverage, if any.

The City retains full and complete control over the selection, approval and administration of the City's group insurance program. However, group insurance benefits in effect at the commencement of this agreement shall be maintained to the extent it is within the control of the City.

The City agrees to provide all premium cost projections including the annual actuarial reports or rate increase notifications to the Union as soon as reasonably practical following receipt of said projections.

b. Dental Insurance- The parties agree that the City shall pay up to a maximum per month per employee towards the dental insurance premium as follows.

<u>Effective Date</u>	<u>Maximum Per Month Per Employee</u>
January 1, 2008	\$82.66

The City retains complete and full control over the administration of this dental program subject to maintenance of benefits equivalent to those provided for the term of this agreement, to the extent it is within the control of the City.

The City will continue to provide a Dental HMO option (currently Golden West).

d. Vision Insurance- The City agrees to provide an annual open enrollment to employees for vision insurance. The City shall pay up to a maximum per month per employee towards the vision insurance premium as follows:

Effective Date
January 1, 2008

Maximum Per Month Per Employee
\$10.21

Employees who drop vision insurance shall not be able to re-enroll within two years of dropping coverage.

20. HOLIDAYS

a. The City and the Union agree that the following days shall be observed as legal holidays by all employees in the Unit:

January 1st	(New Year's Day)
3rd Monday in January	(Martin Luther King Jr.'s Birthday)
3rd Monday in February	(Washington's Birthday)
March 31 st	(Cesar Chavez Day)
Last Monday in May	(Memorial Day)
July 4th	(Independence Day)
1st Monday in September	(Labor Day)
4th Thursday in November	(Thanksgiving)
The Friday immediately following Thanksgiving Day.	
December 25th	(Christmas Day)

b. When a holiday falls on a Saturday or Sunday the preceding Friday or following Monday respectively shall be observed as a legal holiday.

c. Whenever a holiday occurs on an employee's regularly scheduled day off, the employee is entitled to an additional day off. Such day off shall be taken within thirty (30) calendar days or shall be compensated at straight pay after the 30th day.

d. When an employee is required to work on a day that is being observed as a legal holiday, the employee shall receive time and one half for the hours worked on that day. The employee will also be entitled to an additional day off. Such day off shall be taken within thirty (30) calendar days or shall be compensated at straight pay after the 30th day

e. Nothing in this agreement shall preclude the City from declaring a holiday when a legal holiday has been declared by the President of the United States or the Governor of the State of California.

f. The City will solicit volunteers within a work unit to work on Thanksgiving and Christmas. If an insufficient number of volunteers are available, then the supervisor shall make every reasonable effort to rotate assignments on Thanksgiving and Christmas. City shall maintain minimal staffing on workday afternoon prior to New Year and Christmas holidays so that as many employees as possible may enjoy personal leave, vacation, or CTO at those times.

21. IMPLEMENTATION OF MOU

City shall implement the provisions of this Memorandum of Understanding by adopting appropriate resolutions, ordinances, and administrative policies.

22. JOB ANNOUNCEMENT, TRANSFERS AND RULE OF 10

a. The City agrees to supply job announcements for posting on employee bulletin boards in all departments but City assumes no responsibility for notices once delivered. City shall also provide Union an interoffice mail slot in City Hall and shall place twenty-five (25) copies of all job announcements in said slot when distributing job announcements to City departments.

b. The City agrees to continue its policy of maintaining consistent oral examination boards to the maximum extent possible. It is agreed that employees may contact the Human Resources Office to request inter-departmental or inter-divisional transfers, and are to contact Department or Division Heads for intra-departmental or intra-divisional transfers. Intra-departmental or divisional transfer opportunities will be made known to employees in those organizations prior to transfer action.

c. City shall provide a minimum application filing period of five (5) days for all open vacant positions and ten (10) days for all promotional vacant positions in the classified service within the general employees' bargaining unit for which an eligibility list must be established.

d. The names of nine (9) more eligible (including tie scores) than the number of vacancies shall be certified to the appointing authority in alphabetical order.

23. JURY/WITNESS DUTY

In the event that an employee of the City is required by a court of competent jurisdiction to perform jury duty, and that requirement causes the employee to be away from his/her regularly assigned work schedule, said jury duty shall be considered leave with pay without interruption of service on the condition that the employee pay to the City Treasurer all compensation he/she receives for the jury duty.

Pursuant to Government Code §1230.1, whenever an employee is served with a subpoena which compels his/her presence as a witness, unless he/she is a party or an expert witness, such employee shall be granted a leave of absence with pay in the amount of the difference between the employee's regular earnings and any amount he/she receives for such appearance.

24. LAYOFF POLICY

a. Basis of Layoff: Whenever a position is abolished pursuant to section 1008 of the City Charter an employee will be laid off as set forth below.

b. the City Administrator submits a budget to the City Council requiring layoff of employees in the General unit Notification to the Union: Whenever, the City Administrator shall provide the Union with a list of the classifications(s), department(s), and division(s) from which the layoff will be made, and a seniority list of those affected.

c. Notification to Employee: Employees to be laid off shall be given at least thirty (30) calendar days prior notice.

d. Order of Layoff: Employees will be laid off by classification, department and division in the following order:

1. Probationary employees;
2. Regular employees who within the twenty-six pay periods immediately prior to the layoff received a cumulative performance evaluation score of less than 3.0. under the former evaluation form, or an overall score of "needs improvement" under the new 2009 evaluation form.
3. Regular employees by inverse order of seniority. Seniority is determined by continuous service in the classification.
4. If employees have the same seniority within the classification, selection shall be made at random.

All branches and extensions of the Library are considered in the same division as the Central Library.

- e. Bumping (Displacement) Rights: Regular employees who are laid off have the right to return to the last position they previously held under the following conditions:
1. They meet the positions' minimum qualifications
 2. They are physically able to perform the duties of the position
 3. The position has continued to exist

If an employee bumps down into the last position held, the employee will bump the employee with the least seniority in the classification.

- f. Transfer or Voluntary Demotion: If an employee to be laid off meets the minimum qualifications for a vacant position, before an open competitive recruitment can be commenced, the employee will be given an opportunity to fill the vacant position through transfer or voluntary demotion.

If an employee does not meet the minimum qualifications for the vacant position the City will consider appointment to the vacant position as a trainee level appointment. Trainee-level employees appointed under this section will be paid at 100% of Step 1, rather than 80%.

Final appointment through transfer or demotion is at the sole discretion of the Department head.

- g. Separation Enhancement Plan: The City may offer a separation enhancement to avoid layoffs.

25. LEAVES OF ABSENCE AND BENEFITS DURING SUCH LEAVES

- a. It is agreed that general employees as defined in this agreement shall have the right to request an extended leave of absence without pay for a period of up to one year for personal reasons or for additional schooling. If the leave is approved, the employee will have right of return but such leave shall be considered a break in service with no accrual of benefits. Leave approval will be at the discretion of the City Administrator.

- b. Employees may be entitled to up to 12 weeks of unpaid leave, with benefit continuation and reinstatement rights, under the City's FMLA/CFRA Family Care and Medical Leave Policy for the birth of a child or to care for a newborn, for the placement of a child with an employee in connection with adoption or foster care, to care for a child, parent, spouse, domestic partner or child of a domestic partner who has a serious health condition, or for the employee's own serious health condition. For combined pregnancy and child bonding leave, the amount of leave available under this policy may be longer.

- c. Extended medical leaves of absence may be granted by the City Administrator for a period of up to a total of one year (including any period of FMLA/CFRA Family Care and Medical Leave) on request of the employee due to the employee's illness. The City shall continue to pay its contribution to insurance for the longer of the first 90 days of such medical leaves of absences, or any period of leave continuation provided under the FMLA/CFRA Family Care and Medical Leave Policy.

- d. The following criteria will be used in determining the granting of leaves of absence:

1. the employee's seniority in City service.
2. the employee's job performance record.
3. the employee's disciplinary action record.
4. the needs of the City service.

- e. No sick leave, vacation, or holidays shall accrue to any employee during any full biweekly pay period in which the employee is on unauthorized or authorized leave without pay. Except as provided under subsection "c" above, an employee on leave without pay shall also be responsible for full payment (employer and employee portion) of insurance premiums.

f. No sick leave, vacation, or holiday shall be paid to any employee during any period of unauthorized leave or suspension.

g. "Continuous service" means employment with the City without break or interruption; in computing continuous service for the purposes of this chapter, neither military leaves nor leaves of absence on account of illness, whether with or without pay, shall be construed as a break in employment or service. Other absences aggregating in excess of ninety (90) working days in any period of twelve (12) months, including layoffs on account of lack of work, lack of funds, or abolishment of positions, shall be construed as breaking "continuous service". A layoff resulting in a bumping right to another position shall not constitute a break in service.

26. LIFE INSURANCE

The City will provide a term life insurance policy covering the employee in the amount of \$50,000 with equal accidental death and dismemberment provision.

27. LONG-TERM DISABILITY

The City will provide a long-term disability insurance plan by enrolling Unit members in the City's current long-term disability plan.

28. MAINTENANCE OF BENEFITS

The City and the Union agree that all compensation, including direct wages, as provided by ordinance, resolution, and City Charter, which are in existence at the commencement of this agreement, shall not be diminished, lessened, or reduced for the duration of this agreement.

Wage adjustments as provided for from time to time by ordinance, resolution, or by City Charter, as may be amended, shall also continue for the duration of this agreement.

The City and the Union agree that the City has the right and prerogative to assign duties to and direct employees in accordance with applicable job specifications and Section 3.12 of the Santa Barbara Municipal Code.

29. MECHANICS' TOOLS

The City will provide an annual tool allowance of \$750 to regular, full-time incumbents of Vehicle Services Assistant, Automotive/Equipment Technician, Lead Equipment Technician and Heavy Equipment Technician position classes in the Motor Pool and the Golf Course.

Payment shall be made in January of each year. The City shall honor employee claims in cases of theft or destruction of an entire tool box containing tools required by the City for the job and not involving negligence on the part of the employee.

When an employee is hired s/he will be given the full annual tool allowance amount as provided for in this M.O.U.

At the next payment date, the employee will receive a prorated allowance amount. The amount will be based on a percentage of the year the incumbent is employed from hire date to tool allowance payment date. The calculated percentage will be applied to the full payment amount to determine the allowance. In subsequent years the full payment amount will be paid on the regular payment dates.

Example: Employee hired 06/01/05- regular payment date 01/01/06.

- . Paid at hire - Full payment amount
- . Paid at next regular payment date - 58.3% (based on 7 months)
- . Paid subsequent years - Full payment amount

Calculation of prorated payment allowance:

$$\frac{\text{Number of months in position}}{12 \text{ months}} \times \text{Current allowance} = \text{Prorated \$}$$

30. MUNICIPAL CODE CHANGES

During the term of the Agreement the City and the Union shall meet and confer with regard to any further City proposed changes to Santa Barbara Municipal Code Title 3 which are within the scope of representation. The negotiations will be held jointly with the Treatment and Patrol bargaining units. The representatives for the Union shall be limited to S.E.I.U staff and one bargaining unit member from the General bargaining unit and one member for the Treatment and Patrol bargaining units. The negotiations will be interest based.

31. NO STRIKE OR LOCKOUT

The City and the Union agree that during the term of this agreement the City will not lock-out employees; nor will the Union sanction, support, condone, approve, or engage in any strike, sick-in, slow-down, or work stoppage which is detrimental to providing services to the citizens of Santa Barbara.

32. OVERTIME

a. The City and the Union agree that overtime work will be assigned to the employees on a rotation basis whenever possible.

b. Overtime compensation shall accrue in fifteen minute minimum blocks of time for work performed fifteen minutes or more beyond a regularly scheduled work day or work week.

c. If an employee is called back to duty on an overtime basis, such employee shall be compensated for no less than two (2) hours overtime. If an employee is called back to work on an emergency basis, if conditions permit, City shall provide said employee with nourishment and a rest period of appropriate duration. When an employee is called out on an emergency after the completion of their regular shift, he/she will be provided paid leave time (without deductions from leave banks) to allow five (5) hours off-duty without loss of pay before reporting for their next regularly scheduled shift.

d. The parties agree that employees have the right to request cash payment or compensatory time off (CTO) but that approval of one or the other benefit remains the right of the City consistent with the needs of the City.

e. Except for overtime worked by exempt employees who are compensated with CTO credit, work performed for the purpose of computing overtime shall include all paid leave time actually taken as time off. It will not include holiday or other paid leave time "cashed out" but not taken.

f. Overtime worked shall be compensated as follows:

1. Cash Payment - Time and one-half the regular rate of pay.
2. CTO Credit - Time and one-half the overtime hours worked for non-exempt employees; straight time for overtime hours worked for exempt employees.

g. Regular part-time employees shall not receive overtime at the overtime rate for time worked until their total number of hours worked exceeds forty (40) hours in a week. Under the forty (40) hour limit, regular, part-time employees are credited at straight time pay or compensatory time for hours worked beyond their normal schedule.

h. Overtime not cashed out shall be maintained in a CTO "Bank". An employee may accrue up to 100 CTO hours in his/her bank. The employee may maintain this bank unless the employee terminates or agrees to cash out a portion or all the hours in the bank. The City retains the right to cash out CTO hours other than the 100 hour bank described above at the overtime rate.

It is agreed that the City has the right to require employees to take compensatory time off but shall provide a minimum of seven (7) calendar days advance notice in such cases.

i. The City and the Union agree that overtime work accrued during a declared disaster as determined by the President of the United States, the Governor of the State, the Mayor of the City, City Council, or the City Administrator shall be compensated at the rate of time and one-half providing that the City is reimbursed at the rate of time and one-half wages in federal or State Disaster Relief Funds.

33. PAYROLL

a. Employees who receive payroll overpayments shall reimburse City for such overpayments. City shall establish a reasonable schedule of payments based upon amount of such overpayment and date overpayment was made.

b. City agrees to explain all payroll stub information to employee upon request of said employee.

c. City agrees to provide the Union with up to three (3) deduction codes.

d. The parties agree that the City will continue deducting monies from payroll and remit same to Union as authorized by employee payroll deduction authorizations in accordance with present policy. However, when an employee switches from the General bargaining unit to a unit not represented by S.E.I.U. Local 620, S.E.I.U. dues will no longer be deducted, unless and until the union submits another signed authorization form. Any changes in dues deductions shall be subject to indemnification of the City by the Union.

e. The City shall provide to the Union, on a bi-weekly basis, a new hire and termination list of bargaining unit employees with their name, job classification title and department. The cost of programming said report shall be paid for by the Union.

f. All employees shall participate in the City's payroll direct deposit program.

1. Each existing employee who was not previously enrolled in direct deposit will submit an authorization form to the Payroll Office within sixty days of ratification of this Agreement. All newly hired employees will be subject to this provision upon hire.
2. Each employee shall execute a payroll authorization form and submit a voided check or savings deposit slip to the Payroll Office. It shall be the employee's choice as to which bank he or she designates as the institution receiving payroll funds.
3. When the authorization form is properly executed and filed with the Payroll Office, the City will begin automatically depositing the net amount of pay on or before each designated biweekly payday in the employee's designated bank account.
4. Exceptions: An exception to this policy may be granted by the Finance Director to an employee upon a showing of good cause for such exception (e.g., that he/she is unable to establish and/or maintain a personal banking/financial account for direct deposit, or

that other personal circumstances necessitate a temporary or permanent exception). The Finance Director may require the employee to renew this exception periodically. Exceptions will not be unreasonably denied.

- 5. Employees participating in direct deposit will be provided with a payroll detail report each pay period. Alternatively, employees may voluntarily opt out of a paper detail and access this information electronically via the City's computer system.

34. PERSONAL LEAVE

a. Employees shall be entitled to four (4) days personal leave each fiscal year per the following schedule:

Employees on the payroll July 1:	4 days
Employees hired between July 2 and October 1 (inclusive):	3 days
Employees hired between October 2 and January 1 (inclusive):	2 days
Employees hired between January 2 and April 1 (inclusive)	1 day

b. Personal leave days must be taken by the end of each fiscal year or lost. Personal leave shall be scheduled on the same basis as vacation. In no case shall employees be entitled to cash payment for personal leave days not taken.

35. PERSONAL PROPERTY DAMAGE REIMBURSEMENT

Any employee who experiences a loss or damage to personal property may submit a claim to his/her immediate supervisor for consideration of reimbursement. The claim shall be submitted within fifteen (15) days after the loss or damage is sustained. The claim shall contain the following information: type of item, date of purchase, replacement cost, condition, description of damage, circumstances, etc. If the personal property is stolen, a report shall be filed with the Police Department.

The following conditions must apply for the claim to be considered:

- a. The loss must be in the line of duty.
- b. There must not be contributory negligence or carelessness on the part of the employee.
- c. There must not be other means of recovery such as, but not limited to, court action or insurance.
- d. The personal property for which the claim is made must be owned by the employee involved. Exceptions to the above may be referred to the Department Director for approval.
- e. \$200 limit per item claimed unless personal property item has written pre-approval by the Department Head.

The supervisor shall conduct an inquiry into the validity of the claim and forward it to the Division Manager with his/her recommendation. The Division Manager shall review the claim and forward his/her recommendation to the Department Director. The Department Director will approve or deny the claim. Claims meeting the above criteria shall not be unreasonably denied.

Reimbursement will be calculated from the following schedule:

<u>Age of Item</u>	<u>% Reimbursed</u>
0 to 6 months	100%
6 to 12 months	80%

12 to 18 months	50%
18 to 24 months	25%
24 months & over	0%

If the claim is approved, payment will be forwarded to the initiating employee.

36. PROBATIONARY PERIOD

The probationary period required by Charter Section 1004 may be extended beyond one (1) year by signed mutual agreement of City and employee.

All original and promotional appointments to the classified service shall be tentative and subject to a probationary period of one (1) year of actual service. If the service of the probationary employee has been satisfactory to the appointing power, then the appointing power shall file with the Human Resources Manager, a statement in writing to such effect. During the probationary period, an employee may be rejected at any time by the appointing power without cause and without right of appeal. Notification of rejection in writing shall be served on the probationer and a copy filed with the Human Resources Manager.

37. PURPOSE

It is the purpose of this Memorandum of Understanding to promote and provide for harmonious relations, cooperation, and understanding between management and the employees covered by this memorandum; to provide an orderly and equitable means of resolving any misunderstanding or differences which may arise under this Memorandum of Understanding; and to set forth the full and entire understanding of the parties reached as a result of good faith meeting and conferring regarding the wages, hours, and other terms and conditions of employment covered by the memorandum.

38. RECOGNITION

a. Pursuant to the provisions of Section 3.12 of the Municipal Code of the City and applicable State law, the Union is recognized as the majority representative of the City employees in the general employees unit and as the exclusive bargaining agent for the employees in said Unit.

b. The terms "general employee(s)" or "employee(s)" as used herein shall refer only to full-time or unclassified part-time employees serving in non-confidential classifications who occupy positions authorized and designated as "GENERAL" by the City Council in the City's official City's official classification and salary schedules.

Classifications may be added to or deleted from general employees bargaining unit in accordance with the provisions of this agreement and the City's Employer/Employee Relations Ordinance.

c. Employees designated management, confidential, and supervisory shall be designated as such in the in the City's official classification and salary schedules and shall be excluded from "general employee" bargaining unit regardless of classification. City may designate additional management, confidential, or supervisory employees after first notifying and consulting with Union.

39. REPRESENTATION - UNION OFFICERS AND REPRESENTATIVES

a. The City and the Union agree that Union officers and representatives will be allowed to meet with City management on City time for the purpose of meeting and conferring in good faith and without loss of pay or any benefits.

b. The Union agrees to provide the City with a list of Union officers and employee representatives, with their job classifications, who are authorized to meet and confer in good faith. Union shall keep the list up to date.

c. The City agrees that authorized Union staff representatives shall be given access to work locations during working hours to observe working conditions. Such visits are to be made with the prior knowledge of the Department Head and a management representative may accompany the Union staff member on the visit. A staff representative is defined as a paid full-time or part-time employee of the Union.

d. The Union shall provide the City with a list of staff representatives and shall update said list as appropriate.

40. RETIREE MEDICAL INSURANCE CONTRIBUTION

a. This provision is applicable to employees who retire from City service on or after October 1, 1994, and

1. Have 15 or more years of classified or unclassified service; or
2. Retire from City with an industrial disability.

b. For employees who retire on or after October 1, 2008, the City shall contribute \$8.75 per month, per year of service up to a maximum of 35 years (i.e., \$306.25/month) towards the purchase of medical insurance for the retiree and his/her spouse or domestic partner registered with the City Clerk or the Secretary of State, if applicable. For employees who retire on or after the date this agreement is adopted by City Council, the City shall increase the contribution as follows:

<u>Retiring On or After</u>	<u>Dollar/Month/Yr of Service</u>	<u>Maximum (35 Years)</u>
October 11, 2008	\$9.19	\$321.65
October 10, 2009	\$9.65	\$337.75

c. The retiree is not limited to purchase of a City sponsored plan, provided however, that if the retiree purchases another insurance plan, the retiree must supply the City with adequate proof of insurance coverage prior to any contribution from the City. Proof of such coverage shall be provided to the City on a periodic basis, as reasonably determined by the City.

d. The City shall continue to make its contribution until the retiree reaches age 65 or dies, whichever occurs first, provided however, that if the retiree dies before reaching the age of 65 and there is a surviving spouse or registered domestic partner, the City's contribution shall cease when the retiree would have reached age 65. Thereafter, the spouse may remain on the insurance plan, at his/her own cost, subject to the conditions set forth by the insurance company.

e. In the event Health Care legislation is passed which affects the nature of the benefit described above, the parties will reopen negotiations and modify this benefit, if necessary, so as to maintain their original intent (e.g., eligibility, scope, cost).

f. If any Court decision with binding effect on the City of Santa Barbara rules that a retiree medical provision like the provision contained herein violates the State or Federal law against age discrimination, the parties agree that within 30 days they will reopen negotiations on said provision to convert to a retiree medical policy with equivalent cost that does not violate age discrimination law. The parties agree that whatever policy is agreed upon will not reduce or increase the City's contribution toward retiree medical insurance.

41. RETIREMENT

a. The City will provide the two percent (2.7%) at age fifty-five (55) benefit formula under the Public Employees' Retirement System (PERS), pursuant to Government Code 21354.5.

b. The City will contribute toward the PERS normal employee's contribution as detailed in section "c", below, and these contributions shall be credited to the member's account. The City shall report the value of

any Employer Paid Member Contributions (EPMC) to PERS as compensation earnable through enabling City resolution, pursuant to Government Code Section 20636(c)(4).

c. Employees will continue to pay the full cost of the benefit enhancement to 2.7% at 55, including the effects of market volatility, according to the following formula:

1. While the PERS miscellaneous plan employer rate is exactly equal to 20.164%, the employee shall pay 7.162% of the 8% required employee contribution. This will be deducted on a pre-tax basis and credited to the employee's PERS member account. The City will pay the difference of .838%, which shall be reported to PERS as compensation earnable, and credited to the employee's member account.

2. If PERS sets the employer rate at less than 20.164%, the employee shall receive credit for 30.559% of the amount by which the employer rate is less than 20.164%. The City will apply the credit by paying an additional portion of the required 8% employee contribution, up until the point where the City again pays a full 7% of the 8% required employee contribution. This additional City-paid employee contribution (EPMC) shall be reported to PERS as compensation earnable, and credited to the employee's member account.

[For example: If the employer rate is only 18.164% of PERS-able compensation, the City will pay an additional 0.61% (2.0% times 30.559%) of the 8% employee contribution, for a total of 1.448%];

3. If PERS sets the employer rate at more than 20.164%, the employee shall pay 30.559% of the amount by which the employer rate exceeds 20.164%. The employee shall pay for this cost in the following manner:

i. First, through an increase in the employee-paid portion of the 8% required employee contribution up to a maximum increase of 0.838%. This additional employee paid amount will be deducted on a pre-tax basis and credited to the employee's member account.

[For example: If the employer rate is 22.164% of PERS-able compensation, the employee will pay an additional 0.61% (2.0% times 30.559%) of the 8% employee contribution, for a total of 7.772%];

ii. Second, through payroll deduction. To the extent allowable by PERS, and in compliance with any restrictions imposed by PERS, the City will amend its contract to allow the employee to assume this additional cost in such a way that it will be credited to the employee's PERS member account and payable on a pre-tax basis. [Unless the parties through meeting and consulting (not meeting and conferring) agree that affected employees can pay through another mechanism, including, but not limited to paid vacation or paid holiday. If the parties enter into the meet and consult process, a State mediator will act as the facilitator.] [For example: If the employer rate is 25.164% of PERS-able compensation, the employee will pay an additional 1.528% (5.0% times 30.559%) of PERS-able compensation as follows: an additional 0.838% (8%-7.162%) to cover the full 8% employee contribution, and a payroll deduction equal to 0.69% (1.528%-0.838%) of PERS-able compensation.]

d. The following contract provisions shall apply:

1. The City will provide One-Year Final Compensation under PERS, pursuant to Government Code 20042.

2. The PERS contract shall provide for Military Service Credit as Public Service under Section 21024 and for Public Service Credit for Excluded or Limited Prior Service under Section 21031.

3. The PERS contract shall provide for Public Service Credit for Peace Corps or Americorps: Volunteers in Service to America (VISTA) pursuant to Government Code Section 21023.5.

4. The City will provide the Fourth (4th) Level of 1959 Survivor Benefits, pursuant to Government Code Section 21574.

e. The City is authorized to amend its contract with PERS immediately, in order to be able to implement the incentives listed below:

Upon the declaration of the Council of the City of Santa Barbara that the State of California's budgetary or fiscal impacts on the City's budget have caused grave fiscal conditions to exist that require prompt and immediate attention, the City may offer the following early retirement incentives to applicable employees:

1. Two years additional service credit in accordance with Government Code Section 20903; and/or
2. City payment of Military Service Credit as Public Service in accordance with Government Code Section 21024.

42. RETROACTIVITY

An employee will be eligible for the increases to salaries and benefits provided under the Agreement on the dates specified for each increase if the employee is an active City employee and bargaining unit member on the date that the City Council ratifies this Agreement.

43. SAFETY EQUIPMENT

a. The City and the Union agree that the City will either provide all safety equipment required by the City or will reimburse the employee for purchasing the equipment whenever such equipment has been required by the City as necessary for the job. Such equipment shall include, but not be limited to, safety shoes, safety glasses, helmets, gloves, boots, life jackets, and all related safety items. Both parties agree that the City shall retain the right to determine the minimum specifications of the safety equipment, procurement procedures, and limitations and exclusions.

b. Notwithstanding the above, the parties agree that employees designated by the City as required to wear steel-toed safety shoes in the performance of their duties shall be eligible to receive an annual allowance in October for the provision of said shoes upon the presentation of valid claims in keeping with City established procedures in amounts not to exceed the following:

<u>Period</u>	<u>Amount</u>
October 1, 2008 - September 30, 2009	\$230
October 1, 2009 - September 30, 2010	\$230

If the employee desires, he/she may combine two years allowance for the purchase of shoes. The allowance is for the purchase of shoes only.

The Union and City agree that failure of an employee to wear proper and operational safety shoes may be grounds for disciplinary action.

c. City shall provide prescription safety glasses to those employees who wear prescription glasses and perform duties that require the use of safety glasses. Such employees shall provide the City with the lens specifications prescribed by the employee's doctor. The City will provide the initial pair of safety glasses based upon this prescription and shall replace same only upon a subsequent substantial change of prescription or evidence acceptable to the City that said prescription safety glasses are rendered unusable by accidental damage suffered while performing assigned duties.

44. SALARIES

- a. Across-the-board salary increase for all classifications during the term of this agreement will be as follows:
1. Effective October 11, 2008: 2.5%
 2. Effective October 10, 2009: 1.5%
 3. In addition, on October 10, 2009, employees may receive further salary increases based on the June 2008 to June 2009 12-month change in the Los Angeles-Riverside-Orange Consumer Price Index [All Items, All Urban Consumers, Current Series (1982-84=100), not seasonally adjusted], as follows:

- A. If the change in the CPI is greater than 2.5%, but less than or equal to 3.5%, employees will receive an additional 0.5% (2.0% total salary increase).
- B. If the change in the CPI is greater than 3.5%, but less than or equal to 4.5%, employees will receive an additional 1.0% (2.5% total salary increase).
- C. If the change in the CPI is greater than 4.5%, but less than or equal to 5.5%, employees will receive an additional 1.5% (3.0% total salary increase).
- D. If the change in the CPI is greater than 5.5%, but less than or equal to 6.5%, employees will receive an additional 2.0% (3.5% total salary increase).
- E. If the change in the CPI is greater than 6.5%, but less than or equal to 7.5%, employees will receive an additional 2.5% (4.0% total salary increase).
- F. If the change in the CPI is greater than 7.5%, employees will receive an additional 3.0% (4.5% total salary increase).

b. Achieving the second salary step, or "B" step, and subsequent steps shall require, in addition to satisfactory performance, a period of one year of actual service. Regular part-time employees are eligible for step raises under the same terms and conditions as apply to regular, full-time employees except that the period of employment required to move a step is the number of hours worked equivalent to one (1) year of full-time employment, or 2080 hours.

c. Employees shall receive at least a five percent (5%) salary increase upon promotion provided however that the City shall not be required to pay a salary in excess of the salary range authorized for the appropriate classification by the City Council in the official salary schedules . The City shall make every effort to provide a minimum five percent (5%) separation in salary between classifications within a series and classifications within recognized career ladders as determined by the City. The City shall provide the Union with a chart of career ladders, and the City shall update said list.

d. Anniversary dates for newly hired employees shall be the first of the month if the employee was hired on or before the fifteenth of that month and the first day of the following month for those hired after the fifteenth. The end of the probationary period shall coincide with the anniversary date.

e. Development of Salary Data. The City agrees to conduct a total compensation survey in collaboration with the union during the term of the agreement and make every effort to have the results finalized prior to the expiration of the agreement, for reference during negotiations for a successor agreement.

45. SERVICE CREDIT FOR SICK LEAVE UPON RETIREMENT

At the time of retirement, the City shall purchase an annuity for the retiring employee that pays a monthly benefit similar to the PERS amendment that provides service credit for sick leave under Government Code 20862.8.

The following conditions apply to this benefit:

- 1. In order to qualify for service credit for sick leave upon retirement, the retiring employee must have at least 500 sick leave hours;
- 2. The conversion rate of 0.004 years (1 day) of service credit for each day of sick leave is utilized;
- 3. The retiring employee may take the cash purchase value of the annuity in lieu of the monthly annuity; and

4. If the City amends its PERS Miscellaneous contract to include service credit for sick leave upon retirement, employees will be included in that PERS contract amendment and the annuity program will be discontinued.

46. SEVERABILITY

Should any provision in this agreement be held inoperative, void or invalid by a court of competent jurisdiction, the remaining provisions of this agreement shall not be affected thereby, and the parties agree to meet and consult over the invalidated provision.

47. SHIFT DIFFERENTIAL

a. The City and the Union agree that regular, full-time employees on a shift of eight (8) or more hours shall receive:

1. Swing shift differential pay when 50% or more of the hours of the assigned shift hours, including lunch and excluding overtime, fall between 5:00 p.m. and midnight; or
2. Graveyard shift differential pay when 50% or more of the hours of the assigned shift hours, including lunch and excluding overtime, fall between midnight and 8:00 a.m.

b. Overtime as Continuation of Assigned Shift. Shift differential for overtime which is a continuation (without break) of the assigned shift is paid based upon the eligibility of the assigned shift. See Examples 1, 2, 3 and 4 in Appendix A entitled Shift Differential Examples.

c. Back-to-Back Shifts. Shift differential for overtime which are two (2) entirely distinct assigned shifts are paid based upon the separate eligibility of each shift. See Examples 5 and 6 in Appendix A entitled Shift Differential Examples.

d. Call Backs.

1. Shift differential is not paid for call back overtime of less than eight (8) hours. See Example 7 in Appendix A entitled Shift Differential Examples.
2. Shift differential is paid for call back overtime of eight (8) hours or more when 50% or more of the hours fall between 5:00 p.m. and midnight or midnight and 8:00 a.m. See Example 8 in Appendix A entitled Shift Differential Examples.

e. Shift differential amounts shall be as follows:

<u>Effective Date</u>	<u>Swing Shift</u>	<u>Graveyard Shift</u>
October 11, 2008	\$1.25	\$2.75
October 10, 2009	\$1.35	\$2.90

48. SICK LEAVE

a. The City and the Union agree that the City's sick leave policy shall be that employees shall accrue sick leave at the rate of 3.7 hours for each full pay period of service with a maximum accumulation of two thousand and eighty (2,080) hours. Said sick leave accrual shall begin effective the first day of employment.

b. The programs referred to as "Non-Replenishable" and "City Administrator's" sick leave authorized by Municipal Code Sections 3.08.150 (b) and 3.08.210 are eliminated.

c. An employee may use sick leave for a medical appointment when it is not possible to arrange such appointment on non-work time subject to the following two conditions: 1) Reasonable advance notice which in no event shall be less than 24 hours; 2) Subject to supervisory approval based on operational needs.

d. An employee may use up to six days (48 hours) of available accrued sick leave per calendar year to attend to an illness of a child, parent, registered domestic partner, or spouse of the employee as provided under State law. Part-time employees may use the equivalent of six (6) months of sick leave accrual at their prorated accrual rate for such purposes. All rules for use of sick leave will apply, including those regarding physician statement requirements and use of sick leave for medical appointments.

49. STANDBY PAY

The City and the Union agree that effective during this agreement, when an employee is officially designated by management to remain available to return to work, at any time during specific hours outside of normal working hours, the employee shall receive two hours of straight-time pay for each eight hours or fraction thereof on standby. For periods of standby that are 24 consecutive hours or more, the employees shall receive 1/4 hour of straight time pay for each hour on standby. To the extent feasible, the parties agree that standby shall be assigned on an equitable basis to all eligible employees.

The City and the Union agree that all employees will be on automatic standby duty during a state of emergency or civil defense disaster as declared by the President of the United States, the Governor of the State, the Mayor of the City, the City Council, or the City Administrator. Such automatic emergency standby shall be without compensation unless the City is reimbursed by the State or federal government for such an expenditure.

50. STATE DISABILITY INSURANCE (SDI) AND STATE PAID FAMILY LEAVE INSURANCE (PFL)

a. All employees must participate in the State Disability Insurance (SDI) and State Paid Family Leave (PFL) programs. The employee shall pay all costs associated with these programs.

b. Employees may apply for SDI or PFL benefits with the State of California Economic Development Department (EDD). To be eligible for benefits, the employee must meet all applicable State requirements. Depending on eligibility, an employee may receive:

1. Up to 52 weeks of wage replacement benefits for the employee's own disability, and/or
2. Up to 6 weeks of wage replacement benefits for providing required care for the serious health condition of a child, parent, spouse or domestic partner or for bonding with a new child.

c. Employees who receive SDI or PFL benefits must integrate available SDI and PFL benefits with available paid sick leave, personal leave and compensatory time. Documentation of the SDI/PFL benefits received must be provided to the Payroll Office for this purpose.

d. Employees on a medical or family medical leave of absence who are eligible to use their leave accruals during the leave of absence must exhaust available leave balances before using unpaid leave. Employees must use available sick/family sick leave balances, and then compensatory time off and personal leave balances, before using vacation balances.

e. Employees who coordinate SDI/PFL paid leave benefits with City payroll benefits will receive City retirement contributions, time off accruals, and other non-insurance benefits based on the City-paid portion of wage replacement only. For non-insurance benefits purposes, the SDI/PFL portion of wage replacement will be treated as unpaid leave.

f. Employees coordinating SDI/PFL benefits with City payroll benefits shall be eligible for continuation of City-paid insurance contributions under Article 25 (c) of this Agreement (Leave Of Absence) only up to the date they would have received such benefits had they not coordinated SDI/PFL benefits.

51. TERM OF AGREEMENT AND RENEWAL

The City and the Union agree that the term of this agreement shall be twenty four (24) months commencing October 1, 2008 and ending at midnight on September 30, 2010. It is further agreed that the term of this agreement may be extended by mutual agreement.

The City and the Union also agree that meeting and conferring over the renewal or continuation of this agreement shall be initiated at the request of either party after June 1, 2010 but not later than July 15, 2010 and that every effort will be made to reach an agreement prior to the expiration of this agreement on September 30, 2010. A request to meet and confer shall be filed in writing and meeting and conferring shall commence within ten (10) days of receipt of said request.

52. TRAINING

a. The parties recognize that training programs and the advancement of employees to positions of higher skills are matters of great importance and interest to the City, the Union, and the employees covered by this agreement. However, the City shall retain the right to determine what training is required for the employee to improve his/her performance on the job and to make such training a condition of employment. Such training may include requests by Department Heads for additional training of current employees, subject to the approval of the City Administrator. The parties agree that employees will be trained in the use of fire suppression equipment and that a fire evacuation plan will be developed by each department for each major City facility and posted.

b. Direct costs for all training or instruction required by the City shall be paid for by the City. Wage compensation for employees shall be determined as follows:

Non-Exempt Employees

The Fair Labor Standards Act (FLSA) provides that time spent by non-exempt employees in training is compensable unless all of the following conditions are met:

1. Attendance is outside of the employee's regular working hours;
2. Attendance is in fact voluntary;
3. The course, lecture, or meeting is not directly related to the employee's job; and
4. The employee does not perform any productive work during such attendance.

Attendance is not voluntary if it is required by the City. It is not voluntary in fact if the employee is given to understand or led to believe that his/her present working conditions or the continuance of his/her employment would be adversely affected by nonattendance.

The training is directly related to the employee's job if it is designed to make the employee handle his/her job more effectively as distinguished from training him/her for another job, or to a new or additional skill.

If the training is considered compensable and travel time is associated with the employee's attendance, the following must be considered:

➤ **Travel During Regular Working Hours.** If the travel time related to attending required training occurs during normal working hours, then the time is considered to be compensable.

➤ **Special One-Day, Out-of-Town Travel.** Travel time associated with special one-day, out-of-town training is required to be paid for irrespective of the mode of transportation utilized or whether the employee drives or is a passenger. Time that can be excluded from payment is normal home-to-work travel time and time spent eating while traveling.

➤ **Overnight Travel.** If an employee travels overnight on business (for more than one day), the employee must be paid for time spent in traveling (except for meal periods) during his/her normal working hours on non-working days, such as Saturday, as well as on his/her regular working days. Travel time as a passenger on an airplane, train, boat, bus, or automobile outside of regular working hours is not considered work time, provided however, that any work which an employee is required to perform while traveling shall be considered as hours worked.

If an employee is offered public transportation but requests permission to drive his/her car instead, the City shall count as hours worked, the time spent driving the car or the time the employee would have had to count as hours worked during working hours if the employee had used the public transportation, whichever is less.

Exempt Employees

In the case of an exempt employee, the MOU language (other than the FLSA requirements applicable to non-exempt employees) determines whether training or related travel time is compensable. Exempt employees will only be paid for time spent in required training and travel during normal work hours. Travel outside of regular work hours is excluded.

c. Employees will be eligible to participate in the City-wide Educational Reimbursement Program. The union waives any requirement for the City to meet and confer on enhancements to this policy to increase the maximum reimbursement (\$1000) or expand reimbursement eligibility. However, the City will notify the union of any such change.

53. TRANSPORTATION DEMAND MANAGEMENT

Bargaining unit members shall be eligible to participate in and shall receive any benefits provided by any established Citywide Alternative Transportation Program.

54. UNAUTHORIZED LEAVE

An employee's absence shall be unauthorized if such employee does not report absence to supervisor designated by Department Head within one-half (1/2) hour before or one-half (1/2) hour after his/her regular starting time, except in cases of emergency in which case the employee shall provide notification as soon as possible.

55. UNIFORM MAINTENANCE ALLOWANCE

The City and the Union agree that employees required by the City to wear field uniforms shall have the full cost of the uniform maintenance service paid for by the City. The City retains full and complete control over the administration of the uniform maintenance program. However, City shall provide field personnel with a minimum of seven (7) and a maximum of eleven (11) uniform changes based on the employee's request and the operational needs of the department.

56. UNION BUSINESS ATTENDANCE

It is agreed that not more than four (4) Union designated officers or stewards will be permitted up to thirty two (32) hours of leave per person each fiscal year with pay for Union related business defined as follows: conferences, meetings, training and other union activities outside the workplace. Release time will be subject to approval of the Department Head and prior notification to the Human Resources Manager.

57. UNION NOTICE- EMPLOYEE ORIENTATION & INTERDEPARTMENTAL TEAMS

a. The City will provide the union a list of attendees in the bargaining unit at a group New Employee Orientation meeting not less than two weeks prior to the orientation along with the date, location, and time for the union's presentation. The City will provide a Union representative an opportunity during the orientation to provide information to bargaining unit members regarding the benefits and obligations of union membership. Such presentation shall not exceed 15 minutes in duration. Management may witness the union's presentation.

b. The City will provide the union with advanced written notice of Interdepartmental Team Opportunities offered through its Succession Program that are offered to bargaining unit members, along with the anticipated scope of work. The union will notify the City if the union believes that the anticipated scope of work may involve issues within the scope of collective bargaining and lodge a written demand to bargain on such issues. Bargaining unit member participation on an Interdepartmental Team will not constitute collective bargaining nor satisfy any duty for the City to collectively bargain with the union.

58. UNION SECURITY (AGENCY SHOP & MAINTENANCE OF MEMBERSHIP)

a. Election – This Agency Shop provision went into effect following certification of the election results by the State Mediation and Conciliation Service on October 3, 1995.

b. Definition - Agency Shop as used in this Article means an organizational security agreement as defined in Government Code Section 3502.5 and applicable law.

c. Agency Fee - Each employee in the Unit shall be required to choose to: a) become a member in good standing of the Union; or b) satisfy the agency fee financial obligations set forth below, unless he/she qualifies for the religious exemption set forth below. New employees must make the required choice within 30 days of employment in the Unit.

Unless the employee has a) voluntarily submitted to the City an effective dues deduction request; b) notified the Union of his/her intent to pay an agency fee (full fee or reduced because objections filed), as evidenced by written notice of same from the Union to the City; or, c) qualified for exemption upon religious grounds as provided below, the City, upon notice from the Union of the employee's failure to make a timely choice, shall process a mandatory agency fee payroll deduction in the appropriate amount and forward that amount to the Union.

The amount of the fee to be charged shall be determined by the Union subject to applicable law; and shall therefore be an amount not to exceed the normal periodic membership dues and general assessments applicable to Union members.

As to non-members objecting to the Union spending their agency fee on matters unrelated to collective bargaining and contract administration, the amount of the agency shop fee shall not reflect expenditures which the courts have determined to be non-chargeable, including political contributions to candidates and parties, members-only benefits, charitable contributions and ideological expenditures and, to the extent prohibited by law, shall not reflect expenditures for certain aspects of lobbying, ballot measures, publications, organizing and litigation.

d. Conformance With Law - The Union represents that the collection, administration and use of agency fee funds shall be in conformance with the law. In addition, the Union shall comply with applicable law regarding disclosure of its expenses, notice to employees of their right to object, provision for agency shop fee payers to challenge the Union's determinations of amounts chargeable to objecting non-members, and appropriate escrow provisions to hold contested amounts while the challenges are underway.

The Union shall make available, at its expense, an expeditious administrative appeals procedure to Unit employees who object to the payment of any portion of the representation service fee. Such procedure shall provide for a prompt decision to be made by an impartial decision-maker jointly selected by the Union

and the objecting employee(s). A copy of such procedure shall be made available upon request by the Union to non-Union employees and the City.

The foregoing description of permissible agency shop fee charges and related procedures is included here for informational purposes and is not intended to change applicable law. The City will promptly remit to the Union all monies deducted, accompanied by a list of employees for whom such deductions have been made.

e. Employee Notification - Each non-member who is required to pay an agency fee shall annually receive written notification from the Union of the amount of the deduction and the procedure which he/she must follow to receive a rebate for non-representation activities during the year and the procedure for appealing all or any part of the agency fee. The City shall be sent a copy of this yearly notice.

Upon request by the Union, the City shall provide the appropriate employee mailing list.

The City will make a reasonable effort to distribute to each new employee in the Unit, a letter supplied by the Union which describes the Agency fee obligation.

f. Religious Exemption

1. Any employee who is a member of a religious body whose traditional tenets or teachings include objections to joining or supporting employee organizations shall not be required to meet the above agency fee obligations, but shall pay by means of mandatory payroll deduction an amount equal to the agency shop fee (proportionate share of the Union's cost of legally authorized representational services), to a non-religious, non-labor charitable organization exempt from taxation under Section 501 (C) (3) of the Internal Revenue Code, as designated by the employee from a list provided by the City Finance Department.

2. To qualify for the religious exemption the employee must provide to the Union, with a copy to the City, a written statement of objection, along with verifiable evidence of membership as described above. The City will implement the change in status within thirty (30) days unless notified by the Union that the religious exemption is not valid.

g. Provision of Information - The Union shall furnish any information needed by the City to fulfill the provisions of this Article.

h. Dues/Fee Deductions - Any of the above described payment obligations shall be processed by the City in the usual and customary manner and time frames.

i. Leave Without Pay - Employees on an unpaid leave of absence for an entire pay period or more shall have agency shop fees suspended. Fee deductions shall have the same priority as dues deductions in the current hierarchy for partially compensated pay periods.

j. Rescission of Agency Shop - The Agency Shop provision may be rescinded pursuant to the procedures contained in Government Code Section 3502.5(d).

k. Union's Right to Implementation Election - The Union shall have the right pursuant to state law to implementation elections during the term of this agreement if the agency shop provision is rescinded under the terms of Section J above. If the Union requests an implementation election, the election will be conducted by the California State Mediation and Conciliation Service.

l. Indemnification/Hold Harmless Clause - The Union agrees to fully indemnify, defend and hold harmless the City and its officers, employees and agents against any and all claims, proceedings, settlements and/or liability regarding the legality of this Article or any action taken or not taken by or on behalf of the City under this Section.

m. Maintenance of Membership – All regular unit employees who are members of the union in good standing shall maintain their membership in the Union in good standing, subject however, to the right to resign from membership by submitting a written request to the union during the month of August annually.

Resignation requests submitted to the City shall be referred to the union. When resignation requests are received outside the window period the Union will promptly provide such members a letter explaining the maintenance of membership provision, along with a copy of this section of the MOU.

Union members who drop their union membership but are subject to Agency Shop fee provisions shall still be required to comply with their financial obligations under the Agency Shop provisions. Fee payers may change their status from full fee payer to “core” fee payer by submitting a written request to the union during the month of August annually.

59. UNION STEWARDS

The City agrees that the Union may designate Stewards to represent employees in the processing of grievances. The Union shall furnish the City with a list identifying by name and work location all regular and alternate Stewards. Said list shall be kept current by the Union at all times.

60. USE OF COMPUTER RESOURCES

Employees’ rights and obligations regarding use of the City’s computers and computing resources are governed generally by the City’s computer use policies. The Union and the City agree that occasional and incidental employee use of City computing resources for union business is allowable within the same parameters applied to other acceptable non-commercial personal use under those policies.

The parties agree that such use shall not interfere with the performance of work duties or the effective delivery of services, and shall not result in any significant cost to the City or compromise the security of City systems. The parties further agree that City computer resources, including the e-mail system, will not be used by the union or City employees to support or oppose a political campaign or ballot measure.

The union acknowledges that employees have no expectation of privacy in the use of City computer resources, including but not limited to e-mail and text messaging, even if they are locked or password-protected.

61. VACATION POLICY

a. All employees shall begin accruing vacation effective the first day of employment. It is agreed that vacation time earned may be taken as accrued subject to approval by the City and in accordance with the following schedule:

<u>Length of Continuous Service</u>	<u>Vacation Entitlement</u>
0 - 2 years	10 days per year (80 hours)
3 - 5 years	13 days per year (104 hours)
6 - 10 years	18 days per year (144 hours)
11 - 17 years	23 days per year (184 hours)
18 - 23 years	25 days per year (200 hours)
24 & over years	28 days per year (224 hours)

b. Vacation periods shall be scheduled by management to provide adequate staffing. Such scheduling may be available throughout the calendar year subject to departmental operational necessity and the needs of the City, and such scheduling shall take into account employee seniority and choice.

c. No employee may accrue a vacation balance in excess of thirty-two days (256 hours) unless approved by the City Administrator based upon extenuating circumstances. A request for a waiver of the maximum vacation balance must be made to the City Administrator in writing, with a copy to the employee's Department Head.

c. If an employee takes a minimum of eighty (80) hours of vacation during a vacation year, that employee is eligible to receive cash in lieu of up to one hundred (100) hours of vacation time. Vacation may be "cashed in" in 10 hour increments only, and the amount to be cashed in will not exceed the employee's vacation balance at the end of the vacation year. Employees eligible for vacation "cash in" shall state their intentions to cash in vacation within the time frame and procedures established by the City.

d. Vacation year is defined to be the period beginning with the day after the 23rd payroll date of one calendar year, and ending on the 23rd payroll date of the following calendar year. The chart below lists the vacation year, the time sheet used to request the cashed in vacation, and the date the cashed in vacation will be paid:

<u>Calendar Year</u>	<u>Vacation Year</u>	<u>Request on time sheet for Pay Period ending</u>	<u>Paid Date</u>
2008	11/10/07 – 11/07/08	11/21/08	12/05/08
2009	11/08/08 – 11/06/09	11/20/09	12/04/09

Employees eligible for vacation cash in shall request vacation cash in on the time sheet dates listed above.

62. VACATION & SICK LEAVE ADVANCED CREDIT UPON HIRE

a. An employee who is appointed from outside City of Santa Barbara government service within one (1) year of leaving employment with either the City of Santa Barbara or another city, county, state agency, federal agency or special district and who, in the opinion of the Human Resources Manager, possesses government experience directly related to the position to which he or she has been appointed, may be offered credit for years of prior service with the City of Santa Barbara and/or his or her immediate previous government employer in the following ways:

i. Vacation Accrual: At the discretion of the Human Resources Manager, the employee may be offered credit for up to the total number of prior full years of service at the City of Santa Barbara and/or his or her immediate previous government employer toward the initial vacation accrual rate. The employee will not be eligible to progress to a higher accrual rate until employee has the normal required minimum amount of City of Santa Barbara service for that accrual rate.

ii. Sick bank: At the discretion of the Human Resources Manager, the employee may be credited with up to 96 hours of sick leave. Thereafter, employee will accrue sick leave at the normal rate.

b. A former City of Santa Barbara employee reemployed within one year under Santa Barbara Municipal Code Section 3.16.320 will automatically qualify for the full vacation accrual credit under (i), above, for his or her prior City of Santa Barbara service. However, under no circumstance will prior accrued vacation balances cashed out to the employee upon termination be reinstated.

63. WAIVER

The City and the Union agree that, for the term of this agreement, each party waives the right and each agrees that the other party shall not be obligated to meet and confer with respect to any subject or matter pertaining to or covered by this agreement, except as to meeting and conferring over the renewal or continuation of this agreement or as otherwise provided herein.

It is further agreed that nothing in this agreement shall in any way diminish the rights of the employees, the City, or the Union as established by the Meyers-Milias-Brown Act of the State of California and all

amendments thereto, or Santa Barbara Municipal Code, Chapter 3.12, except as herein provided.

64. WORK SCHEDULE

- a. The regularly scheduled seven (7) day work week shall average forty (40) hours.
- b. There shall be at least two consecutive days of rest observed after each work week subject to City needs for standby, call back, overtime, and rotation of regularly scheduled shift changes. In the event that a work week without two (2) consecutive days off is necessary or desirable, affected employees shall be given reasonable opportunity to establish work schedules which meet the operational requirements of the City and personal preference. In such cases, the two (2) consecutive days off may be waived by the employee.
- c. Prior to any change in shift schedule, affected employees shall be given reasonable opportunity to provide input concerning shift schedules which meet the operational requirements of the City and personal preference. The Department Head shall establish a "regular" schedule for each employee with a start and quit time. Such schedule shall not be changed without forty-eight (48) hours advance notice except in emergencies.
- d. City shall provide employees with reasonable "clean-up" time and employees shall be ready to begin work at start time.
- e. City agrees that work outside the regularly scheduled work day or work week shall be compensated in accordance with the overtime policy contained herein.
- f. Employees may develop alternative work schedules and/or telecommuting arrangements which meet their personal needs and the operational requirements of the City under the City's Flex Work Policy. Such alternate schedules must be approved by the Department Head. The continuation of such schedules shall be subject to Department Head review with reasonable input from affected employees.
- g. In no case shall an employee's work schedule be altered in connection with any particular work shift to avoid the payment of overtime earned.
- h. When an Airport Maintenance employee has worked a regularly scheduled night shift, the employee will be provided with paid leave time (without deductions from leave banks) to allow five hours of off-duty time without a loss of pay before reporting for the next regularly scheduled daytime shift. With the permission of the supervisor, the employee may choose to work the beginning of the employee's next regularly scheduled daytime shift, and take the equivalent paid rest period at the end of the regularly scheduled shift instead.

Example:
If employee on a 9/80 shift works 10:00 p.m. - 7 a.m., and is next regularly scheduled to begin a 9-hour shift at 7:00 a.m., the employee may:
 - Take a 5 hour rest period from 7 a.m. to 12 p.m., receiving straight time pay for the period from 7:00 a.m. to 12:00 p.m. (5 hours), and then work from 12:00 through the rest of the regularly scheduled shift (4 more work hours).
 - With supervisor's permission, work for 4 hours beginning at 7:00 a.m. (when the next scheduled shift begins), and leave 5 hours early instead.
- i. Employees on a 9/80 schedule will be covered under the terms of the "9/80 Work Schedule Policy" contained in Appendix E of this Agreement.

65. WORKERS' COMPENSATION

- a. The parties agree that Municipal Code Section 3.08.220 shall be amended to provide that general employees who sustain illness or injury arising out of and in the course of their City employment shall receive benefits equal to those mandated by the State of California plus the difference between State

mandated benefits and the equivalent of eighty-five percent (85%) of the individual's gross (excluding O.T.) salary, if any, paid by the City for a maximum of ninety (90) working days.

c. Once an individual is no longer eligible for continuation of 85% of his/her gross pay as described in (a) above and is still unable to return to work, the City shall continue to pay its contribution to insurance for the first ninety (90) calendar days.

d. This section shall not be construed to grant employees the use of sick leave benefits in lieu of or to supplement workers' compensation benefits provided herein or by State law, except as follows.

An employee who returns from an accepted work-related injury or illness to regular duty or modified duty may attend follow-up medical appointments during work hours when it is not possible to arrange such appointments on non-work time. Reasonable advance notice must be given to the supervisor, which in no event shall be less than 24 hours. Release time is subject to supervisory approval based on operational needs.

Under these conditions, to account for the lost work time to attend physician, physical therapy, chiropractic, counseling and other physical and mental care appointments, the employee may:

1. Use accrued paid leave time (sick leave, vacation time, compensatory time, or personal leave); or
2. Use "industrial leave without pay" if employee has no accrued paid leave time, or
3. If the employee has not reached a permanent and stationary status, the employee may elect to use "industrial leave without pay" if employee does not choose to use accrued paid leave (sick leave, vacation time, compensatory time, or personal leave). However, employees who have reached permanent and stationary status must exhaust available leave balances before being placed on leave without pay.

An employee who has not reached a permanent and stationary status and uses industrial leave without pay may be entitled to "wage loss" under workers' compensation system depending on eligibility.

The City may make changes to its Personnel Policies including, but not limited to, the Santa Barbara Municipal Code to reflect the substance of this Agreement.

66. WORKING OUT OF CLASSIFICATION

Working Temporarily Out of Classification

The City and the Union agree that it is the intent of departmental management to avoid working an employee out of classification.

It is further agreed that working an employee out of classification will occur only to meet the work requirements within the City and that such out of classification work will terminate after fifteen (15) consecutive work days or thirty (30) work days in any one calendar year; or if extended beyond fifteen (15) consecutive or thirty (30) work days, the employee shall be compensated at the rate of the higher classification while the out of classification work continues subject to the right of employee to waive this provision based upon personal career development.

For purposes of this article, an out of classification assignment is defined as assignment by the Department Head or designee of the performance of a substantial preponderance of duties of an authorized, funded, permanent, full-time position in one or more higher classification(s) by an employee in a position in another classification. "Significant duties" shall be as defined on the appropriate class specification.

When an employee works out of classification continuously for fifteen (15) working days or more, the City shall place a letter in the employee's personnel file acknowledging the out of classification work.

It is the intent of this article to compensate employees for assigned out of class work extended beyond fifteen (15) consecutive or thirty (30) work days in any one calendar year.

Position Reclassification Requests

If an employee believes he/she is working out of classification on a regular on-going basis, the employee may:

- a. Request a reclassification from his/her manager in writing. The manager shall respond in writing within ten (10) working days of receipt of the request. The manager may recommend that a classification review be conducted by submitting a written request, approved by the Department Head, to Human Resources.
- b. If the employee is not satisfied with the manager's response, he/she may submit a written reclassification request to his/her Department Head or designee within ten (10) working days of receiving his/her manager's written response. Within twenty (20) working days of receipt of the employee's written request, the Department Head or designee shall meet with the employee and issue a written response to the employee and the Human Resources Office.
- c. If the Department Head's response so requests that a classification review be conducted, Human Resources shall conduct said classification review and shall issue its decision to the employee and the Department Head within forty-five (45) working days of receipt of the request. The decision to request, or not request, a classification review shall be at the Department Head's sole discretion, however the decision will not be arbitrary or capricious.

APPENDIX A

SHIFT DIFFERENTIAL EXAMPLES

Example 1. An employee is assigned to work a ten (10) hour shift from 3:30 p.m. to 1:30 a.m. Because 50% or more of the assigned shift hours fall between 5:00 p.m. and midnight, the employee is entitled to Swing Shift Differential pay. If that employee is asked to work overtime from 1:30 a.m. to 3:30 a.m., the employee will be entitled to Swing Shift Differential pay at the overtime rate for the additional two hours (1:30 a.m. to 3:30 a.m.) worked.

Example 2. An employee is assigned to work an eight (8) hour shift from 7:30 a.m. to 4:00 p.m. and is then directed to work an additional five (5) hours to cover for a sick employee from 4:00 p.m. to 9:00 p.m. The employee is not entitled to shift differential pay because the assigned shift hours (7:30 a.m. to 4:00 p.m.) do not qualify for shift differential and the overtime worked is less than eight hours.

Example 3. An employee is assigned to work 8:00 a.m. to 4:30 p.m. However, on this particular day, the employee is assigned to work from 3:00 a.m. to 8:00 a.m. in addition to the assigned regular shift hours in order to cover for an absent employee. The employee is not entitled to shift differential pay because the assigned shift hours do not qualify for shift differential.

Example 4. An employee is assigned to work 7:30 a.m. to 4:00 p.m. and then is directed to work additional time for an emergency situation. The employee then works until 1:00 a.m. The employee is entitled to Swing Shift Differential pay at the overtime rate for the period of 4:00 p.m. to 1:00 a.m. The employee has in effect worked two shifts.

Example 5. An employee is assigned to work the swing shift between 4:00 p.m. and midnight and then is assigned to work the graveyard shift from midnight to 8:00 a.m. In this case the employee is assigned to work two distinct shifts. Therefore, the employee is entitled to Swing Shift Differential pay for the time between 4:00 p.m. to midnight and Graveyard Shift Differential pay at the overtime rate for the hours from midnight to 8:00 a.m.

Example 6. An employee is assigned to work the graveyard shift between midnight and 8:00 a.m. and then is assigned the day shift from 8:00 a.m. to 4:30 p.m. As in Example 5, the employee is assigned two distinct shifts; therefore, the employee is entitled to Graveyard Shift Differential for the time period of midnight to 8:00 a.m., but no shift differential for the time period of 8:00 a.m. to 4:30 p.m.

Example 7. An employee is assigned to work from 4:00 p.m. to midnight. That employee leaves work at midnight, goes home, and then is called back to work between 2:00 a.m. and 7:00 a.m. That employee is entitled to Swing Shift Differential pay for the regular assigned shift from 4:00 p.m. to midnight. The employee is not entitled to shift differential pay for the overtime hours (2:00 a.m. to 7:00 a.m.) because it is considered a call back of less than eight hours.

Example 8. An employee is assigned to work 7:30 a.m. to 4:00 p.m. and then is called back to work at 7:00 p.m. and works until 3:00 a.m. due to an emergency situation. The employee is entitled to Swing Shift Differential at the overtime rate for the call back of eight hours or more (7:00 p.m. to 3:00 a.m.)

APPENDIX B

CITY OF SANTA BARBARA

CHILD CARE PERSONNEL POLICIES

February 20, 1990

Note: A leave or reduced schedule approved under one of these policies runs concurrently with any applicable leave entitlements under the FMLA/CFRA Family and Medical Leave Policy.

Contents

- 1. Maternity Leave Policy**
- 2. Parental Leave Policy**
- 3. Flexible Leave Policy**
- 4. Alternative Work Schedules**
- 5. Job Sharing**
- 6. Part-time Work**
- 7. At-home Work**

1. **MATERNITY LEAVE** (medical leave)

The City of Santa Barbara is committed to providing time off from work, so far as possible, to employees during pregnancy and following childbirth.

Maternity leave requests, including both medical and non-medical components (see section on Parental leave for information regarding non-medical leave), must be submitted to the City Administrator via the Department Head at least 30 days in advance. The requirement for 30 days advance notice may be waived when warranted by unexpected medical circumstances. Pursuant to state law, maternity leaves for medical reasons will be granted for up to four (4) months and may be extended up to a maximum of one (1) year subject to the operational needs of the department as determined by the Department Head. All medical leaves must be verified by a doctor's certificate of disability.

When an employee is physically disabled from work due to pregnancy or following childbirth, the employee will obtain a doctor's certificate of disability indicating the dates when the employee will be physically unable to work. When physically disabled, the employee may use sick leave or other paid leave. An employee disabled due to pregnancy or childbirth may request an unpaid leave of absence for medical reasons once her sick leave and other paid leave balances total less than forty (40) hours. A doctor's note listing the dates of the disability must be submitted with the medical leave request. Any leave of absence greater than 7 days must be approved in advance by the City Administrator.

The City will coordinate an employee's use of State Disability Insurance (SDI) with City paid leave which allows employees on maternity leave and covered by SDI to extend the use of their paid leave time.

When an employee is on medical leave of absence due to pregnancy, the City will continue to pay the employer portion of the insurance for the first ninety (90) days of the medical leave of absence. Thereafter, an employee will have to pay both the employer and the employee portions of her insurance.

2. **PARENTAL LEAVE** (all employees, non-medical leave)

The City recognizes that after the birth or adoption of a child, it is important for a parent to be with his or her child. As a result, the City encourages Department Heads to accommodate requests for parental leaves to care for a newborn or newly adopted child.

Parental leaves shall be with pay if the employee has leave balances of vacation, personal leave, or compensatory time. An employee may request a parental leave of absence without pay when the employee's paid leave balances total less than forty (40) hours (see section on Maternity Leave for information regarding medical leave related to pregnancy and childbirth).

Parental leave requests must be submitted to the City Administrator via the Department Head at least 30 days in advance. When requested, parental leaves will be approved for a length of time sufficient to provide the employee a minimum of one (1) month absence from work. Any medical leave related to pregnancy and child birth (maternity leave) will not be counted in the minimum one (1) month. The scheduling of parental leave is subject to the approval of both the City Administrator and Department Head based on the operational needs of the department. Extension of the parental leave of absence may be granted, subject to the approval of the City Administrator, via the Department Head. The total duration of the combined medical and parental leaves of absence cannot exceed one year.

Employees are encouraged to discuss their time off needs with their supervisors as early as possible. Employees are also encouraged to save their vacation, personal leave, and compensatory time for use

during a parental leave. Temporary waivers of the minimum annual vacation use and maximum vacation accrual will be considered to assist prospective parents in building their leave banks.

While on parental leave of absence without pay, an employee will have to pay both the employer and employee portions of his or her insurance.

3. FLEXIBLE LEAVE POLICY (All Employees)

Employees may use accrued personal leave, vacation, comp time, to respond to emergency needs for spouse or dependent*, such as illness, child care or elder care. The employee shall notify his/her supervisor immediately of the nature of the emergency. Approval for leaves under this policy shall not be unreasonably withheld. Advance approval for spouse or dependent illness is not required.

* For purposes of this policy, a dependent is one who is a dependent pursuant to IRS regulations.

4. ALTERNATIVE WORK SCHEDULES (All employees)

The City believes that alternative work schedules are viable options to meet personal needs in areas such as child care and transportation where such schedules continue to meet the operational needs of the department.

Individual employees may request alternative work schedules which meet their personal needs and the operational requirements of the department. Alternative schedules may be different daily work hours or a different work week. Approval for reasonable alternative work schedules is subject to the operational needs of the department as determined by the Department Head. The continuation of such schedules shall be subject to Department Head review with reasonable input from affected employees.

5. JOB SHARING (All Employees)

The City recognizes that job-sharing may facilitate the balancing of employees' personal needs with their job responsibilities. As a result, the City encourages Department Heads to attempt to accommodate requests for job-sharing subject to the operational needs of the department as determined by the Department Head.

An employee may request that his/her full-time position be redefined as a job-sharing position to be filled by two permanent part-time employees. Requests for job sharing positions shall be submitted to the Department Head and require final approval by the City Administrator and City Council.

Job sharing positions may be discontinued at the discretion of the Department Head, with 30 days notice to affected employees.

6. PART-TIME WORK (All employees)

An employee may request to work on a part-time basis. A request to work part-time for a limited duration is subject to the operational needs of the department as determined by the Department Head. The Department Head may grant part-time assignments of limited duration. Extensions of part-time assignments will be considered upon employee request.

All part-time assignments may be periodically reconsidered by the Department Head. If the Department Head determines additional hours are required in the position, the employee will be given thirty days notice of

the requirement to work increased hours.

Part-time assignments must be a minimum of 20 hours per week. Part-time regular employees receive insurance benefits and paid leave benefits prorated based on the number of hours worked.

To change an employee from full-time to part-time status requires a Personnel Action Form (PAF) and notification to the Personnel Office.

7. AT-HOME WORK (All employees)

With prior approval of the Department Head and review by Risk Management, an employee may request to work at home on a limited-term basis. All requests will be subject to the operational needs of the department as determined by the Department Head. Increased City liability including safety and workers' compensation issues will be closely reviewed prior to granting at-home work requests.

Requests for work schedules which include working at home for part of the regular work week may be submitted to the Department Head. Authorization for such schedules for either a predetermined or indefinite length of time will be made based on the following criteria:

- a) the operational needs of the department work site must be met adequately;
- b) the job duties must be such that work can be accomplished at home;
- c) proper equipment and supplies necessary to the job assignment can be provided at reasonable cost;
- d) sufficient measures of productivity can be determined;
- e) efficient and effective methods can be established for supervisory review of work assignments;
- f) the employee can be contacted at home during predetermined work hours.

Plans for meeting each of these criteria should be submitted in writing to the Department Head for evaluation. Once approved, at-home work schedules are subject to periodic review and may be discontinued at the discretion of the Department Head, with fourteen (14) days notice to the employee.

APPENDIX C

CITY OF SANTA BARBARA

CATASTROPHIC LEAVE POLICY

- I. **PURPOSE:** To establish a program whereby City employees can donate vacation and/or compensatory time to:
 - A. The sick leave banks of permanent full-time and permanent part-time employees who are incapacitated due to a catastrophic off-duty illness or injury; or
 - B. The vacation leave banks of permanent full-time and permanent part-time employees who are caring for a spouse or child who has a catastrophic illness or injury.

- II. **DEFINITION:** A catastrophic illness or injury is a severe illness or injury which is unusual, unexpected, or immediate in nature; and which is expected to preclude an employee from returning to work for an extended period of time, during which the employee will exhaust all of his/her applicable accumulated leave balances.

- III. **POLICY:** City employees may donate vacation and/or compensatory time to a permanent full-time or permanent part-time employee if:
 - A. An employee experiences a catastrophic illness or injury or must care for a spouse or child who has a catastrophic illness or injury which requires the employee to be absent from work for an extended period of time;
 - B. The employee has nearly exhausted all applicable leave balances (sick, vacation, personal leave, and compensatory time in the case of the employee's off-duty catastrophic illness or injury; vacation, personal leave and compensatory time due to caring for a spouse or child who has experienced a catastrophic illness or injury); and
 - C. The employee or if incapacitated, the legally recognized representative, has agreed to accept the donation if approved by the Department Head and the City Administrator.
 - D. The Department Head will take action to help ensure that each employee's decision to donate or not donate to a Personal Catastrophic Leave Account is kept confidential and that the donor and recipient employees are not pressured to participate.
 - E. State and Federal income tax on the value of vacation and/or compensatory time donated shall be deducted from the recipient employee's pay at the time the hours are used.

- IV. **PROCEDURES:**
 - A. A request is made by the recipient employee or if incapacitated, the legally recognized representative, to the Department Head for the establishment of a Personal Catastrophic Leave Account. This request may be made prior to the employee exhausting all of his/her applicable paid leave balances so that time donated may be utilized immediately upon exhaustion of the employee's leave balances, but not before.
 - B. Upon approval of the Department Head and the City Administrator, and upon agreement of the recipient employee, a Personal Catastrophic Leave Account will be established. The employee or if incapacitated, the legally recognized representative, will sign the "Request to

Receive Donation(s)" form allowing publication and distribution of information regarding his/her situation.

- C. The employee or if incapacitated, the legally recognized representative, will be required to provide verification of the catastrophic illness or injury from an attending physician before and while using time donated under this program. All information provided by the attending physician will remain confidential.
- D. The request for donations shall occur in three month intervals and may be extended up to a maximum of twelve (12) continuous months for any one catastrophic illness/injury, based upon approval of the Department Head and City Administrator.
- E. Donated vacation and/or compensatory time shall be converted and credited to the recipient's applicable leave bank in equivalent hours based upon the recipient's base hourly rate. (e.g., employee A makes \$20/hour and donates 1 hour of vacation time to employee B who earns \$10/hour. B's applicable leave bank is increased by 2 hours for each hour donated by A.)
- F. Employees will use the "Donation of Vacation and/or Compensatory Time" form to submit donations of vacation and/or compensatory time directly to Human Resources. All donations will be reviewed for compliance with this policy. After review, the form will be forwarded to Payroll for action and adjustment to the donor's and recipient's paid leave balances.
- G. All donations of vacation and/or compensatory time shall be in increments of 4 hours or more (e.g. 4, 8, 12 hours) and shall be made in three month increments. An employee may not donate vacation or compensatory time which would reduce his or her total accrued combined balance of vacation, compensatory time, personal leave and sick leave to less than 120 hours after the donation.
- H. The donation of vacation and/or compensatory time is irreversible. Should the recipient employee not use all the donated time for the catastrophic illness or injury, any balance will revert to a City-wide "Catastrophic Leave Bank" for future use by employees with need for that donated time pursuant to the provisions of this Catastrophic Leave Policy.
- I. The donation of vacation and/or compensatory time must be made to a specific approved catastrophic leave recipient with the following exception: an employee who is within 50 hours of the maximum vacation accrual may request to donate up to a maximum of 50 hours directly to the City-wide "Catastrophic Leave Bank" to avoid cessation of accruals. Such donation directly to the City-wide "Catastrophic Leave Bank" may not be made more than one time in any 12 month period.
- . A report on the usage of Personal Catastrophic Leave Accounts and status of the City-wide "Catastrophic Leave Bank" will be available to recognized labor organizations and others with a need to know. The report will include the identity of the recipient(s), hours donated, hours used and the remaining balance(s).

**CITY OF SANTA BARBARA
DRUG AND ALCOHOL TESTING POLICY
FOR
GENERAL UNIT EMPLOYEES**

**CITY OF SANTA BARBARA
DRUG AND ALCOHOL TESTING POLICY
FOR GENERAL UNIT EMPLOYEES**

This policy sets forth the rights and obligations of the covered employees. You should familiarize yourself with the provisions of this policy BECAUSE COMPLIANCE WITH THIS POLICY IS A CONDITION OF YOUR EMPLOYMENT.

If you are an employee covered by this policy, you should be aware that you are still required to comply with the provisions of the City's Drug and Alcohol Free Workplace Policy (ATTACHMENT A) that was adopted by the City Council on August 21, 1990. The obligations and requirements set forth below are in addition to existing obligations and requirements set forth in the Drug and Alcohol Free Workplace Policy.

A. EMPLOYEE QUESTIONS

Employees shall refer any questions regarding rights and obligations under this policy to Human Resources or to the union.

B. COVERED EMPLOYEES

Employees in the job classifications represented by SEIU, Local 620 in the General Employees Bargaining Unit that are not covered under the CITY OF SANTA BARBARA DRUG AND ALCOHOL TESTING POLICY PURSUANT TO DEPARTMENT OF TRANSPORTATION REGULATIONS

C. PROHIBITIONS

The following conduct is prohibited and may result in discipline, up to and including termination:

1. The use, possession, manufacture, dispensation or distribution of drugs and alcohol is prohibited:
 - a. in the workplace;
 - b. while on City time;
 - c. in City vehicles or facilities except as defined in City's facilities use policies;
 - d. prior to coming to work, so that the employee's performance is impaired.
2. Reporting for duty or remaining on duty while having an alcohol blood concentration level of 0.08 or greater.
3. Being on duty or operating a vehicle on duty while possessing alcohol.
4. Using alcohol while on duty.
5. Reporting for duty or remaining on duty when the employee used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to perform their job.
6. Reporting for duty or remaining on duty if the employee tests positive for controlled substances.
7. Refusing to submit to any alcohol or controlled substances test required by this Policy. A covered employee who refuses to submit to a required drug/alcohol test will be treated in the same manner as an employee who tested 0.08 or greater on an alcohol test or tested

positively on a controlled substances test.

A refusal to submit to an alcohol or controlled substances test required by this Policy includes, but is not limited to:

- a. A refusal to provide a urine sample for a drug test;
- b. An inability to provide a urine sample without a valid medical explanation;
- c. A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test;
- d. An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;
- e. Tampering with or attempting to adulterate the urine specimen or collection procedure;
- f. Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested (the time allotted shall be reasonable. In most cases the City will provide transportation to and from the collection site.);
- g. Leaving the scene of an accident without a valid reason as to why authorization from a supervisor or manager who shall determine whether to send the employee for a post-accident controlled substances and/or alcohol test was not obtained.

D. CIRCUMSTANCES UNDER WHICH DRUG AND ALCOHOL TESTING WILL BE IMPOSED ON COVERED EMPLOYEES.

1. Pre-Employment Testing

All applicants for City employment may be required to submit to pre-employment/pre-duty drug testing. This applies to initial appointment as a classified employee only, and not to promotion within the service.

Note: there is no pre-employment alcohol test.

2. Post-Accident Testing

Post-accident drug and alcohol testing will be conducted on employees following an accident.

Alcohol: Post-accident alcohol tests shall be administered within two hours following an accident and no test may be administered after eight hours.

Drug: A post-accident drug test shall be conducted within eight (8) hours following the accident

An accident occurs when as a result of an incident involving a vehicle operated by a covered employee:

- (1) any individual(s) receives an injury(s) requiring immediate hospital treatment ,or
- (2) there is a recommendation by an on scene paramedic or medical professional that individual(s) involved in the accident should see a physician for injury(s) arising out of the accident.

3. Return To Duty / Follow-up Testing:

A covered employee who has violated any of the prohibitions of this policy (See Section C) may be required to submit to a return to duty test before he/she may be returned to his/her position. The test result must indicate an alcohol concentration of less than 0.08 or a verified negative result on a controlled substances test.

E. EMPLOYEE RESPONSIBILITIES

An employee must notify his/her department head of all alcohol or criminal drug statute convictions no later than 5 days after such conviction.

An employees must notify his/her supervisor, before beginning work, when drugs (prescription or non-prescription) may interfere with the safe and effective performance of duties or operation of City equipment (See Attachment A, Article III, Section 3).

Any employee who thinks he/she may have an alcohol or drug use problem is urged to voluntarily seek free confidential assistance from the City's Employee Assistance Program (EAP) counselor. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to job related performance problems.

F. MANAGERS' AND SUPERVISORS' RESPONSIBILITIES

1. Managers and supervisors are responsible for enforcement of this policy and will inform the Department Head and the Human Resources Manager of any violations.
2. Employees who may have a suspected alcohol or drug use problem should be encouraged to voluntarily seek confidential assistance from the City's Employee Assistance Program (EAP).
3. When an employee is involved in an accident, managers and supervisors shall prevent the employee from engaging in further work, remove the employee from the workplace, and then send the employee for a drug and/or alcohol tests within the timelines outlined in Section D. 2 above.
4. When it is suspected that an employee may have illegal drugs or is under the influence of illegal drugs, managers and supervisors may notify the appropriate law enforcement agency.

G. PROCEDURES TO BE USED FOR DETECTION OF DRUGS AND ALCOHOL

1. Alcohol Testing:

Alcohol testing will be conducted by using an evidential breath device (EBT) approved by the National Highway Traffic Safety Administration. (Non-EBT devices may be used for initial screening tests.)

A screening test will be conducted first. If the result is an alcohol concentration level of less than 0.02, the test is considered a negative test. If the alcohol concentration level is 0.02 or more, a second confirmation test will be conducted. A positive test for alcohol means a confirmed alcohol concentration of 0.08 or more.

The procedures that will be utilized by the collection and testing of the specimen shall be the same as those required under the City Of Santa Barbara Drug And Alcohol Testing Policy Pursuant To Department Of Transportation Regulations (49 CFR 40).

2. Drug Testing:

Drug testing will be conducted pursuant to the same requirements as those required by the City Of Santa Barbara Drug And Alcohol Testing Policy Pursuant To Department Of Transportation Regulations (49 CFR Part 40).

- a. The urine specimen will be split into two (2) bottles labeled as: "primary" and "split" specimen. Both bottles will be sent to the lab;
- b. A positive test means a test that is positive for controlled substances under the Federal D.O.T. Urine Specimen Testing Levels (Current levels ATTACHMENT B). If the urinalysis of the primary specimen tests positive for the presence of controlled substances, the employee has seventy-two (72) hours to request that the split specimen be analyzed by a different certified lab at the employee's cost.
- c. The urine sample will be tested for the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine;
- d. If the test is positive for one or more of the drugs, a confirmation test will be performed using gas chromatography/mass spectrometry analysis;
- e. All drug results will be reviewed and interpreted by a physician before they are reported to the employee and then to the City;
- f. With all positive drug tests, the physician (a.k.a. Medical Review Officer) will first contact the employee to determine if there is an alternative medical explanation for the positive test result. If documentation is provided and the MRO determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the City as "negative."

3. Confidentiality:

The confidentiality of records shall be maintained in the same manner as set forth in the City Of Santa Barbara Drug And Alcohol Testing Policy Pursuant To Department Of Transportation Regulations.

H. CONSEQUENCES OF FAILING/REFUSING AN ALCOHOL AND/OR DRUG TEST:

FAILING A PRE-EMPLOYMENT DRUG TEST WILL BE GROUNDS FOR REJECTION FROM EMPLOYMENT.

UPON FAILING A POST-ACCIDENT ALCOHOL AND/OR DRUG TEST THE EMPLOYEE:

1. Will be removed from driving or operating any heavy or dangerous equipment;
2. May be disciplined up to termination. Failing/refusal to take a controlled substances/alcohol test may result in disciplinary action, up to and including termination.
3. May be allowed to sign a last chance agreement as an alternative to discipline which could require the employee to undergo treatment to cure his/her alcohol or drug abuse and be tested periodically. Generally, an employee who tests positive and has not been found to be using alcohol or drugs on-duty will be offered a last chance agreement. The City does not pay for this examination or any treatment. However, if the exam and/or treatment is covered by the employee's insurance policy, the employee may use the insurance policy to (help) pay for the covered expenses.
4. The employee may use accumulated vacation, personal leave, overtime or leave without

pay while undergoing treatment/rehabilitation

5. The employee may use sick leave only when participating in a medically supervised/approved residential rehabilitation program or during the first ninety (90) days of a medically supervised/approved outpatient rehabilitation program.
6. May not be returned to his/her position until the employee submits to a return-to-duty controlled substances and/or alcohol test (depending on which test the employee failed) which indicates an alcohol concentration level of less than 0.08 or a negative result on a controlled substances test;
7. May be required to submit to unannounced follow-up testing after he/she has been returned to his/her safety-sensitive position.

J. EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City has established an Employee Assistance Program to help employees who need assistance with alcohol and controlled substance abuse. Employees are encouraged to contact the City's Benefits Office for the number of the current EAP provider.

RESOLUTION NO. 90-141

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA, ADOPTING A DRUG AND ALCOHOL FREE WORKPLACE POLICY.

WHEREAS, The Federal Drug Free Workplace Act of 1988 requires the adoption of a drug free workplace policy, and

WHEREAS, the presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours jeopardizes the safety of employees, the public, and the efficiency of City operations; and

WHEREAS, the City wants to establish a drug and alcohol free workplace;

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

That the attached Drug and Alcohol Free Workplace Policy be adopted.

Adopted August 21, 1990

CITY OF SANTA BARBARA
DRUG AND ALCOHOL FREE WORKPLACE POLICY

I. PURPOSE

The City of Santa Barbara, in its efforts to provide a drug and alcohol free environment, has adopted this Drug and Alcohol Free Workplace Policy. It is the purpose of this policy to eliminate alcohol and drug abuse by City Employees and its effects in the workplace. The presence of drugs and alcohol on the job and the influence of these substances on employees during working hours jeopardizes the safety of employees, the public, and the efficiency of City operations. It is the intent of the City, in adopting this policy, to meet the requirements of the Drug Free Workplace Act of 1988 (41 U.S.C. Section 701-707).

II. POLICY

In recognition of the duties entrusted to the employees of the City of Santa Barbara and with knowledge that drugs and alcohol hinder a person's ability to perform job related duties safely and effectively, the City of Santa Barbara adopts the following policy:

1. The use, possession, manufacture, dispensation or distribution of drugs and alcohol is prohibited:
 - a. in the workplace;
 - b. while on City time;
 - c. in City vehicles or facilities except as defined in City's facilities use policies;
 - d. prior to coming to work, so that the employee's performance is impaired.
2. The City is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as handicapped, under federal law.
3. The City has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems (as well as for a variety of other personal problems). Employees may seek confidential assistance from the EAP counselor.

III. APPLICATION

1. This policy applies to all full time, part time and temporary employees, and to all applicants for positions with the City. This policy applies to alcohol and all substances, drugs or medications, legal or illegal, which impairs an employee's ability to effectively and safely perform his/her job duties.
2. A copy of this policy will be provided to all City employees.
3. A drug-free awareness program will be established to inform employees of the dangers and penalties of drug use in the workplace and of available counseling, rehabilitation and employee assistance programs.

4. Violations of the policy may result in disciplinary action being taken, up to and including termination, in addition to possible criminal penalties or refusal to hire an applicant.

IV.EMPLOYEES RESPONSIBILITIES

An employee:

1. Must not report to work, or be subject to scheduled duty while his/her ability to perform job duties is impaired due to on or off duty alcohol or drug use.
2. Must not use, possess, manufacture, dispense or distribute drugs or alcohol
 - a. in the workplace;
 - b. on City time;
 - c. in City vehicles or facilities except as defined in City's facilities use policies;
 - d. prior to coming to work, so that the employee's performance is impaired.
3. Must notify his/her supervisor, before beginning work, when drugs (prescription or non-prescription) may interfere with the safe and effective performance of duties or operation of City equipment. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using prescribed drug, authorization from a qualified physician may be required.
4. Must notify his/her department head of any criminal drug or alcohol statute conviction, for a violation occurring in the workplace, no later than five (5) days after such conviction.
5. A safety employee must notify his/her department head of all alcohol or criminal drug statute convictions, no later than five (5) days after such conviction.
6. Who thinks he/she may have an alcohol or drug use problem is urged to voluntarily seek free confidential assistance from the City's Employee Assistance Program (EAP) counselor. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to job related performance problems.

V. MANAGERS AND SUPERVISORS RESPONSIBILITIES AND GUIDELINES

1. Managers and supervisors are responsible for enforcement of this policy and will inform the Department Head and the Human Resources Manager of any violations.
2. Employees who may have a suspected alcohol or drug use problem should be encouraged to voluntarily seek confidential assistance from the City's Employee Assistance Program (EAP).
3. When it is suspected that an employee is under the influence of drugs or alcohol at the workplace, managers and supervisors shall prevent the employee from engaging in further work, remove the employee from the work place, consult with another manager or supervisor to confirm their suspicions, and then, take appropriate action. The employee shall be informed that a union representative or shop steward could be notified, at the employee's request. Managers and supervisors may notify the appropriate law enforcement agency.
4. When it is suspected that an employee may have illegal drugs or is under the influence if illegal drugs, managers and supervisors shall notify the appropriate law enforcement agency.

5. For employees working on programs receiving federal grant money, the City shall:
 - a. notify the Federal contracting agency within ten (10) days after receiving notice of an employee's criminal drug statute conviction occurring in the workplace. (41 U.S.C. Section 701-717)
 - b. impose a sanction, or require the satisfactory participation in a drug abuse assistance or rehabilitation program for any employee who is convicted of a criminal drug statute violation occurring in the workplace. (41 U.S.C. Section 701-707)

Federal D.O.T. Urine Specimen Testing Levels
From 49 CFR Part 40 Subpart F

All cutoff concentrations are expressed in nanograms per milliliter (ng/mL). The table follows:

Type of Drug or Metabolite	Initial Test	Confirmation Test
(1) Marijuana metabolites	50	
(i) Delta-9-tetrahydrocannabinol-9-carboxylic acid (THC)		15
(2) Cocaine metabolites (Benzoylecgonine)	300	150
(3) Phencyclidine (PCP)	25	25
(4) Amphetamines	1000	
(i) Amphetamine		500
(ii) Methamphetamine		500 (Specimen must also contain amphetamine at a concentration of greater than or equal to 200 ng/mL.)
(5) Opiate metabolites	2000	
(i) Codeine		2000
(ii) Morphine		2000
(iii) 6acetylmorphine		10 Test for 6-AM in the specimen. Conduct this test only when specimen contains morphine at a concentration greater than or equal to 2000 ng/mL.



**CITY OF SANTA BARBARA ADMINISTRATIVE
POLICIES:**

Appendix E
Policy No. TBA

9/80 WORK SCHEDULE POLICY

Issued by: Barbara Barker, Human Resources Manager

Adopted: 5/8/2007
Updated: 5/8/2007

PURPOSE:

To set forth the City of Santa Barbara's policy and procedures governing the establishment and administration of an alternate work schedule commonly referred to as "9/80's".

This policy is intended to complement the provisions of the City of Santa Barbara's "FlexWork Policy" and "Child Care Personnel Policies". However, in the event of a conflict between those provisions and this policy, this policy shall control for all purposes.

POLICY:

The 9/80 alternate work schedule may be the standard assigned schedule for a position or work unit, or may be granted, at the employee's request, as an alternative work schedule under the City's FlexWork Program or Childcare Personnel Policies (also called "Family Friendly Policies"). The guidelines set forth in this policy will apply to any employee working a 9/80 schedule.

DEFINITIONS:

1. 9/80 Alternate Work Schedule

The 9/80 alternate work schedule shall consist of eight (8) work days of nine (9) hours and one work day of eight (8) hours for a total of eighty (80) hours during two (2) consecutive work weeks. For non-management employees, the eight (8) hour work day must be on the same day of the week as the employee's regular Flex Day Off (FDO). Under the 9/80 schedule, one calendar (e.g, Saturday-Friday) week shall consist of 44 work hours (four 9-hour days and one 8-hour day) and the alternating calendar week will consist of 36 work hours (four 9-hour days and one day off).

2. Flex Day Off

The Flex Day Off (FDO) shall be an eight (8) hour day and may occur on any day of the week. For non-management employees, the FDO must be the same day of the week as the employee's 8-hour work day that occurs in the preceding and subsequent work weeks (e.g. if the employee's regularly scheduled Flex Day Off is each alternate Friday, then the employee shall be scheduled to work eight hours the preceding and subsequent Fridays).



**CITY OF SANTA BARBARA ADMINISTRATIVE
POLICIES:**

Policy No. TBA

9/80 WORK SCHEDULE POLICY

Issued by: Barbara Barker, Human Resources Manager

Adopted: 5/8/2007
Updated

3. 9/80 FLSA Workweek

Under the Fair Labor Standards Act, the workweek is defined as “a fixed and regularly recurring period of seven consecutive 24-hour periods (168 hours).” When an employee is assigned to a 9/80 schedule, the 9/80 work week begins on the employee’s 8 hour day, at exactly four (4) hours after the scheduled start time and ends 168 hours later, at the same time on the same day during the following week. This results in 40 straight time hours per FLSA workweek, and 80 straight time hours per pay period.

4. City Pay Period

The City’s pay period begins at 12:00 a.m. (midnight) on Saturday, and ends immediately before the same time on Friday two weeks later. This is different than the FLSA work period for an employee on a 9/80 schedule, whose FLSA workweek may span 2 pay periods.

5. Fair Labor Standards Act (FLSA)

The Fair Labor Standards Act is a Federal law that sets minimum wage, overtime pay, equal pay, recordkeeping, and child labor standards for employees that it covers.

6. Non-Exempt Employee

A non-exempt employee is an employee who, because of the type of duties performed, the usual level of decision making authority, and the method of compensation, is subject to the provisions of the Fair Labor Standards Act. Nonexempt employees are generally required to account for all hours worked and must be compensated at not less than time-and-one half at the regular rate for all hours worked over 40 in one FLSA workweek.

APPROVAL:

Scheduling of a 9/80 Work Schedule including the selection of the work days, work times, and the FDO, shall be done by management based on business needs, subject to the requirements of the applicable M.O.U. and/or sideletter governing the 9/80 Work Schedule.

The City and the Union agree that under certain circumstances, alternative work schedules (9/80, 4/10, and/or modified starting or ending times) may be beneficial to both employees and the City. Employees may request , upon their own initiative, consideration of an alternate schedule and/or FDO based on childcare, alternative commute, school, or other personal issues through the FlexWork Policy or Childcare Personnel Policies.



**CITY OF SANTA BARBARA ADMINISTRATIVE
POLICIES:**

Policy No. TBA

9/80 WORK SCHEDULE POLICY

Issued by: Barbara Barker, Human Resources Manager

Adopted: 5/8/2007
Updated

CHANGES TO SCHEDULE LIMITED:

1. Changing the Flex Day Off

Once the FDO is designated, working on the FDO may incur overtime in one or more FLSA workweeks, therefore working on the FDO or making changes to the FDO requires management approval.

Temporary changes to the FLSA workweek and/or the FDO to avoid overtime are not permitted.

2. Working on the 8 Hour Day

Once the 9/80 schedule begins, working an alternate schedule on the 8 hour work day may incur overtime liability* in one or more FLSA workweeks. Therefore, altering an employee's schedule on the 8 hour day requires management approval. (*e.g., if an employee scheduled to work from 8-5 comes in 7-4 instead, one work week will incur 1 hour of overtime, and the employee will be short an hour in the next work week and need to use leave balances.)

HOLIDAYS, PERSONAL TIME OFF AND JURY DUTY:

1. Holidays

Employees on a 9/80 work schedule who are eligible for holiday pay will be entitled to the same Holiday pay as employees on a 10/80 (40 hour) work schedule. Holiday pay shall remain at eight (8) hours. When a holiday falls on a regular nine (9) hour workday, the employee shall use one (1) hour of personal accrued leave time (vacation, personal leave, or comp time) to make up the ninth hour.

When the holiday is observed on the employee's FDO, the employee will accrue an additional 8-hour holiday day off. If required under the applicable M.O.U., such day off shall be taken within thirty (30) calendar days or shall be compensated at straight pay after the 30th day.

2. Personal Leave and Bereavement Leave

Employees on a 9/80 work schedule who are eligible for personal and/or bereavement leave will be entitled to the same Personal Leave and/or Bereavement pay as employees on a 10/80 (40 hour) work schedule. Personal Leave and Bereavement pay are granted to full-time employees in amounts equivalent to 8 hour days (e.g., the employee will be eligible for a total of up to 32 hours of personal leave and up to 40 total



**CITY OF SANTA BARBARA ADMINISTRATIVE
POLICIES:**

Policy No. TBA

9/80 WORK SCHEDULE POLICY

Issued by: Barbara Barker, Human Resources Manager

Adopted: 5/8/2007
Updated

hours of bereavement leave). Personal Leave and Bereavement pay are charged at nine (9) hours for time taken on a scheduled nine hour day and (8) hours for time taken on a scheduled eight hour day.

3. Vacation, Sick, Compensatory Time, PTO, etc.

Time off from work using accrued vacation, sick, PTO, or other paid leave banks will be charged at nine (9) hours for time taken on a scheduled nine hour day. Time off from work on the eight (8) hour work day will be charged at eight (8) hours.

4. Jury Duty

An employee shall not be entitled to jury duty pay, or to overtime pay or compensatory time off for jury duty on the FDO. However, an employee on an absence exceeding one week for jury duty, military duty, etc. may request to temporarily switch back to a regular 10/80 schedule. The transition guidelines below will apply to approval of such request to transition to the 40-hour schedule (Section F2, below) or back from the 40-hour schedule (Section F1, below).

OVERTIME:

1. Overtime Earned

When an overtime-eligible employee is on a 9/80 work schedule, overtime for hours exceeding 40 in a workweek, both under the FLSA and as provided under any applicable M.O.U., will be based on the FLSA workweek. In other words, employees who are eligible for overtime shall receive overtime pay or compensatory time off for hours worked in excess of 36 or 44 hours in their respective scheduled (e.g., Sunday-Friday) calendar workweek.

Employees may also be eligible for overtime or compensatory time for other hours in excess of the regular 9/80 work schedule, as provided under the applicable M.O.U.

2. Overtime Paid

The 9/80 FLSA workweeks will not generally correspond with the City's pay periods. Therefore, where adjustments to overtime compensation cannot be calculated until the completion of the employee's workweek (e.g., when they occur in the last half of the 8 hour day), a one pay period's delay in the employee receiving the additional compensation may occur.



**CITY OF SANTA BARBARA ADMINISTRATIVE
POLICIES:**

Policy No. TBA

9/80 WORK SCHEDULE POLICY

Issued by: Barbara Barker, Human Resources Manager

Adopted: 5/8/2007
Updated

TRANSITIONING TO OR FROM A 9/80 WORK SCHEDULE

When an employee transitions from a 10/80, 4/10, or other 40-hour per week work schedule to a 9/80 work schedule, there will be a change to the beginning of the FLSA workweek. This results in a situation in which 4 hours fall in both the old workweek and the new workweek. The following procedures are designed to avoid an overtime obligation during this change. Any deviation from these procedures must be approved in advance by management.

1. Transitioning to a 9/80 Work Schedule

For a non-management employee, the transition to a 9/80 work schedule will be set to begin during a 36-hour calendar workweek, when an FDO occurs. Four hours in the new FLSA workweek will overlap with the prior 40 hour calendar work week, but because the following calendar week will contain 36 hours, this will result in 40 hours of straight time in the first new FLSA work week.

2. Transitioning to a normal 40 hour Work Schedule

For a non-management employee, the transition back to a normal 40-hour work week (e.g. "10/80" or "4/10") from a 9/80 work schedule will be set to begin the week following a 36-hour calendar work week. This will result in 40 hours of straight time in both the prior FLSA 9/80 work week and the new regular FLSA calendar work week.

While this change will not lead to overtime, this will result in the employee working only 72 hours in the pay period in which the change occurs. Employees must use 4 hours from their available leave banks to make up this time not worked. [To avoid this result, management would need to approve the employee to work an additional 4 hours during that pay period, recognizing that those hours will be paid at the overtime rate.]

AGREEMENT BETWEEN THE CITY OF SANTA BARBARA (“THE CITY”) AND THE SANTA BARBARA CITY EMPLOYEES’ ASSOCIATION, LOCAL 620 SERVICE EMPLOYEES’ INTERNATIONAL UNION, AF OF L, CIO (“THE UNION”) REGARDING TERM AND COMPENSATION OF RESIDENT PARKS CARETAKERS

Whereas, City owns several residential units on City park property that serve as caretaker residences;

Whereas, City wishes to lease such residential units to qualified City employees (“The Caretakers”);

Whereas, City and Union wish to document the terms and conditions of the employer-employee relationship incidental to these residential leases;

Now, therefore, City and Union enter into this agreement concerning the terms and conditions of employment of City park caretakers who are represented by Union.

1) **Lease Agreement.** Any Caretaker who is required or allowed to occupy a residential unit on City park property shall execute a lease agreement with the City. The lease agreement shall govern the landlord-tenant relationship between the City and the Caretaker. Any rent charged for the residential unit shall not exceed the maximum amount allowed under section 10 of California Wage Order 4-2001, or any successor wage order (currently \$381.20 per month). Nothing in this Agreement or any Memorandum of Understanding between the City and the Union shall interfere with the enforcement of any of the provisions of the lease agreement between the City and the Caretaker. City and Union do hereby agree that City is not obligated to meet and confer with Union prior to enforcing any provision of the lease agreement including, but not limited to, termination of the lease. Furthermore, the Caretaker shall not have grievance rights regarding the terms, conditions and covenants of the lease agreement.

2) **Letter Agreement.** This Agreement shall govern the employer-employee relationship between the City and Caretaker. The terms of this Agreement shall supplement the terms of any adopted Memorandum of Understanding between City and Union applicable to the Caretaker’s employment. The terms of the Lease Agreement do not govern the employer-employee relationship. Incident to their residence in City parks, Caretakers may be required or allowed to perform miscellaneous services (“Caretaker Services”) including, but not limited to:

- a. Skofield Park – opening and closing park entrances, custodial services in park restrooms, park monitoring, special event monitoring and responding to security violations by observing and reporting incidents of fire, accidents, vandalism, illegal dumping, unauthorized camping or other illegal or unauthorized activity; protecting park property from damage and receiving comments and complaints from neighbors and park users. Caretaker to conduct a daily site walk of the property and maintain a log of all time spent on caretaker services.
- b. Franceschi Park – opening and closing park entrances, custodial services in park restrooms, park monitoring, and responding to security violations by observing and reporting incidents of fire, accidents, vandalism, illegal dumping, unauthorized camping or other illegal or unauthorized activity; protecting park property from damage and receiving comments and complaints from neighbors and park users. Caretaker to conduct a daily site walk of the property and maintain a log of all time spent on caretaker services.
- c. Douglas Family Preserve – park monitoring, and responding to security violations by observing and reporting incidents of fire, accidents, vandalism, illegal dumping, unauthorized camping or other illegal or unauthorized activity; protecting park property from damage and receiving comments and complaints from neighbors and park users. Caretaker to conduct a daily site walk of the property and maintain a log of all time spent on caretaker services.

3) **Services Only Required During Work Hours, No Standby Time.** All required Caretaker Services shall be assigned as part of the Caretaker's normal work hours. Outside the Caretaker's normal work hours, the Caretaker shall not be required to be on the park property or to be available to perform Caretaker Services at any time. Time spent on park property outside the Caretaker's normal work hours shall not be considered hours worked and shall not be subject to standby pay.

4) **Services Outside Normal Work Hours Permitted.** Notwithstanding the assignment of work hours in section 3 above, if the Caretaker is on the park property outside the Caretaker's normal work hours and the Caretaker becomes aware of a situation that requires immediate attention in order to protect public safety or public or private property, the Caretaker may, but is not required to, attend to the situation. Any such work shall be compensated in accordance with the wage specified in section 5 below. The Caretaker is not entitled to call-back time or shift differential pay for the services described in this section. City reserves the right to prospectively limit the number of hours spent on such caretaker duties outside of normal work hours.

5) **Pay for Services Outside Normal Work Hours.** If the Caretaker performs any Caretaker Services outside the Caretaker's normal work hours, the Caretaker shall be compensated at minimum wage (currently \$6.75) for caretaker services. Overtime will be calculated as required by law based on the employees "weighted average" rate which is determined by dividing total earnings for the workweek, including earnings during overtime hours, at the straight time rate, by the total hours worked during the workweek, including the overtime hours. For example: 40 hours at \$10.00 an hour for regular employment plus 2 hours at \$6.75 an hour as a Caretaker yields an overtime rate of \$9.85 per hour (\$413.50, divided by 42 hours).

6) **Compensation for Services Outside Normal Work Hours Applied First Against Rent.** All compensation for Caretaker Services Outside Normal Work Hours described in Sections 4 and 5 shall first be applied as a credit against the rental value of the Caretaker residence (currently \$381.20). If the rent credit for any calendar month is exhausted, the Caretaker will be compensated for the additional Caretaker Services as a cash payment. If the Caretaker does not perform Caretaker Services equaling the rental value of the Caretaker residence, the remainder of rent will be forgiven by the City.

7) **Caretaker Services Log.** The Caretaker shall keep a detailed log of all Caretaker Services performed. Caretaker shall present a copy of this log to the Caretaker's supervisor monthly.

8) **Three Year Assignment.** Union agrees that the Caretaker assignment (and tenancy) shall generally be limited to a three-year term. At the conclusion of the three-year term, the Parks and Recreation Director may replace the Caretaker with another qualified Parks and Recreation Department employee who is able to perform the essential caretaker functions, or the City and the incumbent tenant may enter into a new three-year assignment and Lease Agreement. **[This section will not apply to Steve Spencer]**



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2009

TO: Mayor and Councilmembers

FROM: Business Division, Waterfront Department

SUBJECT: Introduction Of Ordinance For Ten-Year License Agreement With The Santa Barbara Youth Sailing Foundation

RECOMMENDATION:

That Council approve a license agreement with the Santa Barbara Youth Sailing Foundation, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year License Agreement With The Santa Barbara Youth Sailing Foundation, Effective March 26, 2009, For A 2,500 Square-Foot Water Space In Marina 1, At An Initial Rent Of \$595 Per Month.

DISCUSSION:

The Santa Barbara Youth Sailing Foundation, an ocean dependent use as defined in the Harbor Master Plan, has been in the Harbor since 1968. The 2,500 square foot site in Marina 1 is used as a dock facility and dry boat storage area for the Foundation and its sailing lessons and activities. The Foundation is a nonprofit corporation and its primary purpose is to "develop in young people, through the sport of sailing, attributes of self-reliance, responsibility, teamwork and sportsmanship, together with a constant awareness of the requirements of safety." The current license agreement commenced in 1985 and is an "evergreen" agreement, continuing until terminated by either the Landlord or Tenant upon 180 days' notice.

The Foundation is in the process of replacing its dock system and it is appropriate to update the 23 year old agreement at this time. The business terms of the proposed license agreement are as follows:

- **Term:** Ten years
- **Base Rent:** \$595 per month (same as existing agreement)
- **Rent Adjustment:** Based on increases in slip fees (same as existing agreement)
- **Percentage Rent:** N/A

The rent is to be adjusted by the same percentage as marina slip fees, when they are adjusted by City Council. This is the same rent adjustment formula used on other water area leases such as Sea Urchin Harvesters' Association (SUHAC/Cabrillo Landing), Santa Barbara Drydock and Santa Barbara Marine Mammal Center.

Council Agenda Report
Introduction Of Ordinance For Ten-Year License Agreement With The Santa Barbara
Youth Sailing Foundation
February 10, 2009
Page 2

The Harbor Commission recommended approval of the license agreement with the Santa Barbara Youth Sailing Foundation at the January 15, 2009, meeting.

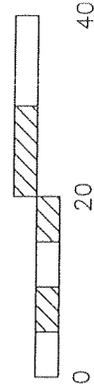
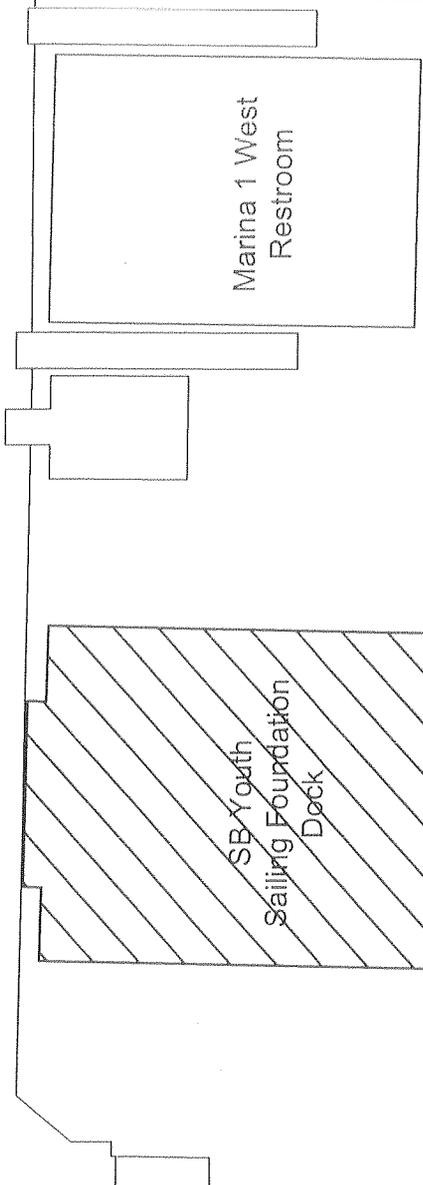
ATTACHMENT: Site Plan

PREPARED BY: Scott Riedman, Waterfront Business Manager

SUBMITTED BY: John N. Bridley, Waterfront Director

APPROVED BY: City Administrator's Office

Marina 1
 SB Youth Sailing Foundation
 Water Lease Area - 2,500 SQ FT



Scale (Feet)

ATTACHMENT

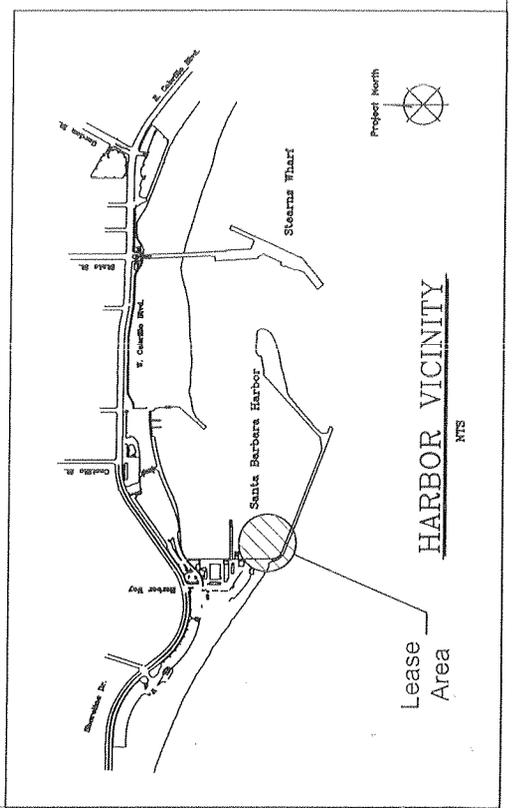


Exhibit A: Lease Area
 SB Youth Sailing Foundation

REVISIONS	DATE	12/5/2008	APPROVED BY	S. Reichman	DRAWN BY	
	ADDRESS			Marina 1	SHEET NO	1 of 1
				City of Santa Barbara	DRAWING NO.	1010-092
				Waterfront Department		

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A TEN-YEAR LICENSE AGREEMENT WITH THE SANTA BARBARA YOUTH SAILING FOUNDATION, EFFECTIVE MARCH 26, 2009, FOR A 2,500 SQUARE-FOOT WATER SPACE IN MARINA 1, AT AN INITIAL RENT OF \$595 PER MONTH.

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 a ten-year license agreement with the Santa Barbara Youth Sailing Foundation, effective March 26, 2009, for a 2,500 square-foot water space in Marina 1, at an initial rent of \$595 per month, is hereby approved.



Agenda Item No. _____

File Code No. 670.07

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Introduction Of Ordinance To Approve Property Transfer For Highway 101 Operational Improvements 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 Property Transfer Agreement with the State of California Department of Transportation, and Subsequently, Subject to Review and Approval by the City Attorney, to Execute Any Deeds to Provide for the Transfer of Certain Properties Owned in Fee by the City of Santa Barbara Required for the State Highway Route 101 Milpas Street to Hot Springs Road Operational Improvements Project, and Accepting the Ownership in Fee of Certain Non-Freeway Properties to be Relinquished by the State of California Department of Transportation, Underlying and Adjacent to the Roundabout at Milpas Street, Now Existing Adjacent to State Highway.

DISCUSSION:

The State of California, Department of Transportation (Caltrans) and the Santa Barbara Association of Governments (SBCAG) have begun the construction of the Highway 101 Operational Improvements Project (Freeway) between Milpas Street and Hot Springs Road, which includes construction of a traffic roundabout at the intersections of Coast Village Road, Hot Springs Road, and Old Coast Highway (Roundabout). In December 2004, a Coastal Development Permit (CDP) was conditionally approved by the Planning Commission to allow the Freeway and the Roundabout projects, pursuant to Planning Commission Resolution No. 059-04. The proposed Ordinance and Resolution are recommended to authorize the exchange of certain remnant and street properties between the City and Caltrans as appropriate to the operation of the completed improvements.

The cost for construction of the projects is approximately \$53 million, with \$27 million in additional costs incurred for project development and design, permitting, and purchase of rights of way. The total cost will be approximately \$80 million. These costs will be paid using State Transportation Improvement Program funds and \$13 million from Measure D funds.

As a part of these joint projects, the City, Caltrans, and SBCAG have entered into various agreements that govern each agency's responsibility prior to, during, and after construction of the Freeway and Roundabout projects. The first Freeway Agreement was approved by Council in February 2007 to form the relationship between the three agencies. In September 2007, Council followed up with the approval of a Cooperative Agreement, a Freeway Maintenance Agreement, and Utility Agreements for water and sewer lines.

This proposed Council action will authorize the execution of a Property Transfer Agreement, which provides for the City to transfer the portions of streets required for integration into the freeway system to Caltrans. It also provides for Caltrans' transfer of excess non-freeway areas adjacent to the existing roundabout at Milpas Street and non-freeway areas adjacent to Coast Village Road after completion of the projects to the City. The recommended Ordinance and Resolution will provide the mechanisms to enable the transfer and exchange of respective properties.

The areas proposed to be relinquished to the City after the project's completion are shown on Attachments 1 and 2. Attachment 2 shows non-freeway Caltrans properties containing portions of the Roundabout at Coast Village Road and Hot Springs Road. Attachment 3 shows non-freeway portions of the existing roundabout at Milpas Street. The proposed Resolution will demonstrate Council's intent, without additional action, to accept these excess non-freeway areas after the necessary final approval by the California Transportation Commission.

The areas proposed to be transferred to Caltrans by the City for integration into State Route 101 are shown on Attachment 4. These areas include City properties required for reconfiguration of the southbound Highway 101 interchange at Milpas Street. Attachment 5 shows City properties located within the existing Highway 101 freeway at Milpas Street. The proposed Ordinance will allow the City's transfer of these City fee-owned properties to Caltrans in accordance with the City Charter.

Union Pacific Bridge Replacement

An item of ongoing concern is the replacement of the bridge owned by Union Pacific Railroad (UPRR) at Cabrillo Boulevard. A key component of the project allowed by the CDP is to complete much needed pedestrian and bicycle improvements under UPRR's bridge and Caltrans' freeway. Originally, these improvements were planned without replacing the bridge, but UPRR will not allow alteration of the bridge to enable a separate new opening for pedestrian and bikeway facilities, which creates the need to replace UPRR's bridge. Consequently, the UPRR's bridge replacement has been separated from Caltrans' and SBCAG's original Freeway project because funding and extra time for design are needed.

SBCAG and Caltrans continue to express a commitment to replace UPRR's bridge on a parallel timeframe with other project phases. SBCAG staff is contracting for the design

work and aggressively pursuing funding sources to compensate for expected funding shortfalls.

In addition to the foregoing agreements, an agreement to provide for the necessary replacement of UPRR's bridge will be scheduled for review by Council at a subsequent meeting.

FUNDING

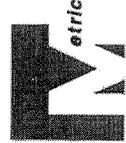
The City will not incur capital costs related to the proposed Property Transfer Agreement. However, there will be financial impacts caused by the City's monitoring of the project, providing permits for contractors and utility companies, providing any inspections, and future acceptance and maintenance of non-freeway facilities after completion of the projects.

- ATTACHMENT(S):**
1. Proposed Relinquishment Area (Parcel One)
 2. Proposed Relinquishment Area (Parcel Two)
 3. Relinquishment Map (Milpas Rounabout)
 4. Exhibit Map, Section 83 (Caltrans Parcel 9605)
 5. Right of Way Exhibit Map (Caltrans Parcel 6444)

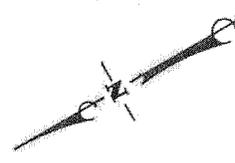
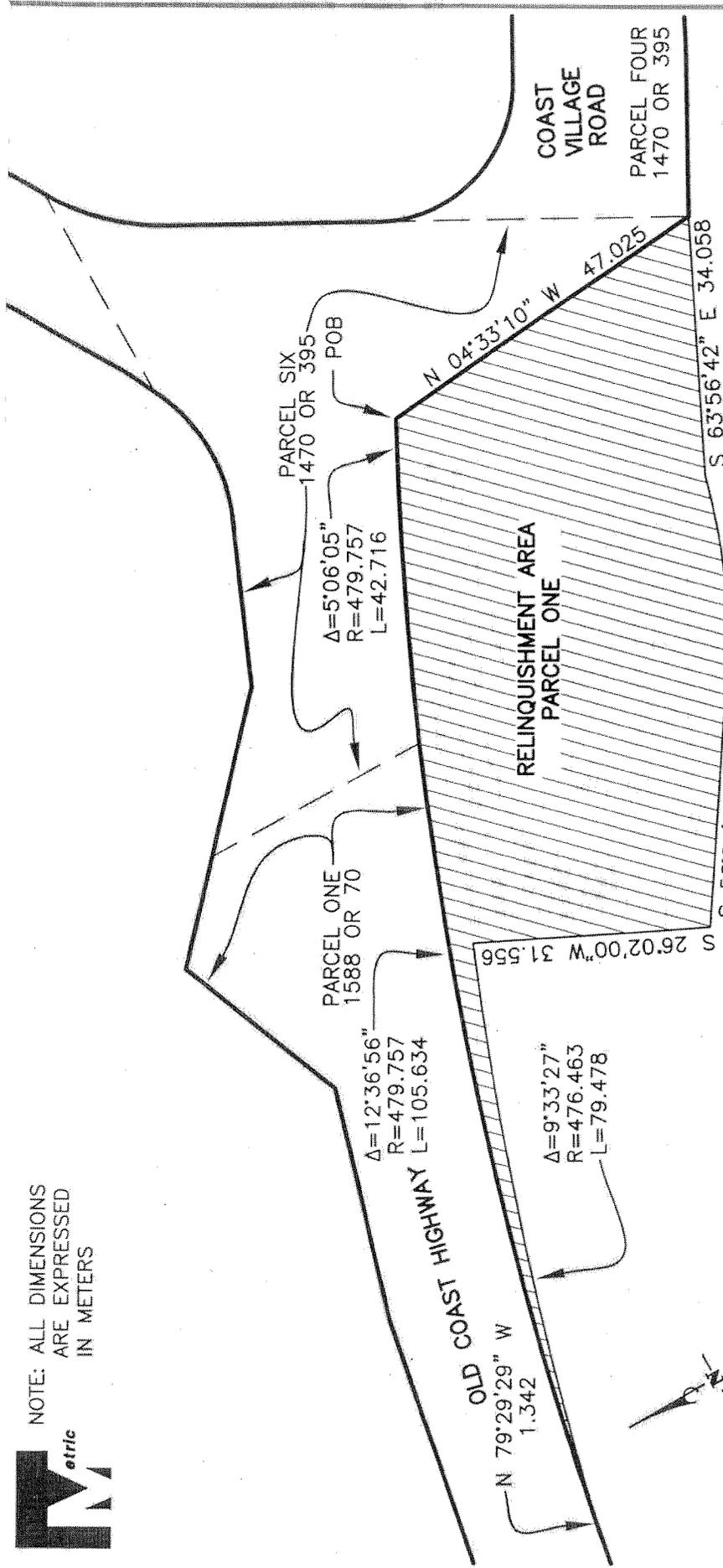
PREPARED BY: Pat Kelly, Assistant Public Works Director/DI/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

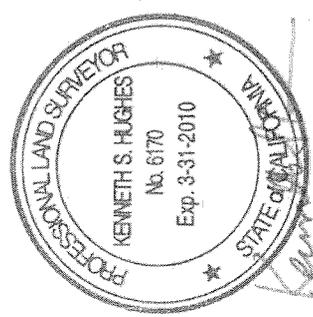
APPROVED BY: City Administrator's Office



NOTE: ALL DIMENSIONS ARE EXPRESSED IN METERS



SCALE = 1:800



Ken
JAN. 8, 2009

SHEET 1 OF 2

EXHIBIT
APPRAISAL MAP
FOR PROPOSED RELINQUISHMENT AREA
COUNTY OF SANTA BARBARA, CA



NOTE: ALL DIMENSIONS ARE EXPRESSED IN METERS

APN 009-211-012

APN 009-211-040

APN 009-211-043

COAST VILLAGE ROAD

RELINQUISHMENT AREA
PARCEL TWO

TRUE POINT OF BEGINNING

S 61°47'17" E 26.139
N 63°13'05" W 51.749

Δ=2°51'54"
R=400.000
L=20.001

Δ=2°01'11"
R=200.000
L=7.050

S 66°40'22"
5.448

Δ=2°17'33"
R=276.150
L=11.049

Δ=0°28'50"
R=500.000
L=4.194

PARCEL STATISTICS

GRANTOR	GRANTEE	AREAS	RIGHTS
STATE OF CALIFORNIA	CITY OF SANTA BARBARA	PARCEL ONE PARCEL TWO	FEE FEE
		0.3403 HA 0.0028 HA	

SCALE = 1:500

TOTAL AREA OF ROW ACQUISITION: 0.3431 HA (0.848 ACRES)

REMAINDER: NOT APPLICABLE

SHEET 2 OF 2

EXHIBIT

APPRAISAL MAP

FOR PROPOSED RELINQUISHMENT AREA
COUNTY OF SANTA BARBARA, CA

ORDINANCE NO. ____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE PROPERTY TRANSFER AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, AND SUBSEQUENTLY, SUBJECT TO REVIEW AND APPROVAL BY THE CITY ATTORNEY, TO EXECUTE ANY DEEDS TO PROVIDE FOR THE TRANSFER OF CERTAIN PROPERTIES OWNED IN FEE BY THE CITY OF SANTA BARBARA REQUIRED FOR THE STATE HIGHWAY ROUTE 101 MILPAS STREET TO HOT SPRINGS ROAD OPERATIONAL IMPROVEMENTS PROJECT, AND ACCEPTING THE OWNERSHIP IN FEE OF CERTAIN NON-FREEWAY PROPERTIES TO BE RELINQUISHED BY THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, UNDERLYING AND ADJACENT TO THE ROUNDABOUT AT MILPAS STREET, NOW EXISTING ADJACENT TO STATE HIGHWAY.

WHEREAS, in connection with the Coastal Development Permit approved by Resolution No. 059-04 of the Planning Commission on December 16, 2004, the State of California, acting by and through the Department of Transportation (hereinafter "Caltrans"), has designed and obtained all required permits for the construction of the Highway 101 Operational Improvements Project between Milpas Street and Hot Springs Road (hereinafter "Freeway Project");

WHEREAS, the Freeway Project has been approved by the City as set forth in the Freeway Agreement with Caltrans approved by Council on February 13, 2007, approved as Agreement No. 22,314;

WHEREAS, the construction by Caltrans of the Freeway Project has begun, which includes the necessary transfer of certain portions of streets owned in fee by the City for alteration and improvement by Caltrans in connection with Freeway Project;

WHEREAS, the portions of streets owned by the City and required by Caltrans are generally located within or adjacent to the Freeway Project for State Route 101, and referred to as an existing freeway portion of Milpas Street located southeasterly of the existing roundabout at Milpas Street, a portion of the unnamed City street at the Route 101 southbound onramp easterly of Milpas Street, an untraveled portion of Alisos Street southeasterly of State Route 101, and a dead-end portion of Indio Muerto Street Southwesterly of State Route 101;

WHEREAS, the Charter of the City requires approval to dispose any City fee-owned properties by adoption by Council of an approving ordinance;

WHEREAS, this Ordinance upon its adoption by Council will provide authorization for the City Administrator to execute and deliver the Property Transfer Agreement to Caltrans, and subject to approval by the City Attorney, to execute and deliver to Caltrans the deeds required by Caltrans for the Freeway Project;

WHEREAS, following the completion of the Freeway Project, Caltrans intends to relinquish to the City certain portions of properties adjacent to State Route 101 owned in fee by Caltrans, which includes the intended transfer to the City by Caltrans of its excess non-freeway properties underlying the existing roundabout at Milpas Street, and the portions of properties underlying and near the roundabout being constructed at the intersection of Coast Village Road, Hot Springs Road and Old Coast Highway, which are referred to for convenience in the Property Transfer Agreement as Relinquishment Area Parcel One and Relinquishment Area Parcel Two; and

WHEREAS, at the appropriate time, the foregoing properties underlying the existing roundabout at Milpas Street and the Relinquishment Area Parcel One and Relinquishment Area Parcel Two, deemed by Caltrans to become excess to the Freeway Project, will be formally offered to the City, the intended acceptance of which by the City may be demonstrated by adoption of a resolution by Council prepared for such purpose in addition to and concurrently with its adoption of this Ordinance.

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

SECTION 1. The Property Transfer Agreement between the City of Santa Barbara and the State of California, acting by and through the Department of Transportation, which provides for the transfer by the City to Caltrans of the foregoing portions of streets owned by the City, is hereby approved, and the City Administrator is authorized to execute any documents related to said transfer of properties for the Freeway Project.

SECTION 2. Subject to review and approval by the City Attorney, the City Administrator is authorized to execute any required deeds prepared by Caltrans for such purposes.

SECTION 3. Following the effective date of this Ordinance, the City Clerk is authorized to deliver the Property Transfer Agreement executed by the City Administrator to Caltrans for its final execution.

SECTION 4. Following the effective date of this Ordinance, the City Clerk is authorized to deliver to Caltrans any deeds prepared by Caltrans and executed by the City Administrator for acceptance, final execution and recordation in the Official Records, in the office of the County Recorder, Santa Barbara County.

SECTION 5. Following the effective date of this Ordinance, the City Clerk is authorized to deliver to Caltrans a certified copy of the resolution by Council adopted concurrently with this Ordinance to demonstrate acceptance by the City of Santa Barbara of the excess properties approved by the California Transportation Commission (CTC) to be relinquished, for attachment the resolution by the CTC at the time of its recordation in the Official Records, in the office of the County Recorder, Santa Barbara County.

SECTION 6. The City of Santa Barbara, in connection with the State Route 101 Milpas Street to Hot Springs Operational Improvements Project, the Freeway Project, now under construction, and in connection a certain Property Transfer Agreement between the City and the State of California, Department of Transportation, approved at or about the time of this resolution, hereby declares its intent to accept the ownership in fee of certain non-freeway properties underlying superseded portions of the Freeway Project, now owned by the State of California, being the non-freeway portions of property located at and near the roundabout at Milpas Street, now existing adjacent to State Route 101, and being the non-freeway portions of property near the roundabout project now undergoing construction at the intersection of Coast Village Road, Hot Springs Road and Old Coast Highway, each of which will be offered to the City and described with specificity in a resolution by the California Transportation Commission following the completion of said Freeway Project and said Roundabout Project, to cause the relinquishment of such areas to the City of Santa Barbara, a municipal corporation.

SECTION 7. The City of Santa Barbara, without further action, hereby consents to the recordation by the State of California in the official Records of Santa Barbara County of any resolution adopted by the State of California for such purposes.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2009

TO: Mayor and Councilmembers

FROM: Airport Department

SUBJECT: Introduction Of Ordinance For Airport Zoning Map Revision - 1600 Cecil Cook Place

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 Title 29 of the Santa Barbara Municipal Code to Rezone 9.04 Acres of Airport Approach and Operations Zone (A-A-O) to Aviation Facilities Zone (A-F) in the Coastal Zone at the Santa Barbara Municipal Airport; and
- B. Recommend approval of a Local Coastal Program Amendment to the California Coastal Commission to change the corresponding LCP zoning pursuant to State Public Resources Code §30514.

DISCUSSION:

Background:

In 2001 the City Council adopted a new Airport Zoning Map to implement changes necessary for the implementation of the Airfield Safety Projects pursuant to the Aviation Facilities Plan. The adopted map contained an inadvertent rezone of approximately 9 acres of Aviation Facilities Zone to Airport Approach and Operations. This area included a hangar and portions of 4 other buildings that are currently non-conforming to their land use zone.

On January 8, 2009, Planning Commission initiated proceedings and made a recommendation to City Council for a Zoning Ordinance Amendment to change the zoning to reinstate the Aviation Facilities Zone to the area affected by the mapping error.

The Planning Commission also adopted an Amendment to the Aviation Facilities Plan Environmental Impact Report to address environmental issues related to this change. No new environmental impacts were identified in the Amendment.

Zoning Change:

The proposed amendment would rezone 9.04 acres of land at the Airport from Airport Approach and Operations Zone (A-A-O), Airport Industrial Area Specific Plan Zone (SP-6), Coastal Zone Overlay (S-D-3) to Aviation Facilities Zone (A-F), Airport Industrial Area Specific Plan Zone (SP-6), Coastal Zone Overlay (S-D-3). The boundary of the proposed rezone area follows the hold-short line for Taxiway C from the current A-A-O boundary to the Object Free Area (OFA) boundary parallel to Taxiway H. The boundary would follow the OFA to the current western A-A-O boundary. Currently a hangar, cargo terminal, an electrical vault, and portions of two light industrial tenant buildings are in the proposed rezone area. This area is shown in Attachment 1.

Next Steps:

Following City Council adoption of the proposed Airport Zoning Map, staff would submit the adopted map to the California Coastal Commission as an amendment to the City of Santa Barbara's Local Coastal Program Component 9 (Airport and Goleta Slough). The Coastal Commission requires recommendation by the City Council in order to make this certification.

Following certification by the Coastal Commission, the Local Coastal Plan Zoning Map would again be submitted to City Council for formal acceptance pursuant to State Public Resources Code §30514.

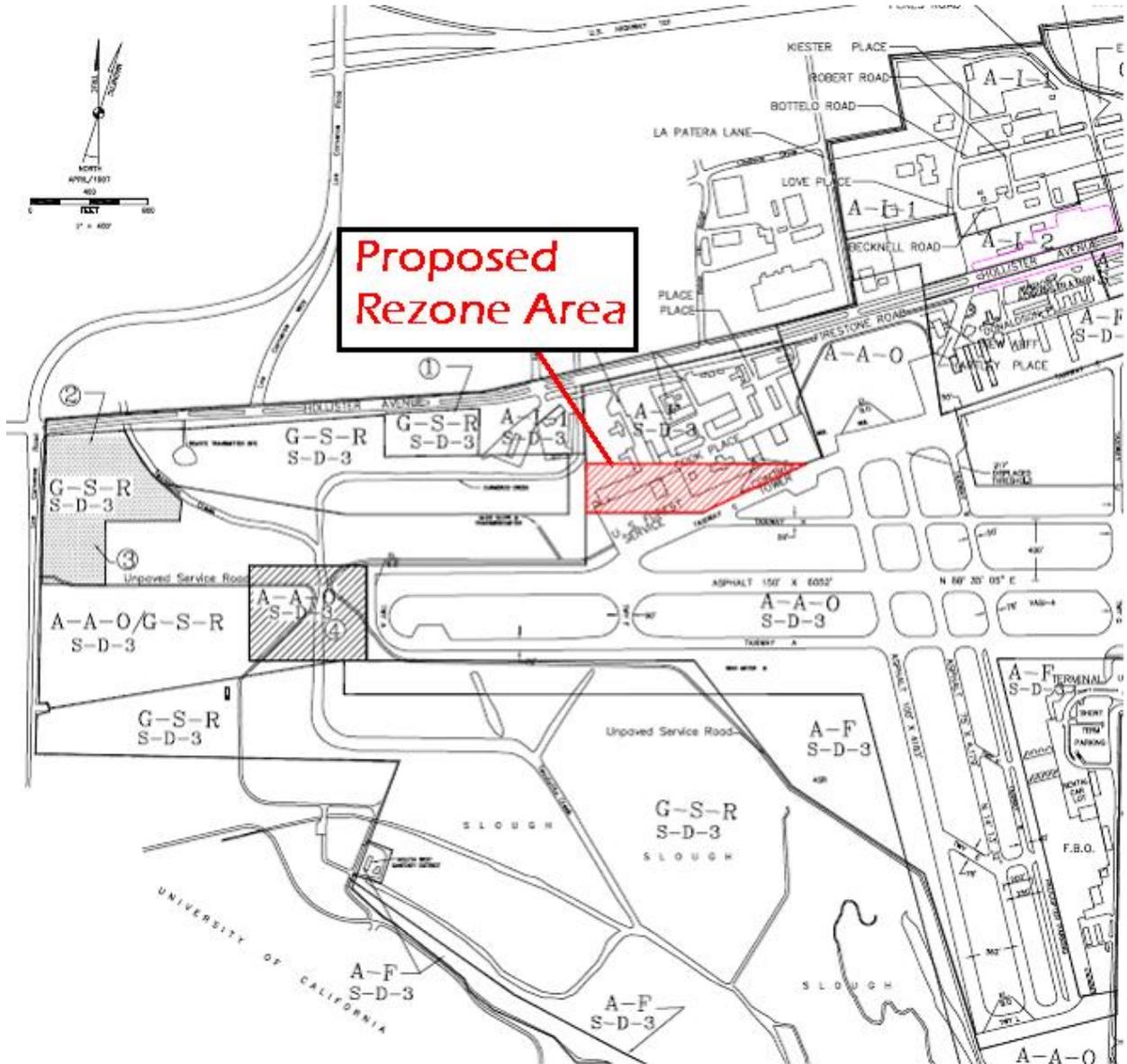
ATTACHMENTS: 1. Area of Proposed Zone Change
2. Planning Commission Recommendation

PREPARED BY: Andrew Bermond, Associate Planner

SUBMITTED BY: Karen Ramsdell, Airport Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1



DRAFT

B. APPLICATION OF HAZEL JOHNS, AGENT FOR THE CITY OF SANTA BARBARA, 1600 CECIL COOK PLACE, 073-450-003 A-A-O, SP-6, S-D-3 AIRPORT APPROACH AND OPERATIONS, AIRPORT INDUSTRIAL AREA SPECIFIC PLAN ZONE, COASTAL ZONE OVERLAY, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTION (MST2008-00489)

The proposed application involves the rezoning of 9.04 acres of A-A-O, Airport Approach and Operations Zone to A-F, Aviation Facilities Zone in the Coastal Zone on Santa Barbara Airport property. The discretionary applications required for this project are:

1. Initiation of proceedings and a recommendation to City Council for a Zoning Ordinance Amendment to change the zoning from A-A-O, SP-6, S-D-3 (Airport Approach and Operations Zone, Airport Industrial Area Specific Plan Zone, Coastal Zone Overlay) to A-F, SP-6, S-D-3 (Aviation Facilities Zone, Airport Industrial Area Specific Plan Zone, Coastal Zone Overlay) (SBMC §28.92.020; §28.92.080B; and §29.11).
2. Recommendation to City Council to approve a Local Coastal Program Amendment to change the LCP zoning from A-A-O, S-P-6, S-D-3 (Airport Approach and Operations Zone, Airport Industrial Area Specific Plan Zone, Coastal Zone Overlay) to A-F, S-P-6, S-D-3 (Aviation Facilities Zone, Airport Industrial Area Specific Plan Zone, Coastal Zone Overlay) and to recommend certification of the Amendment to the California Coastal Commission (State Public Resources Code §30514).

The Case Planner has prepared an addendum to the Aviation Facilities Plan Environmental Impact Report to address, changes in circumstances and changes in the project description associated with the zoning map. The resulting impacts are not substantial and do not involve new significant impacts or a substantial increase in the severity of previously identified impacts.

Case Planner: Andrew Bermond, Associate Planner
Email: abermond@santabarbaraca.gov

Mr. Kato requested that the Planning Commission waive the Staff Report.

MOTION: Thompson/Jacobs

Waive the Staff Report.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Larson opened the public hearing at 1:18 P.M. and, as no one wished to speak, the public hearing was closed.

Andrew Bermond, City Airport Associate Planner, answered the Planning Commission's questions about the A-A-P designation surrounded by the A-F designation on the zoning map. The A-A-P designation was done away with and it is now A-A-O. The proposal is to re-designate nine acres of the A-A-O zone in the area of the 1600 Cecil Cook to Aviation

Facilities A-F zone, which was its designation prior to the most recent map. It will then be consistent with its surrounding zone.

MOTION: Thompson/Jostes

Assigned Resolution No. 002-09

To adopt the Addendum to the Aviation Facilities Plan Environmental Impact Statement/Report, initiate the proposed rezone, and make a recommendation to City Council to approve the proposed Zoning Ordinance Amendment and recommend the certification of a Local Coastal Program Amendment to the California Coastal Commission, making the findings outlined in Section VI of the Staff Report.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Larson announced the ten calendar day appeal period.

DRAFT

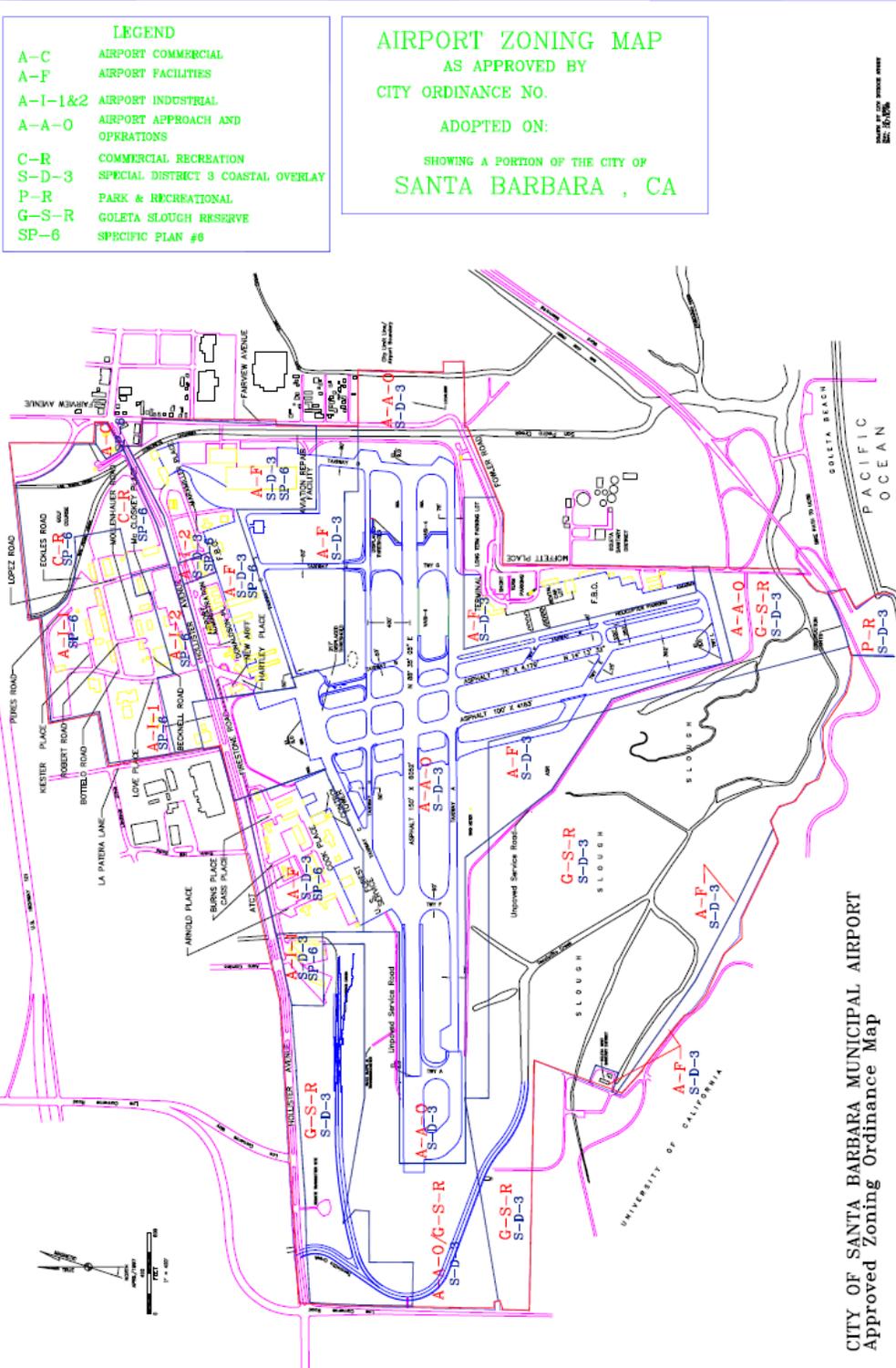
ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE 29 OF THE SANTA BARBARA MUNICIPAL CODE TO REZONE 9.04 ACRES OF AIRPORT APPROACH AND OPERATIONS ZONE (A-A-O) TO AVIATION FACILITIES ZONE (A-F) IN THE COASTAL ZONE AT THE SANTA BARBARA MUNICIPAL AIRPORT

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

SECTION 1. The Airport Zoning Map approved by City Ordinance 5212, adopted on November 30, 2001, is hereby superceded in its entirety, and the Map attached hereto as Exhibit A is approved as the official Airport Zoning Map, as required by Santa Barbara Municipal Code Chapter 29.11.

EXHIBIT A





CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2009

TO: Mayor and Councilmembers

FROM: General Services Division, Finance Department

SUBJECT: Emergency Purchase Orders Issued For The Tea Fire

RECOMMENDATION:

That Council retroactively approve the issuance of emergency purchase orders to Tierra Contracting, Inc., in the amount of \$79,970 to construct debris racks, and to Acacia Erosion Control, Inc., in the amount of \$73,000 for slope stabilization and erosion control.

DISCUSSION:

Municipal Code Section 9.116.060(2) empowers the City Administrator "to obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people and bind the City for the fair value thereof." Two emergency purchase orders were issued during the Tea Fire under this section of the Municipal Code.

The Tea Fire was a declared disaster that burned approximately 1,670 acres within the Sycamore Creek watershed and caused severe loss of vegetation and groundcover, and the high fire temperatures rendered some burned soils hydrophobic. As a result, runoff from future rains was anticipated to be 10 to 15 times higher than normal, leading to potential erosion and serious flooding. Because weather forecasters were predicting rain within ten days after the fire was contained, the City had to act quickly to mitigate or prevent additional damage from flooding and mudslides, and there was not sufficient time to follow the City's normal bidding process. Two emergency purchase orders (EPO) were issued to address immediate life and safety concerns, which did not follow the applicable bidding requirements. One EPO was issued to Tierra Contracting, Inc. (Tierra) in the amount of \$79,970 to construct debris racks and another to Acacia Erosion Control, Inc. (Acacia) in the amount of \$120,000 for slope stabilization and erosion control.

Sycamore Creek Debris Rack Installation – Tierra Contracting

A few days after the fire, Santa Barbara County Flood Control (SBCFC) made a strong recommendation that the City construct debris racks at strategic locations in the

Sycamore Creek watershed to prevent debris from clogging City bridges and drainage systems downstream. Tierra was selected based on their prior experience with the Gap Fire.

Following the Gap Fire, the SBCFC had several debris racks designed and installed in burn area watercourses. They offered the City the debris rack design drawings and encouraged the City to contact Tierra to fabricate and install the City debris racks. They were the contractor that installed the Gap Fire debris racks and had the experience to perform the City work in a timely manner.

Staff received a bid from Tierra in the amount of \$72,700 for two debris racks and compared it to the bids received by SBCFC for the debris racks installed by SBCFC in Gap Fire watershed. The Tierra bid to the City was less than the average bids received by the SBCFC for comparable debris racks installed for the Gap Fire. Subsequently, the City issued an EPO to Tierra in the amount of \$79,970 that included the bid amount plus 10% for extra services.

The location of the two debris racks installed in the Tea Fire watercourses within the City are 1) north of the Parma Park entrance bridge, and 2) north of the intersection of Sycamore Canyon Road and Coyote Road.

Extra Services were authorized in the amount of \$1,647.80 for erosion control on the embankment adjacent to the installed Parma Park debris rack. The total amount spent so far for this EPO is \$74,347.50.

Parma Park Hydromulching and Erosion Control – Acacia Erosion Control

Immediately after the Tea Fire was contained, Acacia Erosion Control Inc. (Acacia) was prepared to go into the field to perform hydromulching on portions of the burned slopes within Parma Park. The hydromulch application was designed to reduce the risk of erosion, mudslides, and flooding due to the fire.

The Tea Fire created a critical erosion, mudslide, and flooding emergency and did not afford time to conduct a formal bidding process. The number of qualified vendors available to conduct hydromulching work is limited. Acacia was the only vendor of several contacted by Parks and Recreation staff that could mobilize and begin hydromulch application within 24 hours. With a forecast for imminent rain, it was critical that the hydromulch be applied as soon as possible. If it rained before hydromulch was applied, significant erosion and flooding could have occurred and the unpaved access roads in Parma Park may have become too slippery to allow continued access. Acacia also has experience controlling post-fire erosion using hydromulch as the company treated a recently burned area in San Diego County.

Based on an analysis of slopes, access, and other factors, it was estimated that up to 60 acres of Parma Park were suitable for hydromulch application. Acacia provided a bid with four different pricing options ranging from \$1,800 to \$2,500 per acre, depending on

the binding agent selected. Staff selected a binding method which cost \$2,000 per acre. An emergency purchase order was issued to Acacia Erosion Control Inc. for \$120,000 for Tea Fire related slope stabilization and erosion control. The contractor applied hdyromulch to 36.5 acres of park property for a total cost of \$73,000.

BUDGET/FINANCIAL INFORMATION:

The costs were charged to the fund established for the Tea Fire. Because the fire was designated a local, state, and federal disaster, the City will seek reimbursement. Between the State Office of Emergency Services and FEMA, the City may be reimbursed up to 93.75% of eligible expenses.

PREPARED BY: William Hornung, C.P.M., General Services Manager

SUBMITTED BY: Robert Peirson, Finance Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2009

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Preliminary Economic Development Designation For 352 Hitchcock Way Project

RECOMMENDATION:

That Council make a preliminary finding that the project proposed for 352 Hitchcock Way meets the definition of an Economic Development Project, and grant the proposed project a Preliminary Economic Development Designation for 7,925 square feet of non-residential floor area.

DISCUSSION:

Background

The project site is located on one half of a 5.08-acre parcel. The developed site has two buildings and large parking areas that were all part of the former Mel Clayton Ford dealership. A main building contained the auto sales showrooms and offices. A long, rectangular building, attached to the main building on the north side by a breezeway, included the service bays for the dealership and approximately 437 square feet of auxiliary offices. To the south-east of the main building is another auto service building that was the Ford auto body repair shop.

Mel Clayton Ford has moved from the site and it is now leased to both Lexus and the Santa Barbara Auto Gallery (SBAG). The SBAG, which operates the Chrysler Jeep dealership near the airport on Hollister Avenue, will occupy the northern half of the 5.08 acre site. The Lexus dealership will occupy the southern half of the 5.08 acre site, which will include the main building, the detached building located to the south-east and associated uncovered parking. Since the Lexus dealership will occupy the existing showrooms and offices, no additional square footage beyond what is allowed under minor additions will be needed.

Project Description

The proposed project is for the conversion and enclosure of 6,299 square feet (s.f.) of existing auto service bays and the expansion of the western footprint of the existing building by 1,626 net s.f. for a total of 7,925 s.f. The proposed addition and conversion will require approval for additional commercial square footage. The proposed project

area, along with the 3251 s.f. interim project, will become an 11,176 s.f. retail auto sales offices, auto displays and auto parts storage building. Approximately 18 service bays, occupying a footprint of 6,361 square feet, will remain and a new entrance to the service area on the north side of the building will be constructed. Additional parking for the project will be provided on site, at the back of the lot and adjacent to the front entrance of the auto sales show room.

SBAG is currently located on a parcel along Hollister Avenue and, along with the building, it is owned by the City of Santa Barbara. The lease for the site will expire in 2011. If SBAG decides not to renew the lease with the City, the buildings will be demolished due to their poor condition. No structures will be re-built within the same footprint as it would be inconsistent with the current FAA regulations for development within runway protection zones (RPZs). The future use of the site on Hollister Avenue after SBAG vacates the site has not been decided.

Request for Preliminary Economic Development Designation

As required by SBMC§28.87.300 (Development Plan Review and Approval), a project that has an Economic Development Designation will enhance the standard of living for City and South Coast residents and will strengthen the local or regional economy by either creating new permanent employment opportunities or enhancing the City's revenue base, and will accomplish one or more of the following:

- a. Support diversity and balance in the local or regional economy by establishing or expanding businesses or industries in sectors which currently do not exist on the South Coast or are present only in a limited manner; or
- b. Provide new recreational, educational, or cultural opportunities for City residents and visitors; or
- c. Provide products or services which are currently not available or are in limited supply either locally or regionally.

The proposed request of 7,925 in additional square footage qualifies for an Economic Development Designation. The majority of the square footage consists of a reconfiguration and enclosure of existing automobile service bays. The original buildings were constructed in the 1970s, when there was a greater need for service and auto body repair. However, over 35 years, the need for a large repair area has diminished. The current service bay area is too large for a modern auto dealership operation. Given the improved reliability of new cars, experience is showing a real decline in warranty visits by new car owners. The reconfiguration would allow for a reuse of existing buildings, emphasizing the sales aspect of the auto business. Along with the Lexus project, this project will result in two dealerships operating on a property where there was previously one, likely resulting in an overall increase in tax revenues for the city as well on a per-square-foot basis.

Relocating the Santa Barbara Auto Gallery from the City Airport property to Hitchcock Way would place the dealership within the City's existing "auto row." The relocation would place the majority of the auto dealerships in one location, and allow customers to shop for one specific product in one area that is located immediately adjacent to the freeway. By moving to this location from an isolated, remote location, the other dealerships could attract costumers to Santa Barbara Auto Gallery, enhancing their sales. The applicant expects a 20% increase in overall business/revenues at the Hitchcock Way location as a result of this relocation.

At present, a total of 395,781 square feet is remaining in the Economic Development Category for allocation. Prior designations granted by the Council are shown in Attachment 3.

Interim Project

The SBAG has submitted a separate interim project to the City, which proposes occupying the existing 1,399 square foot office, storage and compressor room and converting a portion of the service bays to a 1,852 square foot auto parts warehouse. This conversion can be allowed under the Measure E small addition allocation which is shared with the Lexus project. This interim project will allow Santa Barbara Auto Gallery to begin their business quickly, while the overall project is being reviewed.

Next Steps

If the request for a Preliminary Economic Development Designation is granted by the City Council, the proposed project would continue to the Planning Commission for consideration of project approval. At that time, the Planning Commission would, as part of the review, be asked to make a recommendation to the City Council concerning the Final Economic Development Designation. The application would then be forwarded to the City Council, together with the Planning Commission's recommendation, for a Final Designation as an economic development project.

NOTE: The project plans have been sent separately to the City Council and are available for public review in the City Clerk's Office.

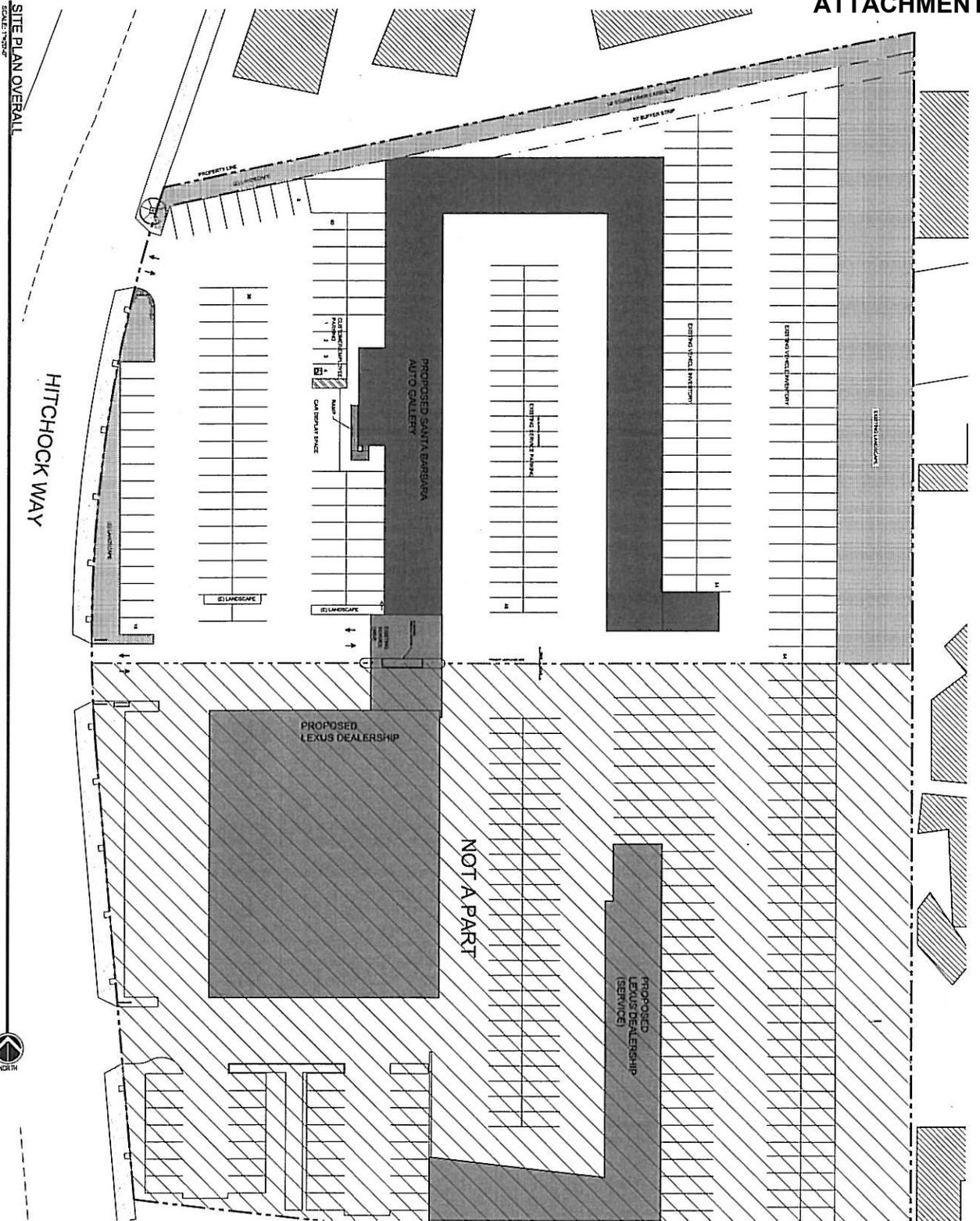
ATTACHMENTS:

1. Site Plan
2. Applicant Letter dated January 23, 2009
3. Economic Development Projects

PREPARED BY: Peter Lawson, Associate Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office



SITE PLAN OVERALL
SCALE: 1/8" = 1'-0"

Santa Barbara Auto Gallery
352 Hitchcock Way, Santa Barbara, California
Dealer Code: 60265

SITE PLAN - PHASE 1



PROJECT DATA

Project Name: Santa Barbara Auto Gallery
 Project Address: 352 Hitchcock Way, Santa Barbara, CA 93103
 Lot Area: 1.77 Acres (77,000 sq ft)
 Building Area: 12,000 sq ft
 Project Owner: Santa Barbara Auto Gallery
 Architect: Peiker Group Architects, LLP
 Date: January 26, 2009

PROJECT LEGEND

Symbol	Description
[Solid Black]	Proposed Building Footprint
[Diagonal Hatching]	Adjacent Property (Not Part of Project)
[Dashed Line]	Property Boundary
[Stippled]	Landscaping Area
[Grid Pattern]	Parking Space

LEGEND

[Solid Black]	EXISTING TO REMAIN
[Diagonal Hatching]	PROPOSED
[Stippled]	LANDSCAPE



Peiker Group Architects, LLP
 10 East Figueroa Street, Santa Barbara, CA 93103
 P: 805.963.8283 F: 805.963.8184
 www.peikeriigroup.com

A1.01
 January 26, 2009
 (Revised)

**Brownstein | Hyatt
Farber | Schreck**

*A Strategic
California Merger
with Hatch & Parent*

January 23, 2009

ELECTRONIC AND U.S. MAIL

Mayor Blum and Members of the City Council
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

Steven A. Amerikaner
805.882.1407 tel
805.965.4333 fax
SAmerikaner@bhfs.com

RE: REVISED REQUEST

Measure E Allocation Request for Auto Dealership Expansion and Remodel
Santa Barbara Auto Gallery, 352 Hitchcock Way, Case No. MST2009-00002

Dear Mayor Blum and Members of the City Council:

Our office represents Santa Barbara Airport Auto Center, LLC (SBAAC), applicant for expansion and remodeling of an existing auto dealership property located at 352 Hitchcock Way. The applicant proposes to extensively remodel and add a small amount of square footage to the existing building at that location, resulting in a modern facility which will sell several popular lines of automobiles. This applicant has leased approximately one-half of the former Mel Clayton Ford site; the other half has been leased to an operator who is planning to open a Lexus dealership.

This project would result in the relocation and expansion of the existing Chrysler Jeep Dodge dealership currently located at 6290 Hollister Avenue, on property leased from the Santa Barbara Airport. The move is necessitated by the FAA requirement that the City expand the Runway Protection Zone by tearing down the building where the dealership is currently located by June 30, 2011. As a result, SBAAC must either relocate within the City or move the dealership outside the City.

The purpose of this letter is to request an allocation of commercial square footage under Measure E as an "Economic Development Project." **This letter is a revised version of the letter delivered to you on December 30, 2008, and includes some additional and revised information requested by city staff.**

The Project Qualifies for a Measure E Allocation as an Economic Development Project

Measure E defines an Economic Development Project as one which "will enhance the standard of living for City and South Coast residents and will strengthen the local or regional economy by either creating new permanent employment opportunities or enhancing the City's revenue base." An Economic Development Project should also accomplish one of three goals specified in the Zoning Ordinance (see SBMC 28.87.300, B, 3).

The proposed project meets both of these standards. The Santa Barbara Auto Gallery will employ 35-40 people and will provide a source of sales tax revenue to the City. SBAAC anticipates a 20 percent increase in overall business at the Hitchcock Way location compared to the current location as a result of the proximity of the new facility to a number of existing dealerships. This increase is a function of the fact that the existing Hollister Avenue location is isolated from other auto dealerships.

In addition, the project will "support diversity and balance in the local or regional economy" by expanding the number of auto dealerships and the consumer's choice of automobile brands. The project will add two new brands, Subaru and Hyundai, which are not currently offered in the Santa Barbara market. Significantly, it will ensure that this property, which has been used for automobile sales and service for over twenty years, will continue to be so used rather than remaining in its current vacant state.

Measure E Allocation Request

The existing auto sales and service facility on the property consists of 1947 sf of office and other space considered by the City staff to be "Floor Area," plus a number of covered service bays that are enclosed on three sides. The new building will have 9357 sf (gross) of Floor Area, plus service bays. The project will use 1992 sf from the property's available "Small Addition" allocation; the remaining 1008 sf will be used by the Lexus dealership.

Thus, the project requires an allocation of 5418 sf from the Economic Development Project category.

Project Details

The existing 1947 sf commercial space will be demolished or incorporated into the enlarged building which will have 9357 sf (gross) of Floor Area. Nearly all of this square footage already exists in the form of service bays, and the resulting facility will occupy the existing footprint plus a small additional area. The enlarged building will be one story, with space for auto display, sales and administrative offices, a service customer waiting lounge, conference and training rooms, and related facilities. A number of the existing service bays will be converted to a Parts Center, and the remaining 18 service bays will be upgraded and modernized. Customer parking will be provided between the main building and Hitchcock Way, and parking for employees and vehicles being serviced will be provided behind the main building and out of sight of the street.

The project will be scheduled for review by ABR during January and February 2009, and a Development Plan for the project will be reviewed by the Planning Commission in the early part of 2009.

Conclusion

We believe this project will be beneficial to the City by "capturing" sales tax that is presently generated in other South Coast communities by the sales of these popular brands. In addition, the project will upgrade and modernize an existing auto sales and service facility that operated on the site for many years, thus enhancing the neighborhood and drawing a larger number of customers to the adjoining dealerships.

We look forward to working with the City toward successful completion of this project.

Sincerely,



for Steven A. Amerikaner

SAA/pzs

cc: Jim Armstrong, City Administrator
Paul Casey, Community Development Director
Peter D. Lawson, Community Development Department
April Palencia, Peikert Group Architects
Ward Ritter
Jim Crook
Patsy Stadelman

**PROJECTS WITH PRELIMINARY OR FINAL
ECONOMIC DEVELOPMENT DESIGNATIONS**

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Gateway Project (Miravant) 6100 Hollister Avenue MST97-00715		80,000	Approved 5/28/2000
Architectural Millworks 815 Quinientos Street MST97-00320		15,000	C of O 1/20/2004
Penfield and Smith 111 E Victoria St MST2002-00243		7,905	BP 2/11/2005
Software.com 630-634 Anacapa Street MST97-00520	26,493		Withdrawn
Alliance Manufacturing Software 1035 Chapala Street MST98-00051	30,257		Withdrawn
Fielding Institute 4151 Foothill Road MST2001-00840	22,499		Expired 4/23/2005
Airport Mobile Structure 500 Fowler Rd MST2002-00265		720	Approved 6/20/02
Cottage Hospital 320 W Pueblo St MST2003-00152		182,541	Under Construction
Granada Theatre 1216 State St MST2004-00005		13,360	Approved 3/23/04
101 E Victoria MST2006-00758		2,703	Approved 12-23-08
SUBTOTALS	0*	302,229	SUBTOTALS
ALLOCATED TO DATE: 302,229 SQFT*			
REMAINING UNALLOCATED: 395,781 SQFT			

04-30-08

*Does not include SF from Software.Com or Alliance, which have been withdrawn



Agenda Item No. _____

File Code No. 380.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2009

TO: Mayor and Councilmembers

FROM: Facilities Division, Public Works Department

SUBJECT: Acceptance Of Southern California Edison Energy Leaders Pilot Program Revenues

RECOMMENDATION:

That Council accept and appropriate the Southern California Edison (SCE) Energy Leaders Pilot Program incentive revenue for \$66,699.34 in the General Fund Capital Outlay, Downtown Parking and Water Operating funds, and appropriate \$36,805 for additional General Fund sustainability projects.

DISCUSSION:

In June 2008, SCE selected the City of Santa Barbara as one of two cities in their operating territory to participate in their new energy efficiency partnership, the Energy Leaders Pilot Program (Program). Under the Program, the City proposed several energy conservation projects in General Fund and Enterprise Fund facilities. The combined project energy savings is estimated at 230,000 kilowatt-hours per year, with an annual savings of \$33,000 in electricity cost. SCE provided their standard suite of energy incentives, as well as an enhanced incentive of 12 cents per annual kilowatt-hour reduction. The Program was expected to provide the City an estimated \$45,000 in incentives. The Program also benefited the local community by providing direct installation of energy efficient lighting for local businesses.

In December 2008, the City completed the Partnership Program. The Program included installing new high-efficiency fluorescent lights in the Granada Parking Garage, replacement of the tennis court lighting at Pershing Park with efficiency systems, and lighting energy saving retrofits at the Goleta Library, Westside Community Center, and the Eastside Library. New high-efficiency recycled water pumps were installed at the Municipal Golf Course, and variable frequency drives were installed on the filter backwash pumps at the Cater Water Treatment Facility.

The total energy savings and incentives exceeded our original estimates. The total audited savings from the project yielded a 488,000 kWh per year reduction in electricity use, and the City received \$66,699.34 in incentives from SCE.

BUDGET/FINANCIAL INFORMATION:

These incentive funds will be applied to the participating departments to help offset the cost of these installations and \$36,805 will be appropriated to the Sustainability Capital Program to fund more energy efficiency projects. The Program savings will save about \$68,000 in annual electricity costs for the City.

Incentive funds distribution:

Water Operating Fund - \$10,194.34
Downtown Parking Fund - \$20,000.00
Sustainability Capital Account - \$36,805.00

SUSTAINABILITY IMPACT:

The Energy Leaders Pilot Program savings yielded an annual 200 metric ton reduction in carbon dioxide equivalent. The additional incentive funds allocated to the Sustainability Capital Program will provide further greenhouse gas reductions.

PREPARED BY: James S. Dewey/Facilities & Energy Manager/JSD/spm

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2009
TO: Mayor and Councilmembers
FROM: Administration, Airport Department
SUBJECT: Appropriation Of Airport Improvement Program Grant Fund

RECOMMENDATION:

That Council increase appropriations and estimated revenue by \$1,647,802 in the Airport's Grant Fund for the final phase of mitigation for the Runway Safety Area project, to be funded from Federal Aviation Administration Airport Improvement Program (AIP) Grant No. 03-06-0235-37, including the City's 5% match portion (\$233,390) to be funded from Airport reserves above policy.

DISCUSSION:

Since October 1, 2007, Congress has issued three separate Continuing Resolutions to fund the Federal Aviation Administration and the AIP grant program.

In preparing the Airport's fiscal year 2009 budget, the uncertainty of the FAA funding cycle continued. With this in mind, the Airport's AIP Entitlement grant amount of \$3,020,000 (amount based on enplaned passengers) was included in the Grants Fund budget. This amount did not include the 5% local match.

After the budget was filed, FAA awarded a total grant amount of \$4,434,412 (\$1,414,412 in Discretionary Funds) for AIP No. 3-06-0235-037-2008 requiring an increase in the appropriations of \$1,647,802 (this total includes the City's 5% match) for AIP-37.

This project completes the mitigation for the Runway Safety Area project and entails construction of 8.8 acres of wetland restoration.

BUDGET/FINANCIAL INFORMATION:

Funds for the City's 5% match are available in the Airport's Operating Reserves above policy.

PREPARED BY: Hazel Johns, Assistant Airport Director

SUBMITTED BY: Karen Ramsdell, Airport Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2009

TO: Mayor and Councilmembers

FROM: Recreation Division, Parks and Recreation Department

SUBJECT: State Workforce Housing Reward Program Projects

RECOMMENDATION:

That Council redirect the remaining balance of State Workforce Housing Reward Funds from the Franklin Center project (\$98,362) to other Park and Recreation facility projects.

DISCUSSION:

In April 2006, Council approved and appropriated \$263,000 in State Workforce Housing Reward Program funds to the Redevelopment Agency Capital Fund for ADA improvements to the Franklin Center Public Restrooms.

In the spring of 2007, the County of Santa Barbara requested approval for \$1 million in tenant improvements to the portion of the Franklin Center they lease for the County Health Clinic. The City and County negotiated cost sharing a number of common area accessibility improvements triggered by the County project, including the public restroom. The preliminary cost for the improvements was estimated at \$300,000. The City agreed to reimburse the County \$200,000 towards that cost. If project costs exceeded the estimate, the agreement contained gradual terms for the City to reimburse up to \$290,000.

In June 2007, Council approved the County 10-year lease agreement and construction addendum. The Council appropriated an additional \$35,362 from State Workforce Housing Reward Funds for the project, bringing the total funding to \$298,362 for Franklin Center ADA improvements. In September 2008, construction was completed, with the actual cost to the City at \$200,000, leaving a balance of \$98,362 which can be reallocated for qualifying projects that can be completed by June 30, 2009.

Proposed Projects

Understanding that it is critical to complete these projects expeditiously or funds will be lost, Parks and Recreation, Public Works, and RDA staff met and identified Franklin Neighborhood Center, Ortega Welcome House, and Haley St. Youth Center, for improvements. The three sites previously received Community Development Block Grant

(CDBG) funds, meet fund criteria, and have opportunity projects that would complement current or proposed CDBG projects that can be completed by June 30, 2009.

Franklin Neighborhood Center - \$50,362

Additional necessary improvements at the Franklin Center: Approximately \$20,000 will be spent for asbestos removal, tile in the custodial closet, ceiling tiles, lights in two portions of the hallway, a free standing mailbox, and additional signs on the building. Approximately \$30,362 will be used for exterior security cameras in the parking lot, back alley, and entrance of the Eastside Library.

Ortega Welcome House - \$23,000

Approximately \$23,000 will be spent for roof replacement, termite eradication and dry rot repairs.

Haley Street Youth Center (Primo Boxing) - \$25,000

Approximately \$25,000 is proposed to be used to replace the roof at the Haley Street Youth Center, where Primo Boxing is housed.

BUDGET/FINANCIAL INFORMATION:

With Council approval, the City will use up to \$98,362 in remaining State Workforce Housing Reward Program funds to complete projects at Franklin Neighborhood Center (\$50,362), Ortega Welcome House (\$23,000), and Haley St. Youth Center (\$25,000).

SUSTAINABILITY IMPACT:

Sustainability features include ceiling panels with a high percentage of recycled content, new lighting equipped with energy efficient T-5 lamps and electronic ballasts, vinyl flooring without V.O.C. "off-gassing", asbestos removal under strict guidelines of the Air Pollution Control District, chemical-free heat termite treatment, and roofing that meets the City's sustainability standard.

PREPARED BY: Sarah Hanna, Recreation Programs Manager

SUBMITTED BY: Nancy L. Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 550.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2009
TO: Mayor and Councilmembers
FROM: Chief's Staff, Police Department
SUBJECT: Proposed Change To Parking Violation Penalties And Related Fees

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 08-060 Establishing Certain City Fees, Including Water and Wastewater Rates, and Rescinding Resolution Nos. 07-052, 07-085 and 08-013, Adjusting Parking Violation Penalties and Related Fees Effective March 1, 2009.

DISCUSSION:

State law requires local jurisdictions that process their own parking citations to pay a portion of the fines collected to the County for allocation to certain funds established by state law. These funds support the construction of courthouses and other criminal justice facilities. The state laws that govern this process were amended effective January 1, 2009.

For citations issued on or before December 31, 2008, the City was required to remit \$7.50 to the Santa Barbara Superior Court from each parking citation collected. With the new amendments to state law, the City is now required to pay the County \$9.50 from each fine collected. Unless the City amends the parking citation fee resolution, the net effect of these amendments to state law will be a \$2.00 per citation reduction of revenue to the City. For all non-street sweeping parking citations issued, Staff recommends an increase of \$4.00 per citation, effective March 1, 2009. This increase will cover the additional cost per citation due to the County and will result in additional revenues. For street sweeping citations (10.12.150(b) M.C.), Staff is recommending an increase of \$5.00 per citation, effective March 1, 2009, to make the fine consistent with the majority of parking fines.

Additionally, the County of Santa Barbara increased Correctable Violation Administrative Fees from \$10.00 to \$25.00 effective January 1, 2009. This is the fee charged for "signing off" proof of correction on a correctable violation issued on a parking citation (such as expired registration, no registration tabs displayed, no front license plate, etc.). The City's Correctable Violation Administrative fee, which is also

| \$10, has not changed -in at least 20 years. Staff recommends that the City fee be increased to \$25 to remain consistent with the County's fee.

| **BUDGET/FINANCIAL INFORMATION:**

Revenues to the City from the fee increase to the parking citations are estimated at \$195,000 per year. Revenues from the increase to the dismissal fees are estimated at \$105,000.

PREPARED BY: Karen Flores, Business Office Supervisor

SUBMITTED BY: Frank Mannix, Deputy Chief of Police

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING RESOLUTION NO. 08-060 ESTABLISHING CERTAIN CITY FEES, INCLUDING WATER AND WASTEWATER RATES, AND RESCINDING RESOLUTION NOS. 07-052, 07-085 AND 08-013, ADJUSTING PARKING VIOLATION PENALTIES AND RELATED FEES EFFECTIVE MARCH 1, 2009

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT Resolution No. 08-060, establishing certain City fees for Fiscal Year 2009, be amended by adjusting the parking violation penalties and related fees effective March 1, 2009, as follows:

Pages 55-57

<u>Municipal Code</u>	<u>Description</u>	<u>Penalty</u>
10.12.150(a)	Miscellaneous traffic control device	\$ 46 <u>50</u>
10.12.150(b)	Failure to obey posted sign	40 <u>45</u>
10.36.020	Vehicle parked advertising	41 <u>45</u>
10.40.090	No vehicle/motorcycle on beach	41 <u>45</u>
10.44.020	Prohibited parking	46 <u>50</u>
10.44.030	Emergency no parking	41 <u>45</u>
10.44.032	Temp no parking street work	41 <u>45</u>
10.44.034	Temp no parking sewer work	41 <u>45</u>
10.44.040	Displaying vehicle for sale	41 <u>45</u>
10.44.050	Broken down/wrecked vehicle	41 <u>45</u>
10.44.055	Operate vehicle on private prop	41 <u>45</u>
10.44.060	Street storage of vehicle	71 <u>75</u>
10.44.070	Park near Police/Fire station	41 <u>45</u>
10.44.080	Standing in parkways	41 <u>45</u>
10.44.090	Prohibited private property	41 <u>45</u>
10.44.100	Trains not to block street	41 <u>45</u>
10.44.110	Angle parking only	41 <u>45</u>
10.22.120	Parking parallel with curb	41 <u>45</u>
10.44.130	Parking on hills	41 <u>45</u>
10.44.140	Parking in intersection	41 <u>45</u>
10.44.150	Parking space markings	41 <u>45</u>
10.44.151	Municipal lot, traffic regulations	41 <u>45</u>
10.44.152	Municipal lot, parking regulations	41 <u>45</u>
10.44.160	Preferential parking	41 <u>45</u>
10.44.200	Unlawful parking on trailers	41 <u>45</u>
10.44.205	Parking restrictions for recreational vehicles	41 <u>45</u>
10.44.210	Used for transporting property	41 <u>45</u>

<u>Municipal Code</u>	<u>Description</u>	<u>Penalty</u>
10.44.220	Vendor unlawful parking	<u>41 45</u>
10.44.230	Parking permit required	\$ <u>41 45</u>
10.44.240	No sales from vehicle	<u>41 45</u>
10.44.250	Bus parking only	<u>41 45</u>
10.44.260	Curb markings	<u>41 45</u>
10.44.270	No bus parking	<u>41 45</u>
10.46.060	Parking permit required	<u>41 45</u>
10.46.062	Permit required	<u>41 45</u>
10.46.020	Over parking time limit	<u>41 45</u>
10.48.021	Chalk removal/move in block	<u>46 50</u>
10.48.040(a)(1)	Red zone no stopping, parking	<u>51 55</u>
10.48.040(a)(2)	Yellow zone commercial vehicle	<u>46 50</u>
10.48.040(a)(3)	White zone passenger loading	<u>41 45</u>
10.48.040(a)(4)	Green zone 15 minute limit	<u>41 45</u>
10.48.050	Permission to load	<u>41 45</u>
10.48.060	Loading/unloading only	<u>41 45</u>
10.48.070	Standing in passenger loading	<u>41 45</u>
10.48.080	Standing in alley	<u>41 45</u>
10.48.085	Repair vehicle in street	<u>41 45</u>
10.48.090	Bus zones	<u>41 45</u>
10.48.095	Bus idling over 3 minutes	<u>41 45</u>
10.48.100	Taxi zone	41 45
10.48.120	Taxi stands	<u>41 45</u>
10.48.130	Taxicab parking	<u>41 45</u>
10.48.140	Special event parking	<u>41 45</u>
15.16.080	Recreational Vehicles-Unlawful Areas to Use	<u>41 45</u>
17.36.020	Parking for Certain Uses Prohibited	<u>41 45</u>
17.36.80	Oversize Vehicles in Waterfront Lots	<u>41 45</u>
17.36.90	Oversize Vehicles in Designated Lots	<u>41 45</u>
17.36.100	Personal Property in Parking Stalls	41 45
18.28.030(a)	Payment parking	<u>41 45</u>
18.28.030(b)	Abandoned vehicle	41 45 <u>116 120</u>
18.28.030(c)	No parking sign/curb	<u>41 45</u>
18.28.030(d)	Within 15' of fire hydrant	<u>51 55</u>
18.28.030(e)	No parking tie down area	<u>41 45</u>
18.28.030(f)	Designated parking	<u>41 45</u>

<u>Vehicle Code</u>	<u>Description</u>	<u>Penalty</u>
21113(a)	No permit displayed	\$ <u>41 45</u>
21113(c)	Not in marked stall	<u>41 45</u>
21458(a)	No parking red zone	<u>51 55</u>
21458(b)	Loading zone	<u>46 50</u>
21461	Disobey sign or signal	<u>41 45</u>
22500	Prohibited parking, stopping	<u>41 45</u>
22500.1	Parking in fire lane	41 45 <u>51 55</u>

<u>Vehicle Code</u>	<u>Description</u>	<u>Penalty</u>
22500(a)	Parking within intersection	<u>41 45</u>
22500(b)	Parking in crosswalk	\$ <u>41 45</u>
22500(c)	Safety zone	<u>41 45</u>
22500(d)	Fire Station driveway	<u>51 55</u>
22500(e)	Park in public/private drive	<u>41 45</u>
22500(f)	Parking on sidewalk	<u>41 45</u>
22500(g)	Parking obstructing traffic	<u>-41 45</u>
22500(h)	Double parking	<u>41 45</u>
22500(i)	Bus zone	<u>-41 45</u>
22500(j)	Parking in tunnel	<u>41 45</u>
22500(k)	Parking on bridge	<u>41 45</u>
22500(L)	Wheelchair access ramp	311 <u>350 315</u>
22502	Tire not 18 inches from curb	<u>41 45</u>
225035	No motorcycle/moped parking	<u>41 45</u>
22504(a)	Parking unincorporated roadway	<u>-41 45</u>
22505(b)	Posted no parking State Hwy	<u>41 45</u>
22507.8	Spaces for the Disabled	311 <u>350 315</u>
22514	Within 15 feet of fire hydrant	<u>51 55</u>
22515	Stop/motor/set brake	<u>41 45</u>
22516	Person locked in vehicle	<u>51 55</u>
22517	Open door into traffic	<u>-56 60</u>
22520	Freeway, non-emergency stop	<u>41 45</u>
22521	Park on/near railroad tracks	<u>66 70</u>
22522	Parking near sidewalk Hdcp ramp	311 <u>350 315</u>
22523	Abandoned vehicle	<u>116 120</u>
22526	Intersection gridlock	<u>-61 65</u>
22651	Obstructing traffic	<u>41 45</u>
27155	No fuel cap	<u>41 45</u>
4000.4(a)	Calif. Registration required	<u>161 165</u>
4000(a)	Unregistered vehicle	<u>161 165</u>
5200	Display license plates	<u>41 45</u>
5201	Position of plates	<u>41 45</u>
5201(f)	License plate cover	<u>41 45</u>
5204(a)	Display license tabs	<u>-71 75</u>

Fees

Late fee (payment received after due date)

Double basic penalty
(as listed above)

Administrative dismissal fee

\$10 25

Citation copy fee

\$1

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Regular Meeting
December 16, 2008
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Marty Blum called the joint meeting of the Agency and the City Council to order at 2:03 p.m.

ROLL CALL

Agency members present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Chair Blum.

Agency members absent: None.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Deputy City Clerk Brenda Alcazar.

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR (Item No. 1)

Motion:

Agency Members House/Horton to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Redevelopment Agency Fiscal Year 2009 Interim Financial Statements For The Four Months Ended October 31, 2008 (10)

Recommendation: That the Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2009 Interim Financial Statements for the Four Months Ended October 31, 2008.

Action: Approved the recommendation (December 16, 2008, report from the Fiscal Officer).

REDEVELOPMENT AGENCY REPORTS

2. Subject: Redevelopment Agency 2008 Annual Report (620.01/17)

Recommendation: That Council and Redevelopment Agency Board:

- A. Receive, accept, and approve the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2008, consisting of the Auditor's Opinion, Financial Statements and the Auditor's Compliance Report; and
- B. Review and approve the Annual Report for the Fiscal Year ended June 30, 2008, and direct staff to submit copies of the Annual Report to the California State Controller's Office.

Documents:

- December 16, 2008, report from the Deputy Director/Community Development Director.
- City of Santa Barbara Redevelopment Agency Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2008.
- December 16, 2008, PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Redevelopment Supervisor Brian Bosse, Housing Programs Supervisor Steven Faulstich.

Agency/Council Member Falcone left the meeting at 4:12 p.m.

Motion:

Agency/Council Members Schneider/Williams to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Agency/Council Member Falcone).

3. Subject: Redevelopment Agency Fiscal Year 2009 Capital Program (18)

Recommendation: That the Redevelopment Agency Board:

- A. Consider funding allocations to the Redevelopment Agency Capital Program; and
- B. Increase estimated Redevelopment Agency revenues in the amount of \$13,337,298, and allocate \$13,337,298 as outlined in the attached Capital Projects and staff recommended funding.

Documents:

- December 16, 2008, report from the Deputy Director.
- December 16, 2008, PowerPoint presentation prepared and made by Staff.

(Cont'd)

3. (Cont'd)

Speakers:

Staff: Deputy Director Paul Casey, Housing Programs Supervisor Steven Faulstich, Agency Counsel Stephen P. Wiley.

Motion:

Agency Members Williams/House to approve the recommendations with an amendment to allocate the \$223,298 remaining in the Project Contingency Account to the Carrillo/Chapala Mixed-Use project, and to prioritize any funds left over from underbids for the mixed-use project and the library project.

Amendment Motion:

Agency Members Williams/House to approve the recommendations with an amendment to allocate the \$223,298 remaining in the Project Contingency Account to the Carrillo/Chapala Mixed-Use project.

Vote on Amendment Motion:

Unanimous voice vote.

ADJOURNMENT

Chair Blum adjourned the meeting at 8:19 p.m.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
CHAIR

BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Regular Meeting
January 13, 2009
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Marty Blum called the joint meeting of the Agency and the City Council to order at 2:02 p.m.

ROLL CALL

Agency members present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Chair Blum.

Agency members absent: None.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, City Clerk Services Manager Cynthia M. Rodriguez.

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR (Item Nos. 1 and 2)

Motion:

Agency Members Schneider/Williams to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Minutes (12)

Recommendation: That the Redevelopment Agency Board waive the reading and approve the minutes of the regular meeting of December 9, 2008.

Action: Approved the recommendation.

2. Subject: Redevelopment Agency Fiscal Year 2009 Interim Financial Statements For The Five Months Ended November 30, 2008 (13)

Recommendation: That Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2009 Interim Financial Statements for the Five Months Ended November 30, 2008.

Action: Approved the recommendation (January 13, 2009, report from the Fiscal Officer).

ADJOURNMENT

Chair Blum adjourned the meeting at 7:10 p.m.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
CHAIR

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER



CITY OF SANTA BARBARA

JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: February 10, 2009

TO: Mayor and Councilmembers
Chairperson and Boardmembers

FROM: Housing and Redevelopment Division, Community Development
Department

SUBJECT: Notice To City Council And Redevelopment Agency Board Regarding
Real Estate Interest In Redevelopment Project Area From Agency
Boardmember

RECOMMENDATION:

That the Council and the Agency Board receive the notice of City Councilmember and Redevelopment Agency Boardmember Grant House of real estate interest in the Redevelopment Project Area in compliance with California Redevelopment Law Section 33130.

DISCUSSION:

Councilmember House currently operates a business known as Grant House Sewing Machines located in the Magnolia Center which is outside the Central City Redevelopment Project Area and the City limits. Grant House Sewing Machines will be moving into a new leased commercial location at 128 B East Canon Perdido Street within the Central City Redevelopment Project Area effective March 1, 2009.

As a member of the Santa Barbara Redevelopment Agency Board, Boardmember House is required under Health and Safety Code Section 33130 to advise the Redevelopment Agency and the legislative body (City Council) of acquiring any real estate interests in the Project Area. Such interests include leasehold interests. The notification is necessary in order to have the lease qualify as an "exempt" interest in real property within the Project Area. The attached letter dated February 1, 2009 complies with the requirements of California Redevelopment Law Section 33130. The Council and the Agency need only to receive the attached notification.

ATTACHMENT: Letter from Agency Boardmember House dated February 1, 2009

PREPARED BY: David Gustafson, Housing and Redevelopment Manager

SUBMITTED BY: Paul Casey, Agency Deputy Director

APPROVED BY: City Administrator's Office

Grant House Sewing Machines
5152A Hollister Avenue, Santa Barbara, CA 93111
805 967-3680

February 1, 2009

Dave Gustafson
Santa Barbara Redevelopment Agency
630 Garden Street
Santa Barbara, CA 93101

Regarding: Compliance with California Health and Safety Code Section 33130

Dear Dave,

I am moving Grant House Sewing Machines from its current location in Magnolia Center to 128B E. Canon Perdido Street within the Central City Redevelopment Project Area. As a Member of the Santa Barbara Redevelopment Agency (RDA) Board, I am required by California Health and Safety Code Section 33130 to notify the Redevelopment Agency immediately upon leasing property for my business within the Project Area.

For purposes of disclosure, my wife, Peggy Jo Love House, is general partner in another business located in the Central City Redevelopment Project Area. She and business partner, Leslie Mann, have rented on a month to month basis 21C W. Victoria Street for their hair salon Head West for nearly 30 years. This has been reported annually on Form 700 since I began serving the City as a Planning Commissioner in 1997 and during my three years on City Council.

California Health and Safety Code Section 33130 contains specific language for Agency Board Members who rent or lease space in which they conduct their primary businesses. Specifically, it is OK for a Board Member to rent or lease a property within the RDA if it meets all of four conditions. Here is subsection (c) that spells out those conditions:

(c) A rental agreement or lease of property which meets all of the following conditions is not an interest in property for purposes of subdivision (a):

(1) The rental or lease agreement contains terms that are substantially equivalent to the terms of a rental or lease agreement available to any member of the general public for comparable property in the project area.

(2) The rental or lease agreement includes a provision which prohibits any subletting, sublease, or other assignment at a rate in excess of the rate in the original rental or lease agreement.

(3) The property which is subject to the rental or lease agreement is used in the pursuit of the principal business, occupation, or profession of the officer or employee.

(4) The agency or community officer or employee who obtains the rental or lease agreement immediately makes a written disclosure of that fact to the agency and the legislative body.

To comply with (c) (4), I am formally notifying the Santa Barbara Redevelopment Agency by this letter that I have entered into a lease agreement with Pueblo Viejo Properties for 128B E. Canon Perdido St. The terms of this lease agreement are substantially equivalent to the terms of a rental or lease agreement available to any member of the general public for comparable property in the Central City Redevelopment Project Area and the lease agreement is used in the pursuit of my principal business. The same is true of Peggy Jo's rental with her business partner of 21C W. Victoria Street.

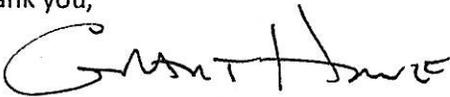
To ensure compliance with (c) (2), I have requested an addendum to the lease that says:

In compliance with California Health Code Section 33130, any subletting, sublease, or other assignment may not exceed the rate contained in the original lease agreement.

Peggy Jo's rental is on a month to month basis and, as such, does not offer the opportunity to sublet.

I request that this notice be placed as an information item on an upcoming RDA Board agenda as soon as possible. We open for business at the new location on March 1, 2009.

Thank you,



Grant House, owner

cc: Steve Wiley
Jim Armstrong
Dave Gustafson



CITY OF SANTA BARBARA

JOINT CITY COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: February 10, 2009

TO: Mayor and Councilmembers
Chair and Boardmembers

FROM: Housing and Redevelopment Division, Community Development
Department

SUBJECT: Educational Revenue Augmentation Fund Payment

RECOMMENDATION:

- A. That Council authorize the Finance Director to notify the Santa Barbara County Auditor that the Redevelopment Agency's Educational Revenue Augmentation Fund payment will be made by the Redevelopment Agency from Redevelopment Agency tax increment revenues; and
- B. That the Redevelopment Agency Board authorize the appropriation and expenditure of \$1,403,758 from the Redevelopment Agency's General Fund to pay the Agency's obligation to the state-imposed Educational Revenue Augmentation Fund.

DISCUSSION:

On June 24, 2008, the Redevelopment Agency Board approved the Agency's Fiscal Year 2009 budget. At that time, Agency staff knew that the State's response to the State budget crisis would likely include an Educational Revenue Augmentation Fund (ERAF) obligation for redevelopment agencies, yet the magnitude of such an obligation was unknown.

The State had implemented a number of ERAF shifts since 1990. In the two most recent instances (Fiscal Years 2005 and 2006), the Santa Barbara Redevelopment Agency was required to pay the State approximately \$1.3 million and \$1.2 million, respectively. Recognizing the possibility of the State ultimately enacting an ERAF shift of that magnitude, the Agency Board directed staff to take a conservative financial approach to the Fiscal Year 2009 budget and not pursue any new capital projects or community grants until the amount of the ERAF obligation was determined.

The Agency's ERAF obligation has been set by the State at \$1,403,758. Recently, after being notified by the State of the required payment amount, the Board acted on the

capital projects and community grants portion of the FY 2009 budget to complete the budget process. In that action, the Board set aside the requisite amount for the ERAF payment.

The ERAF payment is due to the County on May 1, 2009. The enacting legislation requires that the Agency's "Legislative Body" (the City Council) report to the County Auditor by March 1, 2009, how the ERAF payment will be made. This provision in the legislation recognizes that some jurisdictions may have to pay some or all of the ERAF payments from the jurisdictions' General Funds, because the local redevelopment agencies do not have sufficient funds to make the payments. Having set funds aside, the Redevelopment Agency has sufficient funds to make the payment to the County, and staff recommends that the Council authorize the Finance Director to report to the County Auditor by March 1, 2009, that the payment will be made from Agency funds.

The California Redevelopment Association (CRA) and the Redevelopment Agency of Morena Valley have filed a lawsuit in Sacramento Superior Court seeking to block parts of budget trailer bill AB 1389 on grounds that it is unconstitutional. The lawsuit seeks to prohibit the state from forcing county auditors to divert these redevelopment funds to the Educational Revenue Augmentation Funds. Morena Valley RDA was selected to join the lawsuit due the very substantial damage the ERAF exaction will do to the financial status and capital program for that RDA. The State of California Department of Finance is listed as the principal defendant/respondent in the lawsuit. The lawsuit asserts that the ERAF shift does not qualify as a constitutionally permitted use of these voter-approved funds and is a clear violation of the Constitution. CRA will be providing a statement on the principles and status of the lawsuit for all agencies to include in their March 1st notification to their county auditors, and it is staff's intention to include that notification with the notification to the County Auditor.

Staff recommends that the Agency Board appropriate the Fiscal Year 2009 ERAF obligation of \$1,403,758 from the Agency's General Fund and process the ERAF payment to the State Department of Finance by May 1, 2009.

PREPARED BY: David Gustafson, Housing and Redevelopment
Manager/Assistant Community Development Director/JLC

SUBMITTED BY: Paul A. Casey, Deputy Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: February 10, 2009

TO: Mayor and Councilmembers
Chairperson and Boardmembers

FROM: Engineering Division, Public Works Department
Housing and Redevelopment Division, Community Development
Department

SUBJECT: West Beach Public Art Program Professional Services Contract

RECOMMENDATION: That Council and the Agency Board:

- A. Authorize the General Services Manager to execute a purchase order not to exceed \$123,100 with Richard Irvine and Raphel Perea de la Cabada for design, fabrication and construction consulting of public art for three of the four plazas of the West Beach Public Art Program as part of the Redevelopment Agency-funded West Beach Pedestrian Improvement Project, and authorize the General Services Manager to approve expenditures up to \$12,300 for extra services that may result from necessary changes to the scope of work:
- B. Authorize the General Services Manager to execute a purchase order not to exceed \$25,600 with Lori Ann David for design, fabrication and construction consulting of public art for one of the four plazas of the West Beach Public Art Program as part of the Redevelopment Agency-funded West Beach Pedestrian Improvement Project, and authorize the General Services Manager to approve expenditures up to \$2,500 for extra services that may result from necessary changes to the scope of work; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara and the City of Santa Barbara Redevelopment Agency Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for Funding of Capital Improvements for the West Beach Public Art Program.

EXECUTIVE SUMMARY:

The Redevelopment Agency Board has appropriated a total of \$3.5 million to the West Beach Pedestrian Improvement Project for capital improvements to improve the pedestrian linkage and safety between Stearns Wharf and the Harbor. Public Art has always been seen as a vital element of this project for its ability to add visual interest, express history and story-telling, and assist in way-finding. An ad-hoc sub-committee was formed to identify opportunities for public art and to make recommendations to the Visual Art in Public Places committee which included art elements and thematic topics. These

recommendations were approved in July 2008 and an RFP process was used to select and commission artists or design teams.

A selection panel was formed to review the submissions and select proposals for commissioning. As a result of all information provided, the selection panel and staff recommend the design teams of Irvine and Perea de la Cabada for development of the art in three of the four project plazas and Lori Ann David and the Chumash collaborative for development of the art in the fourth plaza as part of the West Beach Public Art Program.

BACKGROUND:

On January 27, 2005, at a Special Meeting of the Redevelopment Agency (RDA), the Board appropriated \$2 million for capital improvements aimed at improving the pedestrian linkage and safety between Stearns Wharf and the Harbor. With this funding, the West Beach Pedestrian Improvement Project was established. The Conceptual Motion Company was contracted to develop the project from concept through final design. As part of the Fiscal Year 2007 budget, the Redevelopment Agency Board appropriated an additional \$1.25 million to the existing \$2 million appropriation, and an additional \$250,000 as part of the Fiscal Year 2009 budget, for a total funding level of \$3.5 million.

As part of the project, an ad-hoc sub-committee was formed to identify opportunities for public art. The sub-committee was composed of representatives of the City Arts Advisory Committee, the Visual Art in Public Places Committee, the Santa Barbara Maritime Museum, the County Arts Commission, Agency staff, and The Conceptual Motion Company. From April through June 2008, the sub-committee met several times to walk the site, review the project design proposal, and develop recommendations for public art elements. These recommendations were presented and approved at the July 24, 2008 Visual Arts in Public Places meeting. The Conceptual Motion Company incorporated these recommendations to the degree possible given the varied constraints of the area. Recent design review of the project by the Architectural Board of Review and the Historic Landmarks Commission has led to further scope refinement.

The project was presented to, and received final approval by, the Architectural Board of Review on January 6, 2009. The Historic Landmarks Commission approved the project on January 7, 2009. The design development and review, as well as fabrication of the art program elements, will occur during the project construction bid and contract approval process. Construction is expected to begin May 2009 and be complete in October 2009.

DISCUSSION:

West Beach Public Arts Program

Public art has always been seen as a vital element of the project for its ability to add visual interest, express history and story-telling, and assist in way-finding. Agency staff has worked closely with the County Arts Commission to research existing public art models and to develop the West Beach Public Art Program. The program supports the overall goals of the project, responds to the varied requirements specific to the area, and fully integrates public art into the larger capital improvement project. The overall goals of the program are as follows:

- Increase the appeal and interest of West Beach by bringing art into the pedestrian environment and life of the area
- Enrich the lives of residents and visitors of West Beach as well as the community as a whole
- Illustrate and engage the public in key stories related to the history of the Santa Barbara Waterfront

Request for Proposals Process

In conjunction with the Arts Commission, Agency staff developed a Request for Proposals (RFP) that outlined project and program goals, selection criteria, design guidelines, and a schedule for deliverables. The overall theme for the program was "History of the Waterfront," and four site-specific topics on this theme were identified: environmentalism, Chumash, Los Baños Pool, and the working harbor. Artists were to take these topics as a starting point for their content. Art elements identified in the RFP program scope were: enhancements to the sidewalk at the four new plaza areas along Cabrillo Boulevard; benches at the walkway entrance at Los Baños; and a drinking fountain at Sea Landing.

As part of the RFP process, attendance at one of two site walk-throughs was required in order to be eligible to apply to the program. One meeting was held on a weekday late afternoon, the other on a weekend morning. RDA, Arts Commission, and Public Works staff attended both meetings to review the project and answer questions posed by attendees. A total of 25 individuals attended these mandatory meetings.

A selection panel was formed to review the applications, select proposals for commissioning and advise development through the design review process. The selection panel is composed of representatives of the Arts Advisory Committee, Visual Art in Public Places, Parks and Recreation Commission, County Arts Commission, Historic Landmarks Commission, and Agency staff. Staff liaisons from the Parks and Recreation Department and Public Works Department attended selection panel meetings and advised as requested.

SELECTION AND RECOMMENDATION:

The selection panel reviewed 10 complete proposals from individual artists and design teams and created a short list of four. The applicants were then interviewed by the selection panel. Follow-up information was requested of two of the applicants, and the other two were notified that they were not selected.

Through this process, the panel selected the application from Richard Irvine and Rafael Perea de la Cabada for commissioning. Additionally, the panel identified the application by Lori Ann David and a Chumash collaborative, while not being a best fit for this project, as having unique merit for its cultural and community-based content. The panel recommended that this proposal be given further consideration for development as its own project. After initial investigation in this regard, staff strongly encouraged the inclusion of this proposal as part of the Program. As a result, the selection panel and staff recommend the design

teams of Irvine and Perea de la Cabada as well as Lori Ann David and the Chumash collaborative to develop their proposals as part of the West Beach Public Art Program.

The tile-mosaic proposal from Lori Ann David will be installed in the new plaza hardscape across from Ambassador Park and addresses the topic of Chumash history. The content, design and fabrication of this work will be the result of comprehensive collaboration and contribution by multiple Chumash bands. It promises to be a unique and rich expression of the local Chumash community.

The proposal from Richard Irvine and Raphel Perea de la Cabada includes concepts for sidewalk enhancements in tile mosaic to the remaining three plaza areas and new concrete benches at Los Baños. The team has worked together on multiple previous projects, and public installations. Their proposal presents an elegant design solution that is visually interesting, conveys the history of the Waterfront area, and is in keeping with the aesthetic of West Beach.

Both scopes of work include design development through the review process, preparation and fabrication of art, consultation as requested during Project construction, and development of a maintenance plan and schedule. They also respond to the need for durable and vandalism-resistant design. The total cost of both proposals with an additional contingency allocation is \$163,500, which is within the estimated budget for this Program. Staff will present additional graphics in a PowerPoint presentation at this meeting.

Note that one of the art components requested in the RFP, a decorative art fountain at Sea Landing, did not receive any responses acceptable to the panel. Staff intends to further explore opportunities to accomplish that component outside of this RFP process but in coordination with the West Beach Pedestrian Improvement Project.

HEALTH AND SAFETY CODE SECTION 33445

California Community Redevelopment Law, Health and Safety Code Section 33445 allows a redevelopment agency, with the consent of the legislative body, to fund public improvement projects on property that is publicly-owned if the project meets certain findings. The redevelopment of the West Beach Public Art Program meets all the required findings in Health and Safety Code Section 33445 because the proposed improvements are on publicly-owned land, are of benefit to the Central City Redevelopment Project Area, because they will generate additional pedestrian activity by locals and tourists, and add to the attractive environment of the Project Area. No other reasonable means of financing the improvements are available. In addition, the improvements to the area will eliminate blighting conditions inside the Project Area by encouraging pedestrian activity in and around the site. An increase in these activities improves the vitality of the Project Area by encouraging economic activity by locals and visitors, which leads to additional public and private improvements, and thereby eliminates blight and the conditions that lead to blight.

BUDGET/FINANCIAL INFORMATION:

The RDA had estimated a total cost of \$176,600 for the West Beach Public Art Program as a portion of the West Beach Pedestrian Improvement Project construction budget. There is adequate funding in the Project account to cover the costs of the proposed professional services contracts of \$163,500. The current account includes approximately \$2.85 million and the construction cost estimate exclusive of the Art Program is \$2.6 million.

SUSTAINABILITY IMPACT:

Agency sponsored capital projects incorporate environmentally responsible design and construction techniques including, but not limited to, the specification of recycled content building materials, construction debris recycling processes, and the use of drought tolerant landscaping. These techniques further the City's Sustainability Goals in a variety of ways specific to the individual project and include reducing waste, recycling, and reducing resource consumption. Where appropriate, these measures will be incorporated into the installation of work as part of the West Beach Public Art Program.

PREPARED BY: Pat Kelly, Assistant Public Works Director/City Engineer
David Gustafson, Assistant Community Development
Director/Housing and Redevelopment Manager

SUBMITTED BY: Christine Andersen, Public Works Director
Paul Casey, Deputy Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. ____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AND THE CITY OF SANTA BARBARA REDEVELOPMENT AGENCY APPROVING AND ADOPTING THE FINDINGS REQUIRED BY HEALTH AND SAFETY CODE SECTION 33445 FOR FUNDING OF CAPITAL IMPROVEMENTS FOR THE WEST BEACH PUBLIC ART PROGRAM

WHEREAS, the Redevelopment Agency of the City of Santa Barbara is undertaking certain activities for the planning and execution of redevelopment projects in the Central City Redevelopment Project Area; and

WHEREAS, the improvements of the West Beach Public Art Program, Part of the West Beach Pedestrian Improvement Project, will add to the attractive environment of the Central City Redevelopment Project Area and the City of Santa Barbara which increases the vitality of the Project Area by encouraging economic activity by locals and visitors, encouraging public and private improvements, and eliminating blight and the conditions that lead to blight.

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

SECTION 1. The proposed improvements of the West Beach Public Art Program, to be funded by the Redevelopment Agency, are of benefit to the Central City Redevelopment Project Area as the improvements will generate additional pedestrian activity by locals and tourists.

SECTION 2. No other reasonable means of financing the improvements of the West Beach Public Art Program are available.

SECTION 3. The payment of Redevelopment Agency grant funds for the improvements will eliminate blighting conditions inside the Project Area by encouraging pedestrian and tourist activity. An increase in these activities improves the vitality of the Project Area by encouraging economic activity by locals and visitors and will lead to additional public and private improvements, and thereby, eliminate blight and the conditions that lead to blight.



Agenda Item No. _____

File Code No. 660.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2009
TO: Mayor and Councilmembers
FROM: Planning Division, Community Development Department
SUBJECT: 535 E. Montecito Street, Los Portales Specific Plan (SP-10)

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting a Specific Plan for the Los Portales Specific Plan Area ("SP-10 Zone") for Property Located at 535 E. Montecito Street, Assessor's Parcel Number 031-351-010.

DISCUSSION:

Project Description

The project consists of 48 residential condominium units (40 below-market rate and 8 market rate). The below-market rate units are intended to provide housing opportunities for households that would not qualify for affordable or "middle income" housing under the City's Affordable Housing Policies. In addition, the project would provide housing designated for employees of businesses on the South Coast, with special emphasis on the staff of non-profit organizations that provide important services to the South Coast region.

The 48 residential condominium units would be located in 6 three-story buildings. In total, 24 two-bedroom and 24 three-bedroom units would be provided, and 90,966 net square feet of building area (including garages) would be constructed. The size of the residential units would vary, ranging between 1,621 and 2,242 square feet (net area including the garage). Each of the six buildings would contain eight residential units, would be approximately 15,161 square feet (net) in area, and would provide eight two-car garages arranged in a tandem configuration. Two additional parking spaces would be provided on-site for guest parking, resulting in a total of 98 on-site parking spaces. Vehicle access to and from the site would be provided by two driveways on Calle Cesar Chavez and one driveway on East Montecito Street. A 14-foot-wide shared access easement is provided along the western perimeter of the project site.

Since the project consists of the development of residential units in the M-1, Light Manufacturing zone, where residential units are normally not allowed, a Specific Plan to establish a zoning overlay to allow residential uses on the property has been prepared.

Specific Plan

On August 21, 2008, the Planning Commission certified the Final Environmental Impact Report and approved the proposed project contingent upon adoption of the Specific Plan by the City Council. On September 9, 2008, the City Council held a hearing to review and consider the proposed Los Portales Specific Plan ("SP-10 Zone"). As directed by Council at the hearing, the changes listed below have been incorporated into the Specific Plan ordinance. In addition, the provisions regarding development costs and the developer's fee (as well as the related proposal for the potential refunding of a portion of the purchase price) were determined by staff to not be advisable or workable and have been removed (see Specific Plan Ordinance):

1. Include a provision for an escalator clause of 2.5 % or less, compounded annually between approval and initial sale of the first unit;
2. Housing should be open to South Coast residents with preference given to people who work in the city;
3. The Specific Plan would give the developer up to seven (7) years to begin construction, even if construction only begins on one separate phase of the project;
4. Add the word "compounding" to the 2.5% annual resale price section; and
5. The Specific Plan should apply only to the proposed Los Portales Project.
6. The Specific Plan has been amended to allow the property owners to phase construction of the residential project so long as each phase is not less than eight (8) units and so long as the construction of the first phase begins within seven (7) years.

Alternate Plan

The applicant, Bermant Development Company, has been granted a one-year extension, through November 1, 2009, by the Housing Authority on their option to purchase the property. To assist in covering the carrying costs of this extension, the site is being leased to nearby businesses for open yard storage, which is an allowed use in the M-1 zone. The purpose of the extension is to allow the applicant to pursue financing for the below-market rate housing project. However, because it is possible that there may not be financial support available, the applicant will also concurrently process an application for a 10-lot subdivision on the property. The newly created lots would then be allowed to be developed with light industrial uses, using the existing square footage from the prior uses on the site (approximately 29,000 sq. ft.). This back-up approach would meet a strong community need to support small and local industrial businesses on M-1 zoned properties.

PREPARED BY: Kathleen Kennedy, Associate Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADOPTING A SPECIFIC PLAN FOR THE LOS PORTALES SPECIFIC PLAN AREA ("SP-10 ZONE") FOR PROPERTY LOCATED AT 535 E. MONTECITO STREET, ASSESSOR'S PARCEL NUMBER 031-351-010.

WHEREAS, the City accepted an application from Bermant Development Company, in order to process a request for the following: 1) Modification to allow less than the required number of guest parking spaces; 2) a Tentative Subdivision Map (TSM) to create a one-lot subdivision for 48 residential condominium units, including 40 price-restricted and eight market-rate units; and 3) Zoning Ordinance Amendment to adopt Specific Plan Number Ten (SP-10);

WHEREAS, the City Council initiated the Specific Plan process for the subject parcel on May 4, 2004;

WHEREAS, on August 21, 2008, the Planning Commission held a public hearing and certified the Final Environmental Impact Report and approved the Modification and Tentative Subdivision Map contingent upon adoption of an Ordinance approving the Specific Plan by the City Council; and

WHEREAS, the purpose of the Los Portales Specific Plan is to establish a zoning overlay to allow a below-market rate residential development in the M-1 zone. The boundaries of the real property included in the Los Portales Specific Plan are described in the attached Exhibit A and is incorporated herein by reference. This Los Portales Specific Plan is intended to set out development policies and actions for this real property which compose the Plan area.

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

SECTION ONE: The City Council has considered the Los Portales Specific Plan Final Environmental Impact Report (EIR), certified by the Planning Commission on August 21, 2008, and makes the following findings and determinations pursuant to Public Resources Code Section 21081 and California Environmental Quality Act Guidelines Section 15090.

1. The Final Environmental Impact Report for the proposed project was presented to the Planning Commission of the City of Santa Barbara. The Planning Commission reviewed and considered the information contained in the Final Environmental Impact Report, along with public comment and responses to comments.

2. The Final Environmental Impact Report for the proposed project has been completed in compliance with the California Environmental Quality Act and Guidelines, reflects the Council of the City of Santa Barbara's independent judgment and analysis, and constitutes adequate environmental evaluation and documentation for the proposed project.
3. The location and custodian of documents and materials that constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, CA, which is also the Lead Agency.
4. A mitigation monitoring and reporting program (MMRP) is hereby adopted. Mitigation measures have been made enforceable through incorporation into the project description or are included as conditions of project approval.
5. Class I Impacts (Significant and Unavoidable). The project would result in the following significant and unavoidable impacts identified in the Final EIR. These findings are supported by substantial evidence in the record including the Final EIR.
 - a. Cumulative Traffic Impacts. The proposed project would result in a significant and unavoidable cumulative traffic impact at the Gutierrez Street/Garden Street intersection and at the Garden Street/U.S. 101 northbound ramps intersection. The Gutierrez Street/Garden Street intersection is expected to operate at level of service "D" during the morning and evening peak hours under cumulative conditions, and the project would add 14 morning peak hour trips and 12 evening peak hour trips to the intersection. The U.S. 101 northbound ramps/Garden Street intersection is expected to operate level of service "D" during the evening peak hour under cumulative conditions and the proposed project would add 10 evening peak hour trips to the intersection. No feasible mitigation measures were identified that would mitigate these impacts to a less than significant level.
 - b. Parking Impacts. The proposed project would provide two onsite guest parking spaces. Based on estimates of the project's demand for guest parking spaces, the project would need to use on-street parking for guest needs during the evening hours. Although recent parking surveys indicated that adequate on-street parking would be available to serve the project, it cannot be ensured that adequate on-street parking would remain available over the life of the project. Therefore, the project would have the potential to result in a significant parking impact. No feasible mitigation measures were identified to fully avoid these impacts; however, the off-site parking alternative may be feasible if the applicant were to execute an off-site parking agreement with the adjacent property owner.
6. Class II Impacts (Potentially Significant and Mitigated). Project elements incorporated as part of the project description and mitigation measures applied as conditions of project approval would result in the avoidance or substantial lessening of the following environmental impacts to less than significant levels.

These findings are supported by substantial evidence in the record including the Final EIR.

- a. Air Quality: The proposed project would result in dust emissions during construction activities. This impact would be reduced to a less than significant level with implementation of standard dust control mitigation measures.
 - b. Biological Resources: The proposed project would result in the removal of skyline specimen trees located on the project site. This impact would be reduced to a less than significant level with the installation of replacement skyline trees.
 - c. Geologic Hazards: The proposed project has the potential to be affected by ground shaking and other seismic hazards. This impact would be reduced to a less than significant level with the implementation of the recommendations in the Geotechnical Engineering Report, including the use of vibro-replacement stone columns, compaction grouting, deep compaction and/or use of geopiers, as well as compliance with building code requirements that would minimize potential hazards associated with ground shaking.
 - d. Noise: Interior noise levels within units fronting or facing East Montecito Street, adjacent to Calle Cesar Chavez and adjacent to the western project boundary may exceed 45 dBA. This impact would be reduced to a less than significant level with the implementation of the requirement that forced air circulation must be provided for these units.
 - e. Water Resources: The proposed project has the potential to result in significant short- and long-term water quality impacts. These impacts would be reduced to a less than significant level with the implementation of erosion control measures, compliance with standard City requirements, and the use of storm drain surface pollutant interceptors.
7. Class III Impacts (Less than Significant). The proposed project would result in a less than significant impact in the following environmental issue areas identified in the Final EIR. Mitigation measures are incorporated as conditions of project approval to further reduce the level of impact, consistent with City policies. These findings are supported by substantial evidence in the record including the Final EIR.
- a. Aesthetics: The proposed project could result in adverse but less than significant aesthetics and lighting impacts. The project would not change existing skyline views as seen from Highway 101 nor would it significantly obstruct or change scenic views of the mountains and hillside areas of the City but would add building mass in close proximity to the highway. The project is subject to review and approval by the Architectural Board of Review, which will result in further aesthetic improvements.
 - b. Air Quality: Project-related grading and construction activities would result in emissions of NO_x and PM_{2.5} from construction equipment that would

be well below the established threshold of significance. Standard dust control measures to further reduce potential impacts are included in the Conditions of Approval. Therefore, the proposed project is anticipated to have a less than significant long-term air quality impact.

- c. Public Services: The proposed project would result in the short-term generation of construction and demolition waste, and long-term generation of waste from residential uses. The project specific impact is considered less than significant because the 196 tons per year threshold is not exceeded, however, an adverse cumulative impact would result because waste generation would exceed 40 tons per year.

Project grading would require some export of non-structural fill. Construction-related waste generation would be short-term and less than significant. Application of recommended standard mitigation to reduce, re-use, and recycle construction waste to the extent feasible would minimize this effect.

- d. Transportation/Circulation: The proposed project would result in a short-term increase in traffic due to construction-related activities. This would constitute a change to existing conditions but would be a less than significant effect, and would be further reduced by construction haul route and parking mitigation measures.

- 8. Findings of Infeasibility of Alternatives (per PRC Section 21081 and CCR Section 15091). The Council of the City of Santa Barbara finds that specific economic, legal, social, technological, environmental, or other considerations make infeasible the project alternatives identified in the Final Environmental Impact Report for the proposed project for the following reasons:

- a. Project Alternative 8.1.1 - No Project - No Development: The project site would remain in a vacant condition, existing traffic conditions would continue to occur, and the cumulative traffic impacts of the proposed project would be avoided. The No Project - No Development Scenario alternative is the environmentally superior alternative; however, this alternative would not attain any of the proposed projects' objectives.
- b. Project Alternative 8.1.2 - No Project - Allowable Site Development: This scenario would result in the development of either a light industrial or manufacturing use on the project site. The establishment of a manufacturing use would result in a slight reduction in average daily trips and peak hour traffic when compared to the proposed project. However, both alternative uses would result in significant cumulative traffic impacts at the Garden Street/Gutierrez Street intersection and the U.S. 101 northbound ramps/Garden Street intersection. This alternative would not attain any of the proposed projects' objectives.
- c. Project Alternative 8.1.3 - Reduced Project Size: The Reduced Project Size alternative would result in the development of fewer units at the project site. If only 19 units were provided, this alternative would not result

in a significant cumulative traffic impact at the U.S. 101 northbound ramps/Garden Street intersection during the morning or evening peak hours, but a significant cumulative impact would continue to occur at the Garden Street/Gutierrez Street intersection. If only 13 units were provided, this alternative would not result in a significant cumulative impact at the Garden Street/Gutierrez Street intersection or the U.S. 101 northbound ramps/Garden Street intersection during the morning or evening peak traffic hours. The Reduced Project size alternative is the only alternative evaluated that might partially achieve the primary objective of the proposed project to develop residential units on the project site and reduce the project's cumulative traffic impacts to a less than significant level. Therefore, the Reduced Project Size alternative is environmentally superior to the proposed project; however, this alternative is not economically feasible nor would it result in any affordable housing units and would thus not meet the project objectives.

- d. Project Alternative 8.1.4 - Purchase Parking: The Purchase Parking alternative would provide additional parking spaces on the project site, and could reduce the demand for on-site parking. However, this alternative would also have the potential to result in significant parking impacts in neighborhoods adjacent to the project site. The Purchase Parking alternative could reduce the number of peak hour vehicle trips generated by the project, which would minimize the project's cumulative impacts at the Garden Street/Gutierrez Street and U.S. 101 northbound ramps/Garden Street intersections. This alternative, however, would not be capable of reducing the project's cumulative traffic impacts to a less than significant level. In addition, this alternative includes combining four buildings into two, resulting in a design with mass, bulk and scale issues and which would be contrary to the City's Urban Design Guidelines and comments made by the Planning Commission and Architectural Board of Review to reduce the mass and provide more open space.
- e. Project Alternative 8.1.5 - Project Redesign: The Project Redesign alternative would combine elements of the Purchase Parking and Reduced Project Size alternatives. The Project Redesign alternative identifies the maximum number of residential units that could be developed on the project site without resulting in a significant cumulative traffic impact based on varying levels of project occupant participation in a purchase parking program. The Project Redesign alternative could feasibly reduce the project's cumulative traffic impacts to a less than significant level while allowing the development of more units on the project site than would be allowed by the Reduce Project Size alternative. However, if an assumed participation rate in a purchase parking program were not maintained over the life of the project, the units developed on the project site would have the potential to result in a significant cumulative traffic impact at the Garden Street/Gutierrez Street and U.S. 101 northbound ramps/Garden Street intersections. This alternative would also have the potential to result in parking impacts to areas surrounding

the project site. Therefore, the Project Redesign alternative was not considered to be an environmentally superior alternative. This alternative is also not economically feasible, nor would it result in any affordable housing units and would thus not meet the project objectives

- f. Project Alternative 8.1.6 - Off-site Parking: The Off-Site Parking alternative could reduce the significant parking impacts of the proposed project to a less than significant level by providing guest parking spaces at a lot neighboring the project. However, at this time, no agreement has been reached with neighboring landowners for permanent, long term parking offsite. Therefore, it has not been demonstrated at this time if the alternative would be feasible to implement. In addition, this alternative would not address the cumulative traffic impacts of the project and impacts to the U.S. 101 northbound ramps at Garden Street, and the Gutierrez Street/Garden Street intersection.

9. Statement of Overriding Considerations

After careful consideration of the environmental documents, staff reports, public testimony, and other evidence contained in the administrative record, the Council of the City of Santa Barbara has balanced the benefits of the project against the unavoidable environmental impacts and has concluded that the benefits of the project outweigh the significant cumulative traffic and parking impacts sufficiently to make the adverse effects acceptable. The Council of the City of Santa Barbara makes the following Statement of Overriding Considerations, which support approval of the project, notwithstanding that all identified environmental impacts are not fully mitigated to a level of insignificance. Remaining significant effects on the environment are deemed acceptable due to the following finding:

The project would provide below-market rate housing units for homebuyers and would provide an important and needed housing type in the City that may not otherwise be provided.

10. Findings for the Fish & Game Code

An Environmental Impact Report has been prepared by the City of Santa Barbara, which has evaluated the potential for the proposed project to result in adverse effects, either individually or cumulatively, on wildlife resources. For this purpose, wildlife is defined as "all wild animals, bird, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability." The proposed project has the potential for adverse effects on native specimen trees and associated wildlife during project construction. Mitigation measures have been applied such that potential impacts will largely be reduced to less than significant levels, and a Statement of Overriding Considerations has been made for those impacts that can not be reduced to less than significant levels. The project does not qualify for a waiver and is subject to payment of the California Department of Fish and Game fee.

SECTION TWO: The City Council makes the following findings with respect to the adoption of the Los Portales Specific Plan:

1. The Los Portales Specific Plan meets all provisions of Article 8, Chapter 3 of Division I of Title 7 of the California Planning and Zoning Law (Government Code Sections 65450 through 65457).
2. The Los Portales Specific Plan is consistent with the General Plan in that adoption of the Los Portales Specific Plan will establish a zoning overlay district where specific development standards are established to regulate the development of below-market rate housing.
3. With respect to Section 1507 of the City Charter, build-out of the Los Portales Specific Plan would result in significant and unavoidable cumulative traffic impacts and guest parking impacts. The City Council has balanced the benefits of the project against the unavoidable traffic and parking impacts and has concluded that the benefits of the project outweigh the significant traffic and parking impacts sufficiently to make the adverse effects acceptable.

Short-term impacts on air quality due to construction would be significant, but mitigable with the application of standard dust control measures. Long-term air quality impacts due to the land development would be less than significant. Impacts to biological resources would be reduced to a less than significant level with the installation of replacement skyline trees. Impacts related to ground shaking and other seismic hazards would be reduced to a less than significant level with the implementation of the recommendations in the Geotechnical Engineering Report. Interior noise impacts to specified units would be reduced to a less than significant level with the implementation of the requirement that forced air circulation must be provided for these units. Significant short- and long-term water quality impacts would be reduced to a less than significant level with the implementation of erosion control measures, compliance with standard City requirements, and the use of storm drain surface pollutant interceptor.

The benefits of the project include the provision of below-market-rate housing for employees of businesses located on the South Coast of Santa Barbara County, with special emphasis on the employees of local non-profit organizations that provide important social and cultural services to the region.

4. The Specific Plan is consistent with the policies of the General Plan as follows:
 - a. Land Use Element Policies 4.1 and 4.2 will be met because the Specific Plan provides for residential development, the highest priority for development in the City, and for consideration of residential development in the M-1 zone.
 - b. Circulation Element Policy 7.4 will be met because the Specific Plan provides for tandem parking onsite as well as off-site parking for the guest parking spaces.
 - c. Circulation Element Policy 13.1 will be met because the Specific Plan area is located near employment opportunities and other urban services.

- d. Housing Element Policies 4.1 and 4.3 will be met because the Specific Plan will provide affordable residential units on an in-fill site.
- e. Housing Element Policy 5.2 will be met because the Specific Plan will allow tandem parking spaces and a reduction in the number of guest parking spaces for an affordable housing project.
- f. Housing Element Policy 6.3 will be met because the Specific Plan will provide housing opportunities for households that would not qualify for other housing programs intended to assist those with incomes below median income levels, and would provide housing designated for employees of businesses on the South Coast, with special emphasis on the staff of non-profit organizations that provide important services to the South Coast region.
- g. Noise Element Policy 3.0 will be met because the type of development allowed by the Specific Plan area is consistent and compatible with surrounding development and mitigation measures will be implemented so that the interior noise level of all units are below the City threshold.
- h. Seismic Safety-Safety Element goals will be met because the development allowed by the Specific Plan will include mitigation measures to reduce potential geologic and flood-related hazards.

SECTION THREE: The Zoning Map of the Santa Barbara Municipal Code is amended by establishing a Specific Plan (SP-10) zoning overlay on a property located at 535 E. Montecito Street (APN 031-351-010).

SECTION FOUR: The “Los Portales Specific Plan”, known as the “SP-10 Zone” is adopted to read as follows:

LOS PORTALES SPECIFIC PLAN

1. Legislative Intent.

It is the purpose of the Los Portales Specific Plan (SP-10) to establish a price-restricted multiple-family housing overlay zone on a property currently zoned M-1, Light Manufacturing (Santa Barbara Municipal Code Chapter 28.72). Although new residential development is generally prohibited in the M-1 Zone, it is the intent of this Special Plan to allow a residential development of forty-eight (48) condominium units within the Specific Plan area that provides a level of affordability equal to or greater than the terms specified in this Plan.

2. Uses Permitted.

The following uses are permitted in the Special Plan Area:

- A. Any use permitted in the M-1 Zone (Santa Barbara Municipal Code Chapter 28.72), subject to the restrictions and limitations contained in Chapter 28.72.

B. Attached multiple-family dwellings subject to the following conditions:

1. Any residential use proposed within the Specific Plan Area shall be subject to the price, occupancy, and employment restrictions specified in Section 11 of this Specific Plan, and

2. Any condominium development shall comply with Municipal Code Title 27, Subdivisions; however, Santa Barbara Municipal Code Section 27.13.040, which prohibits residential condominium development in the M-1 zone, shall not apply in this Specific Plan area, and

3. The residential project shall substantially conform to the plans approved by the Planning Commission and signed by the Commission Chair dated August 21, 2008, as determined by the Community Development Director.

3. Building Height.

Regardless of use, no building shall exceed four (4) stories or a building height of sixty (60) feet.

4. Front and Interior Setback Requirements.

No front or interior setbacks are required for projects that provide a residential component that satisfies the price, occupancy, and employment restrictions specified in Section 11 of this Specific Plan. All other projects shall observe the setback requirements of the M-1 Zone (Santa Barbara Municipal Code Chapter 28.72).

5. Distance Between Buildings on the Same Lot.

No separation between buildings is required; except, all main buildings used exclusively for residential purposes shall be no closer than ten feet (10') to any other main building on the same lot.

6. Maximum Number of Dwelling Units Allowed.

No residential project developed pursuant to this Specific Plan shall exceed forty-eight (48) residential units.

7. Outdoor Living Space.

Outdoor living space for any residential development shall be provided pursuant to the provisions applicable to the R-3 Zone (Santa Barbara Municipal Code Chapter 28.21).

8. Parking.

Parking shall be provided as required in Santa Barbara Municipal Code Chapter 28.90; however, the following exceptions to those requirements shall be allowed for

projects that provide a residential component that satisfies the price, occupancy, and employment restrictions specified in Section 11 of this Specific Plan:

A. **TANDEM PARKING.** The required parking for residential units may be provided in a tandem configuration.

B. **OFF-SITE GUEST PARKING.** Required off-street guest parking spaces for a residential use may be provided on the same lot as the use served, or on another lot, subject to the same terms and conditions on which commercial off-site parking is allowed pursuant to Santa Barbara Municipal Code Section 28.90.001.R.

9. Architectural Control.

Any development within the SP-10 Zone shall be subject to the review and approval of the Architectural Board of Review.

10. Exemption from SBMC Chapter 28.43.

Development within the SP-10 Zone is exempt from the Inclusionary Housing requirements of SBMC Chapter 28.43 – the “City of Santa Barbara Inclusionary Housing Ordinance.”

11. Price Restricted Housing Provision.

A. **GENERAL REQUIREMENT.** The residential project approved pursuant to this Specific Plan 10 shall contain forty-eight (48) residential units of which at least forty (40) units shall be constructed and offered for sale as Below-Market Price Units restricted for owner-occupancy and subject to the requirements specified in this Section 11.

B. **REQUIREMENTS FOR BELOW-MARKET PRICE UNITS.** Below-Market Price Units are subject to the following requirements:

1. **Initial Sale Price.** The average (mean) initial sale price of all Below-Market Price Units in the residential development shall not exceed \$565,000. In addition, the initial sale price of any individual Below-Market Price Unit shall not exceed \$645,000. The maximum sale prices specified in the preceding two sentences shall increase by 2.5%, compounded annually, from the effective date of the ordinance adopting this Specific Plan 10 until the close of escrow on the first sale of a Below-Market Price Unit to an owner-occupant or a period not to exceed five (5) years from the effective date of the ordinance adopting this Specific Plan 10, whichever occurs first. The average initial sale price and the maximum sale price shall be adjusted monthly on a pro-rata basis and rounded to the nearest one hundred dollars (\$100) (i.e., each month the average initial sale price and the maximum initial sale price shall be increased by 1/12 of the annual increase calculated for the year and the resulting amount shall be rounded to the nearest \$100).

2. **Resale Price.** Following the initial sale of a Below-Market Price Unit to an owner-occupant, the resale price of the Below-Market Price Unit may increase by no more than 2.5%, compounded annually, measured from the date of sale to the then current owner. The maximum resale price shall be adjusted monthly on a

pro-rata basis (i.e., each month the maximum resale price shall be increased by 1/12 of the annual increase calculated for the year) and rounded to the nearest one hundred dollars (\$100). Other adjustments to the resale price may be made in accordance with the City's Affordable Housing Policies and Procedures Manual.

3. Owners of Below-Market Price Units must occupy their unit as their principal residence, as that term is defined for federal tax purposes by the United States Internal Revenue Code.

4. Owner Employment Requirement. At the time of purchase, at least one owner of each Below-Market Price Unit shall be employed on the South Coast of Santa Barbara County, with a preference given to persons who are employed at a location within the City of Santa Barbara.

5. Duration of Restrictions. Below-Market Price Units constructed in accordance with this Specific Plan 10 must be legally restricted as to price, occupancy, and employment as specified in this Section 11 in conformance with the City's Affordable Housing Policies and Procedures Manual and as approved by the City Attorney.

6. Unrestricted Units. Units that are not designated as Below-Market Price Units may be sold without occupancy or employment restrictions.

C. CONSTRUCTION STANDARDS FOR BELOW-MARKET PRICE UNITS. Below-Market Price Units built under this Specific Plan must conform to the following standards:

1. Design. Below-Market Price Units must be dispersed throughout the Residential Development and must be comparable in construction quality and exterior design to the Market-Rate Units constructed as part of the Development. Below-Market Price Units may be smaller in aggregate size and may have different interior finishes and features than Market-Rate Units so long as the interior features are durable, of good quality and consistent with contemporary standards for new housing as determined appropriate by the Community Development Director.

2. Size and Bathroom Count. The minimum unit size of each Below-Market Price Unit shall be in conformance with the City's Affordable Housing Policies and Procedures. Absent a waiver from the Community Development Director, two-bedroom Below-Market Price Units shall have at least one and one-half bathrooms, and three-bedroom Below-Market Price Units shall have at least two bathrooms. However, the required number of bathrooms per Below-Market Price Unit need not be greater than the average number of bathrooms per unit in the Market-Rate Units.

3. Timing of Construction. All Below-Market Price Units must be constructed and made available for purchase concurrently with or prior to the construction and availability for purchase of Market-Rate Units of the Development. In phased developments, Below-Market Price Units may be constructed and made available for purchase in proportion to the number of units in each phase of the Residential Development.

12. Below-Market Price Unit Plan Processing.

A. GENERALLY. The submittal to the City of a Below-Market Price Unit Plan and recordation of an approved City affordability control covenant shall be a pre-

condition on the City Council approval of any Final Subdivision Map, and no building permit shall be issued for any residential development to which this Specific Plan applies without full compliance with the provisions of this Section 12.

B. **BELOW-MARKET PRICE UNIT PLAN.** A Below-Market Price Unit Plan shall be submitted to and approved by the Community Development Director as being complete prior to the issuance of a building permit for the residential project. The Community Development Director may require from the Applicant additional information reasonably necessary to clarify and supplement the application or determine the consistency of the Project's proposed Below-Market Price Unit Plan or construction standards with the requirements of this Specific Plan.

C. **REQUIRED PLAN ELEMENTS.** A Below-Market Price Unit Plan must include the following elements or submittal requirements:

1. The number, location, and size of the proposed Unrestricted Units and Below-Market Price Units.

2. A floor or site plan depicting the location of the Below-Market Price Units and the Unrestricted Units.

3. The design standards and typical construction materials to be used to improve the interior of a Below-Market Price Unit.

4. The methods to be used to advertise the availability of the Below-Market Price Units and select the eligible purchasers, including preference to be given, if any, to applicants who live or work within the City of Santa Barbara in conformance with the City's Affordable Housing Policies and Procedures.

5. For phased development, a phasing plan that provides for the timely development of the number of Below-Market Price Units proportionate to each proposed phase of development.

D. **PRICE, OCCUPANCY, AND EMPLOYMENT CONTROL COVENANTS.** Prior to issuance of a grading permit or building permit, whichever is requested first, a standard City control covenant must be approved and executed by the Community Development Director, executed by the Applicant/Owners, and recorded against the title of each Below-Market Price Unit. If subdivision into individual condominium units has not been finalized at the time of issuance of a grading permit or building permit, an overall interim control covenant shall be recorded against the development, and shall be replaced by a separate recorded control covenant upon the sale of each Below-Market Price Unit.

13. Eligibility for Below-Market Price Units.

A. **GENERAL ELIGIBILITY FOR BELOW-MARKET PRICE UNITS.** No Household may purchase or occupy a Below-Market Price Unit unless the City has approved the Household's eligibility, and the Household and City have executed and recorded a control covenant in the official records of the County of Santa Barbara with respect to the Below-Market Price Unit. (Such control covenant is in addition to the overall interim control covenant required of the Applicant/Owner in Subsection 12.D of this Specific Plan) The eligibility of the purchasing household shall be established in accordance with the City's Affordable Housing Policies and Procedures and any additional eligibility requirements agreed upon in writing by the Applicant and the City.

However, under this Specific Plan there are no maximum household income restrictions for buyers of the Below-Market Price Units.

B. **OWNER OCCUPANCY.** A Household which purchases a Below-Market Price Unit must occupy that unit as a principal residence, as that term is defined for federal tax purposes by the United States Internal Revenue Code.

C. **OWNER EMPLOYMENT REQUIREMENT.** At the time of purchase, at least one owner of each Below-Market Price Unit shall be employed on the South Coast of Santa Barbara County, with a preference for persons employed within the City of Santa Barbara.

14. Renewal of Controls Covenant.

A renewal of the controls covenant will be entered into upon each change of ownership of a Below-Market Price Unit and upon any transfer or conveyance (whether voluntarily or by operation of law) of an owner-occupied Below-Market Price Unit as such covenants are required in accordance with the City's Affordable Housing Policies and Procedures and this Specific Plan.

15. Area Map.

The map attached hereto as Exhibit A and labeled "Specific Plan Area 10" is hereby approved and incorporated in this Specific Plan by this reference.

16. Phasing of Multi-family Residential Project.

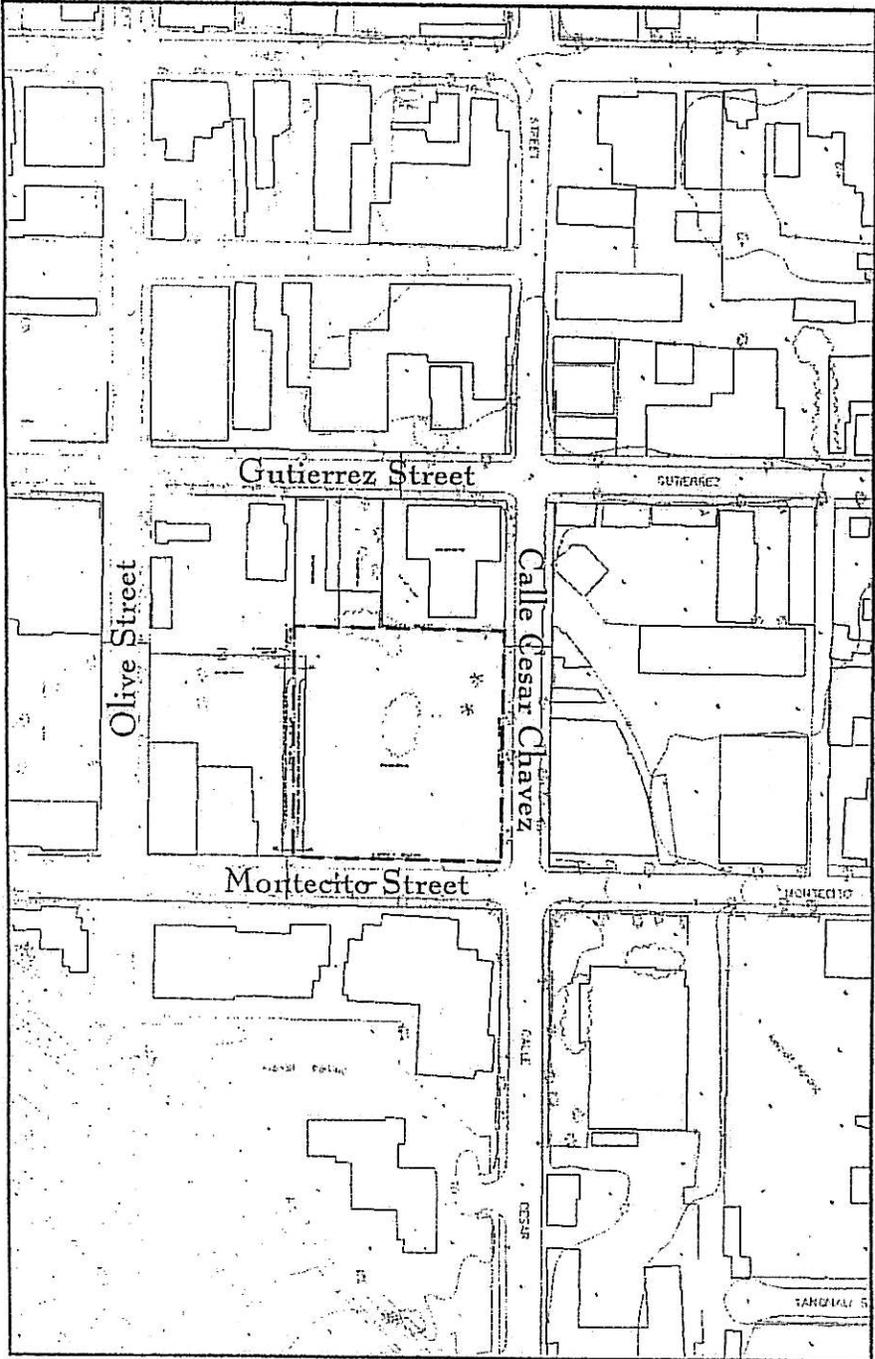
The multi-family residential project approved by Section 2(B) of this Specific Plan may, at the discretion of the property owner, be constructed and occupied in distinct phases provided that each phase shall consist of not less than eight (8) units and provided that all common area utilities and amenities are constructed with the issuance of a certificate of occupancy for the first phase of the development, as determined appropriate by the Community Development Director and the City Engineer.

17. Expiration of Specific Plan upon Failure to Obtain a Building Permit.

If a building permit for the first phase of the residential development anticipated by this Specific Plan 10 is not obtained within seven (7) years of the effective date of the Ordinance adopting this Specific Plan 10, and construction is not begun within 180 days of obtaining the permit, this Specific Plan 10 shall expire.

SECTION FIVE: The Bermant Development Company shall execute an agreement, in a form acceptable to the City Attorney, accepting the requirements of this Specific Plan and agreeing to abide by the terms and conditions of the Los Portales Specific Plan and to fully defend and indemnify the City with respect to any litigation concerning the City's approval of the Specific Plan, which agreement shall be executed by Bermant Development Company prior to the effective date of this Ordinance.

Exhibit A: Map of Specific Plan Area 10



SPECIFIC PLAN AREA 10



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Outdoor Lighting And Streetlight Design Guidelines

RECOMMENDATION:

That Council hear a report from the Streetlight Design Guidelines Advisory Group and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing And Approving The City's Outdoor Lighting And Streetlight Design Guidelines Dated As Of February 10, 2009.

DISCUSSION:

Over the past several years, City streetlight related issues have been discussed in detail by the City Boards and Commissions on a case-by-case basis as projects are reviewed through the City's development review process. Certain streetlight issues and concerns continue to resurface, such as appropriate illumination, available streetlight pole-type and light-fixture style, streetlight aesthetics, light pollution, and City fiscal impacts pertaining to maintenance of poles and fixtures. Primary areas of concern pertain to the aesthetics of the "cobra head" style light fixture, and fiscal issues associated with maintaining and installing streetlight poles and fixtures.

In response to these ongoing concerns, on March 22, 2005, Council formally established a City Streetlight Design Guidelines Advisory Group (Advisory Group) to evaluate issues and propose recommendations for Council to consider for adoption. The Advisory Group consists of representatives of Council, Planning Commission, Historic Landmarks Commission, Architectural Board of Review, Transportation and Circulation Committee, and City staff.

The goals of the Advisory Group are as follows:

- a) Review established lighting in the City, identify issues, and recommend improvements.
- b) Establish lighting styles in areas where none exist.

- c) Recommend additional lighting styles, as deemed appropriate, to increase the City inventory.
- d) Evaluate fiscal impacts pertaining to maintenance and proposed improvements; Draft Streetlight Guidelines for Council's consideration.

The Advisory Group made several presentations to each of the Boards and Commissions listed above and to the Single Family Design Board. At the meetings, staff also received public input. The Boards and Commissions have unanimously recommended that the proposed Outdoor Lighting and Streetlight Design Guidelines (Attachment 1) be forwarded to Council for formal approval.

Additionally, the Advisory Group updated the 1997 adopted Outdoor Lighting Design Guidelines, as it was opportune to combine the existing Outdoor Lighting Guidelines with the Streetlight Design Guidelines for convenience and consistency. A summary of changes to the current Outdoor Lighting Guidelines is included as Attachment 2.

The proposed Streetlight Design Guidelines include the following highlights:

- Light pollution shall be minimized.
- New and retrofitted existing light fixtures shall be as energy efficient as feasible.
- Streetlights should have a city-wide consistent theme, within which variation can occur.
- Standardize a limited number of pole and fixture combinations.
- The cobra head light fixture shall be phased out over time on a project by project basis.
- Integrate existing and new guidelines for appropriate locations of streetlights and requests for new streetlights.
- Maximize improvements in aesthetics, functionality, energy efficiency, and maintenance by the most cost effective means.
- Enhance safety and security for pedestrians.
- Establish streetlight styles in areas where none exist.
- Address streetlight fiscal impacts.
- A City Streetlight Style and Location Map that identifies the existing streetlights within the City. The map also includes recommended poles and light fixtures.

A standard City development condition of approval for streetlights related to new developments and subdivisions will be prepared by the City Attorney's Office. It will provide that the placement and standards for new City streetlights will be determined by the City Engineer on a project by project basis in accordance with the Streetlight Design Guidelines.

BUDGET/FINANCIAL INFORMATION:

Currently, the City only budgets for limited maintenance of existing streetlights. No new budget is being proposed to implement the proposed Streetlight Design Guidelines.

The Boards and Commissions were made aware that project by project approval will be the means to implement the proposed guidelines.

SUSTAINABILITY IMPACT:

The proposed guidelines emphasize and promote energy efficiency. A new light fixture is proposed to be added to the City inventory that can be easily converted to Light Emitting Diode technology when the City determines the technology is advanced enough to be cost effective.

- ATTACHMENT(S):**
1. Outdoor Lighting and Streetlight Design Guidelines (Exhibit A to Resolution)
 2. Summary of changes to the current Outdoor Lighting Design Guidelines

PREPARED BY: John Ewasiuk, Principal Civil Engineer/JE/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



OUTDOOR LIGHTING AND STREETLIGHT DESIGN GUIDELINES

Summary of Changes

General

- ◆ The new Streetlight Design Guidelines have been incorporated together with an update of the 10-year-old Outdoor Lighting Design Guidelines. The committee working on this project felt it made more sense to have a “one source” document for the City’s lighting requirements, which necessitated updating the Outdoor Lighting Guidelines at the same time.
- ◆ In addition to the previous review of the Streetlight Design Guidelines at the City’s boards and commissions, a publicly noticed meeting was held with invitations sent out to lighting designers, electrical engineers, manufacturers’ representatives, etc., to solicit input on the development of the Streetlight Guidelines and revisions to the Outdoor Lighting Design Guidelines.
- ◆ While some felt the document could be considerably shorter if redundant information was removed, it was generally agreed that the existing format that allows users, whether they be designers, reviewers, or staff, to find all the information needed in any given section, was useful and reflected the reality of its use.
- ◆ The new guidelines format has an Introduction, statement of Objectives, and path to Compliance, followed by two major subdivisions: the updated Outdoor Lighting Guidelines and the new Streetlighting Guidelines. These are followed by Appendices, including a glossary with illustrations, the text of the Outdoor Lighting Ordinance from the Municipal Code, a proposed compliance statement form, a comparison of lamp types and outputs, and plan review checklists.
- ◆ The Introduction adds new language that “recognizes that industry standards for recommended minimum light levels may not be compatible with or appropriate for the aesthetic standards of the City”. In conjunction with this statement, City Council is requested to petition the California Energy Commission to categorize Santa Barbara in Lighting Zone 2 (LZ2), instead of the current LZ3, which is the same as Los Angeles.
- ◆ The Introduction also adds statements of intent regarding streetlighting.
- ◆ The Objectives statement emphasizes energy conservation and preserving the quality of the night sky, as well as objectives for streetlighting.
- ◆ The new section on Compliance suggests an approach to better compliance, recognizing that in the 10 years since the ordinance and guidelines were implemented, very few design reviewers or staff are aware of its requirements (or even existence), let alone being trained in its application. While it is important that a staff person be designated and trained to review applications for compliance, this proposed approach puts the responsibility on the preparer of the plans to certify that they have familiarized themselves with the Ordinance and Guidelines, and that the plans submitted comply. While no approach is likely to avoid all potential problems with lighting installations, it is hoped that this approach will not only make preparers of lighting plans more thoughtful about the City’s requirements, but also be a useful tool should enforcement be required. Appendix C proposes compliance statements to be included on lighting plans for both Outdoor Lighting and Streetlighting projects.
- ◆ Checklists have been prepared for use by design review bodies and staff to aid in effective review of applications. These are specific to project type, i.e. parking lot, gas station, etc., and will serve as a reminder of what to look for, or ask for, on the plans, with references to the appropriate section of the Guidelines for more specific information. They will also be useful to applicants in preparing a complete submittal.

OUTDOOR LIGHTING & STREETLIGHT DESIGN GUIDELINES

Outdoor Lighting

- ◆ The requirement for “cut-off” lighting fixtures was generally changed to “full cut-off” to promote energy efficiency and dark-sky objectives.
- ◆ High Pressure Sodium (HPS) lighting was retained as the standard for parking lots, while use of Metal Halide was discouraged. However, the document recognizes newer and other lamp technologies may be acceptable if warm color quality can be demonstrated.
- ◆ The statement was added that fixtures with adjustable aiming angle are generally not allowed. This occurs in sections on parking lots, auto sales lots and gas stations, and security lighting.
- ◆ Additional information was added regarding lantern-type fixtures used for area lighting. They were previously limited to 100 watts, but now require techniques to shield view of the lamp unless they are cut-off or low output. This applies to parking lots, gas stations, etc.
- ◆ The statement requiring photocell and timer controls which occurs in various sections was changed to “controls as required by Title 24 Lighting Standards” since they are now a State requirement.
- ◆ The section previously titled “Exterior Sales and Service Areas” has been re-titled “Service Stations, Automobile Dealerships, and Exterior Sales Areas”. This is to reflect that this section primarily covers the first two uses, and other types of “exterior sales areas” rarely arise. This should help make it easier for users and reviewers to find the appropriate section.
- ◆ Illuminance levels for Automobile Sales have been subdivided into two areas. The previous specification for 70 foot-candles remains for the area now defined as Calle Real, Hope Avenue, and Hitchcock Way. Sales lots in all other areas of the City are limited to 30 foot-candles to assure that small dealerships on Chapala Street and Milpas Street aren’t lit to the same levels as the Auto Center dealerships. It is also required that lighting be considered for appropriateness with the ambiance of the neighborhood.
- ◆ A statement has been added to discourage the lighting technique, sometimes employed on auto sales lots, that positions lighting to increase reflections from windshields in order to attract more attention, the consequence of which is more nuisance glare.
- ◆ Landscape and Building Lighting section has minimal changes, except for statement calling attention to compact fluorescent lamps (CFLs) used in traditional fixture types (lanterns) where the lamp is exposed to view. It requires the use of a diffusing shade, diffusing glass panels, or lamp shape resembling traditional incandescent.
- ◆ Security Lighting section remains unchanged except for a statement discouraging fixtures with adjustable aiming angle.
- ◆ Several entirely new sections were added to the Guidelines. A new section was added for Parking Garages, because design board experience has shown that they occur more commonly now than when ordinance and guidelines were written 10 years ago. Primarily, this section focuses on a “transition” zone that occurs at the garage entrance recognizing a complex lighting problem: During the day, the entrance needs to be brighter than the garage interior to allow your vision to transition from bright daylight to the dim interior; but at night the opposite conditions exist, and your vision needs to transition from dim streetlighting to relatively bright garage interior. This is addressed with a requirement for controls to manage this dual lighting level. This section also requires that garage lighting be shielded from view. This section makes a foot-candle plot mandatory for the area from the garage entrance to the furthest interior point visible from the street.
- ◆ An new section was added for ATM machines. It mainly discourages more lighting than State law requires and addresses glare and compatibility with architecture. It also encourages small-size machines and minimal signage. The intent of this section is to discourage the use of ATMs as visual competition and as a means of attracting attention to a particular financial institution.
- ◆ A new section was added for Sports and Recreation Lighting. These particular projects are infrequent, and as they all have unique circumstances, this section is limited to basic considerations. It also serves to establish that such uses are in fact covered by the Ordinance and Guidelines.
- ◆ A new section was added for Sign Lighting. The existing Sign Ordinance and Guidelines do not contain much specific information on sign lighting, and it was deemed best to include it here as a primary resource for lighting information.

Streetlighting and Pedestrian Lighting

- ◆ This section has probably changed little in content since last reviewed by the Boards and Commissions. The information has been formatted for consistency with the Outdoor Lighting Guidelines. It is primarily a statement of objectives covering energy efficiency, ambiance, establishment of “opportunity corridors”, neighborhood identity, and reasonable standardization to control maintenance costs.
- ◆ It provides a framework for the Public Works (PW) Department and the design review boards and commissions to agree upon solutions for given situations in order to streamline PW’s approval process. These understandings would be reflected on the “City Streetlight Map” which would be updated by PW and in their “Public Works Construction Standard Details” manual.
- ◆ This section also provides a framework for review and approval of pedestrian lighting, which are the fixtures and poles usually of a similar style but smaller scale than streetlights, and installed at a lower height and closer spacing than streetlighting.

Appendices

- ◆ Appendix A & B include information on exceptions and references to other documents that was previously located elsewhere in the original Outdoor Lighting Guidelines.
- ◆ The proposed compliance statement form is contained in Appendix C, which applies only to Outdoor Lighting projects. It was not deemed necessary for Streetlight projects.
- ◆ Appendix D contains a comprehensive glossary which provides useful information on common lighting terminology, descriptive information about design review boards and city agencies, and illustrations of common fixture types found in Santa Barbara.
- ◆ Appendix E provides two tables comparing the light output of different types of common lamps. With more new lighting technologies available and developing, all with different efficiencies, it was felt to be more useful to compare output brightness, rather than input watts. The tables are arranged in order of brightness, making it easy for users to relate the brightness of a compact fluorescent lamp to a familiar incandescent lamp.
- ◆ Appendix F excerpts the text of the Outdoor Lighting Ordinance from the Municipal Code. It is included to facilitate access to this information by designers, rather than having to find it on the City’s website. In the print version of these Guidelines, a statement advises readers to check the City’s website for revisions to the ordinance. In an online version of the Guidelines, there would simply be a link to that URL.
- ◆ Appendix G contains all the checklists corresponding to each section of the Outdoor Lighting Guidelines. These are formatted so that each is contained on separate sheets from other checklists, to facilitate printing the relevant checklist(s) that applies to a specific project for use in design review, or for including in project files.
- ◆ Appendix H is the Public Works Department’s “City Streetlight Map” which is indicated as being available at the PW permit counter. It is a 24”x36” document, and was not considered necessary to include in copies of the actual Guidelines.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SANTA BARBARA ESTABLISHING AND
APPROVING THE CITY'S OUTDOOR LIGHTING
AND STREETLIGHT DESIGN GUIDELINES DATED
AS OF FEBRUARY 10, 2009

WHEREAS, for several years recently, City streetlight related concerns have been discussed in detail by the City Boards and Commissions on a case-by-case basis as new development projects and subdivisions are reviewed and processed through the City's development review process;

WHEREAS, certain public streetlight concerns continue to resurface, such as the appropriate amount of illumination, the available streetlight pole-types and light-fixture styles, streetlight aesthetics, light pollution, as well as the fiscal impacts on the City pertaining to maintenance of the different types of streetlight poles and fixtures;

WHEREAS, the primary areas of concern relates to the aesthetics of the certain styles of streetlight fixtures and to the cost issues incurred by the City associated with maintaining and installing various different streetlight poles and fixtures;

WHEREAS, in March of 2005, the City Council formally established a City Streetlight Design Guidelines Advisory Group, consisting of representatives of City Council, Planning Commission, Historic Landmarks Commission, Architectural Board of Review, Transportation and Circulation Committee, and City staff (hereinafter the "Advisory Group") in order to evaluate these concerns and to propose recommendations and possible guidelines on this subject to the City Council;

WHEREAS, the Advisory Group made several presentations to concerned City Boards and Commissions and received public input on the identified concerns and the City Boards and Commissions unanimously recommended that the proposed City Outdoor Lighting and Streetlight Design Guidelines (Exhibit A – dated as of February 10, 2009) be formally approved by the City Council; and

WHEREAS, the Advisory Group also updated the City's 1997 adopted Outdoor Lighting Design Guidelines, as it was opportune to combine the existing Outdoor Lighting Guidelines with the Streetlight Design Guidelines for convenience and consistency and it has also recommended these updated Lighting Design Guidelines for City Council approval.

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

SECTION 1. The City of Santa Barbara's Outdoor Lighting and Streetlight Design Guidelines dated as of February 10, 2009, and attached hereto as Exhibit A are hereby approved.

SECTION 2. The City Engineer is hereby directed to prepare a standard City condition of approval for newly-approved development and subdivisions within the City (in the manner provided for and allowed by the Santa Barbara Municipal Code) for the placement and design of appropriate City streetlights in accordance with these Guidelines and established Public Works standards, which condition of approval shall be approved as to form by the City Attorney.



 **OUTDOOR LIGHTING
&
STREETLIGHT
DESIGN GUIDELINES**



OUTDOOR LIGHTING AND STREETLIGHT DESIGN GUIDELINES

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An oversized document, available at the Public Works Department permit counter	
630 Garden Street	
Phone 805-564-5388	

INTRODUCTION

(NOTE: Words in ***bold italics*** are defined in the Glossary.)

Santa Barbara possesses a rich architectural heritage and a uniquely beautiful scenic environment. At night, lighting is an integral component of this built and natural environment. It is important that illumination is intelligently planned to complement this setting, while providing a cohesive appearance for the City's residential and commercial neighborhoods, and to preserve the semi-rural character that exists in many areas.

Safety and security for persons and property are also of paramount concern, and it is necessary to recognize the importance of quality of light versus quantity. These guidelines are intended to promote high quality lighting, efficient use of energy, and to reduce negative aspects resulting from poor lighting design such as light pollution, glare, light trespass, and wasted energy through misdirected light.

The City of Santa Barbara recognizes that industry standards for recommended minimum light levels may not be compatible with or appropriate for the aesthetic standards of the City. Appropriate lighting should always consider the brightness of surrounding conditions. Less light, and therefore less energy, is required when there is a consistency between lighting installations. Lighting levels appropriate in larger urban areas are not compatible with Santa Barbara's ambience.

The "streetscapes" of Santa Barbara are an important contributing element, both during the day, when attractively designed streetlighting poles and fixtures are visible, and at night, when the quality of light creates an ambience and provides safety for pedestrians, vehicles, and alternative modes of transportation. During the day, patterns and rhythms of streetlighting poles and fixtures are juxtaposed against the City's unique architectural landscape, and should not only be harmonious in their details and colors, but should also contribute to defining neighborhoods, scenic and circulation corridors, and historic districts.

The design policies and examples set forth in these Guidelines are not intended to discourage unique and inventive design solutions. Instead, they serve to assist the City's decision makers and staff, architects, lighting designers, and applicants with an understanding of concepts behind good lighting design and a means to achieve that goal by establishing parameters enabling reviewers to determine that the intent of the Ordinance and Guidelines has been met.

These Guidelines supplement, and should be used in conjunction with, the City's Outdoor Lighting Ordinance contained in Municipal Code Chapter 22.75 (see Appendix F), and the ***Public Works Construction Standard Details***. Other laws or ordinances may require minimum or maximum illumination levels for specific applications and may conflict with these Guidelines. In such cases, those laws or ordinances shall govern.

OBJECTIVES

- ◆ To promote a high standard for quality of lighting in commercial and residential areas of the City, and to assure lighting installations are subtle, appropriate, and avoid over-lighting, glare, and light pollution.
- ◆ To acknowledge the objectives of the ***International Dark Sky Association*** and strive to preserve and restore view of the night sky.
- ◆ To assure maximum energy efficiency in new and replacement lighting installations, and to encourage the use of new technologies when they can be aesthetically integrated, including energy efficient light sources and solar energy.
- ◆ To recognize patterns defined by existing streetlighting types and to encourage recognition of opportunities in reviewing projects for implementation of this Guideline's goals.
- ◆ To promote efficiencies in specification of streetlighting installations through utilization of the ***Public Works Construction Standard Details*** for streetlight pole and fixture types, while achieving a desired variety to define areas through variations in poles, fixtures, and accessories.
- ◆ To expedite the approval process for streetlight installations where the City's ***Design Review Boards*** have established a designated design standard.

COMPLIANCE

(NOTE: Words in ***bold italics*** are defined in the Glossary.)

To achieve “good lighting design” requires both technical expertise and artistic creativity. Lighting ordinances and guidelines can only succeed to a point in using technical metrics, or subjective descriptions of a desired look. It is anticipated that these Guidelines will be used by a variety of different users with a wide range of expertise in lighting design, and therefore employ a mix of technical requirements where necessary, as well as descriptive elements in order to guide the user toward a design that will be compatible with Santa Barbara’s unique character.

Ultimately, it is the responsibility of the applicant to become familiar with these Guidelines in order to understand the City’s objective for “good lighting design”. All plans submitted for review and approval for lighting covered under Section I – Building & Site Lighting, shall include a Compliance Statement per Appendix C.

SECTION I – Building & Site Lighting

These Guidelines apply to all outdoor lighting in the City of Santa Barbara, including new installations, expansions of existing installations, and renovations or replacements of existing installations. Routine maintenance, such as replacement of lamps and ballasts, does not constitute renovation or replacement provided such changes do not result in a higher light output, and lamps and ballasts are for the same source (lamp type) as originally approved. Projects in all land use zones for which review is required by the Architectural Board of Review, the Single Family Design Board, the Sign Committee, or the Historic Landmarks Commission, shall be reviewed for conformance with the City’s Lighting Ordinance and these Guidelines.

Plans submitted for review and approval shall provide information sufficient to demonstrate compliance with the requirements of these Guidelines, including plan and elevation drawings, manufacturers’ fixture cut-sheets, lamp type and wattage, the required Compliance Statement (Appendix C), and additional information that may be required under certain sections of these Guidelines, or as requested by City staff or the ***Design Review Board***, such as ***foot-candle plots*** or controls. Changes after approval are subject to the same review process.

SECTION II – Streetlighting & Pedestrian Lighting in the Public Right-of-Way

Plans submitted for review and approval shall include information sufficient to demonstrate compliance with the requirements of these Guidelines. Additional information may be required as requested by Public Works Department staff or the ***Design Review Board***, where applicable. Changes after approval are subject to the same review process.

— SECTION I — Building & Site Lighting

(NOTE: Words in ***bold italics*** are defined in the Glossary.)

Part One - General Guidelines

- ◆ Lighting fixtures should be appropriate to the style of architecture or aesthetically concealed from view. (See also Guidelines for ***El Pueblo Viejo District***.)
- ◆ Illumination levels should be appropriate to the type of use proposed, the architectural style of the structure, and the overall neighborhood.
- ◆ Lighting shall be designed to control ***glare***, minimize ***light trespass*** onto adjacent properties, minimize ***direct upward light emission***, promote effective security, and avoid interference with the safe operation of motor vehicles. The minimum intensity needed for the intended purpose should be used. This paragraph is not intended to preclude the use of decorative ***lantern*** fixtures with visible lamps, provided they meet other provisions of these guidelines.

General Guidelines, Cont'd.

- ◆ Lighting of building facades should be considered for appropriateness, and is generally discouraged as it is not consistent with energy conservation goals and the ambiance of Santa Barbara.
- ◆ Blinking, moving, or changing intensity of illumination; illumination of roofs; and internal illumination of awnings are not allowed. Strings of small lights attached to buildings are not allowed except for temporary holiday installations between the last week of November and the first week of January of the following year.
- ◆ In the Hillside Design District, light fixtures for landscape, recreation, or building lighting should not emit undesirable light rays, either direct or reflected, into the night sky. Such lighting could create **skyglow**, which is inconsistent with rural residential areas.
- ◆ In all residential areas, illumination levels should be appropriate for residential uses. Lighting for commercial installations proximate to residential uses should be designed to be compatible with residential illumination levels.
- ◆ Lighting of signs shall be reviewed by the Sign Committee and shall be consistent with these guidelines.

Part Two - Specific Guidelines

A. Parking Lots and Traffic Areas (Excluding the Public Right of Way)

Goals:

- ◆ To provide cohesive and homogenous general illumination for parking lots and traffic areas that is similar to the warm color quality of **incandescent** lighting.
- ◆ To provide adequate light levels for safety and uniformity, but avoid **glare** and overlighting. **Design Review Boards** may approve higher light levels than stated below, where necessary in limited areas for additional safety and security.
- ◆ To promote the use of **full cut-off** type fixtures for area lighting and limit the use of decorative **lanterns** to lower level accent lighting.
- ◆ To maximize opportunities for energy conservation, while avoiding **glare** and **light trespass**, in design of lighting installations through selection of fixture type, lighting technology and location, and control of light levels.
- ◆ To integrate design of lighting installations with adjacent architecture and landscape.
- ◆ To meet or exceed the currently adopted **Title 24 Lighting Standards**.

Guidelines:

1. Lighting technologies currently recognized as meeting these guidelines are **High Pressure Sodium (HPS)**. The use of Deluxe **HPS** lamps is encouraged to provide high color rendering ability. **Metal Halide (MH)** lighting is discouraged. Other types such as **Light Emitting Diode (LED)** and **Induction Lighting** may be acceptable if it can be demonstrated that they can provide a warm color quality.
2. Lamps in **cut-off fixtures** should be a maximum of 400 watts. Horizontal lamp mounting and flat glass lenses are preferred. "Sag" or "drop" lenses result in excessive glare and are not acceptable. Additional **shielding** of fixtures shall be required as determined by the **Design Review Board** to avoid **light trespass** and **glare** viewed from adjacent properties and streets.
3. Lamps in **lantern** type fixtures where the lamp is not **shielded** should not exceed a maximum of 3800 **lumens** per fixture. Additional means may be required to minimize **glare**, such as the use of refractors, louvers, or patterned or translucent glass to obscure view of the lamp. (See Appendix E, Comparison of Lamp Types and Lumen Outputs)

Parking Lots and Traffic Areas, Cont'd.

4. Fixtures with an adjustable aiming angle present potential for skyglow and light trespass problems, and are generally not allowed.
5. Fixtures should be in scale with proposed pole height. Building elevations with poles and fixtures superimposed shall be provided for review. Lighting fixtures and poles should be appropriate to the style of architecture.
6. Total pole and fixture height should be a maximum of 20 feet, measured from grade at the base. Poles, concrete bases, and fixtures should be appropriate in scale for the buildings and lot. Less height, closer spacing, and lower wattage may be required. Taller poles may be considered in some situations, but should not conflict with tree canopies.
7. Pole lighting fixtures shall be shown on landscape plans to demonstrate coordination of fixtures and tree planting.
8. Lighting installations shall be equipped with controls as required by **Title 24 Lighting Standards**. Plans submitted shall specify the proposed off-time. This requirement shall include a provision for reduced light levels or reduced number of fixtures for after-hours security.
9. Average horizontal illuminance should target 1 foot-candle, measured at ground level, but should in no case exceed 1.5 foot-candles. **Design Review Boards** may approve higher light levels where necessary in limited areas for additional safety and security.
10. The uniformity ratio between maximum and minimum illuminance should not exceed 5:1. In general, 400 watt **HPS** lamps should not be mounted lower than 16 feet above ground, nor should 250 watt **HPS** lamps be lower than 12 feet.
11. It is important that lighting installations meet both the requirement for average horizontal illuminance, as well as the requirement for uniformity ratio.

Note: *The following additional requirements apply to all new installations. These requirements also apply to expansions, replacements, or renovations of existing projects, unless deemed by City Staff and Design Review Board to be minor in nature.*

12. Provide a **foot-candle plot** on a site plan showing illuminance to 20 feet beyond property line. Show minimum, average, and maximum foot-candles and the uniformity ratio. Where adjacent to residential uses, illuminance should not exceed 0.1 (1/10) foot-candle at 10 feet beyond property line. Where adjacent to commercial uses, illuminance should not exceed 0.2 (2/10) foot-candle at 10 feet beyond property line.

13. The above calculations for minimum, average, and maximum foot-candles and uniformity ratio shall be based on a statistical area that does not include points beyond property line or more than 1.5 pole heights measured horizontally from the base of pole. Include all points within the pole field.

NOTE: Where the proposed lighting cannot be adequately represented by a point-by-point foot-candle plot, such as due to topographic features or the presence of existing buildings, City Staff or the Design Review Board may require a computer-rendered 3D lighting model.

B. Parking Garages

Goals:

- ◆ To effect a safe and visually subtle transition from garage entrances and interiors to ambient daylight by day and to streetlighting and pedestrian lighting in the public right-of-way by night.
- ◆ To provide adequate light levels for safety and uniformity, but avoid overlighting and view of illumination sources from the public right-of-way. **Design Review Boards** may approve higher light levels than stated below, where necessary in limited areas for additional safety and security.

Parking Garages, Cont'd.

- ◆ To maximize opportunities for energy conservation through selection of fixture type, lighting technology and location, and control of light levels.
- ◆ To meet or exceed the currently adopted **Title 24 Lighting Standards**.

Guidelines:

- 1.** Lighting technologies currently recognized as meeting these guidelines are **High Pressure Sodium (HPS)** and **Fluorescent**. The use of Deluxe **HPS** lamps is encouraged to provide high color rendering ability. **Metal Halide (MH)** lighting is discouraged, and is not allowed in the transition zone. Other types such as **Light Emitting Diode (LED)** and **Induction Lighting** may be acceptable if it can be demonstrated that they can provide a warm color quality.
- 2.** The transition zone is the area that occurs at vehicle and pedestrian entrances and exits, between the ambient daylight or streetlighting and garage interior lighting, extending 60 feet into the building from the exterior face. Illuminances greater than the interior lighting may be needed during the day for the transition from full daylight to the relatively low interior illuminances. Illuminances less than the interior lighting may be needed during the night for the transition from lower streetlighting levels to the relatively bright interior illuminances. Lighting installations shall be equipped with controls as required by **Title 24 Lighting Standards** and as required to provide for daytime and nighttime illumination levels.
- 3.** Brightness of the garage interior as viewed from vehicle entrances and exits is inconsistent with the ambient lighting of the City and must be carefully considered. Directed task lighting is preferred over higher general illumination. Lighting should reflect the color and intensity characteristics of streetlighting and site lighting, and glare resulting from direct view of illumination sources must be avoided.
- 4.** Where the interior of the garage at grade level or higher is visible from outside the building, either through vehicle entrances and exits or other openings in the building walls, **glare** resulting from direct view of illumination sources must be minimized by careful placement and/or **shielding** of fixtures.
- 5.** Pole-top fixtures, where installed on the roof parking level, shall be **full cut-off** fixtures. Considerations for appropriate design include minimizing pole height, and avoiding placement of poles at the perimeter of the building. **Metal Halide** lighting is not acceptable for roof level pole-top fixtures.
- 6.** Where **Metal Halide** lighting is used in the garage interior, the walls, if painted, should be of a color that will help to warm the reflected light.
- 7.** Where **HID** lighting is used, **Cut-off** fixtures with horizontal lamp mounting and flat glass lenses are preferred. "Sag" or "drop" lenses result in excessive glare and are not acceptable.
- 8.** Where not otherwise required by **Title 24**, additional lighting controls for garage interior lighting are encouraged for energy conservation to provide reduced illumination levels when appropriate.
- 9.** Average horizontal illuminance should target 1 foot-candle, measured at ground level, but should in no case exceed 1.5 foot-candles. **Design Review Boards** may approve higher light levels where necessary in limited areas for additional safety and security.
- 10.** Provide a **foot-candle plot** showing illuminance at the transition zones and to the furthest floor area visible from the vehicle entrance or exit. Show minimum, average, and maximum foot-candles and the uniformity ratio. Illuminance should not exceed the ambient streetlighting level at 10' feet beyond the vehicle entrance or exit.
- 11.** Plans submitted for review shall show sufficient plan, detail, section, and finish information for staff and the **Design Review Board** to determine that the above guidelines have been met.

C. Service Stations, Automobile Dealerships, and Exterior Sales Areas

Goals:

- ◆ To meet or exceed the currently adopted **Title 24 Lighting Standards**.
- ◆ To harmonize with adjacent businesses and avoid use of lighting as a means of competition.
- ◆ To promote the use of **full cut-off** type fixtures for area lighting and limit the use of decorative **lanterns** to lower level accent lighting.
- ◆ To maximize opportunities for energy conservation, while avoiding **glare** and **light trespass**, in design of lighting installations through selection of fixture type, lighting technology and location, and control of light levels.
- ◆ To integrate design of lighting installations with adjacent architecture and landscape.

Guidelines:

1. Lighting technologies currently recognized as meeting these guidelines are **High Pressure Sodium (HPS)**, **Metal Halide (MH)**, and **Fluorescent**. New technologies including **Light Emitting Diode (LED)** and **Induction Lighting** may be considered.
2. Lamps in **cut-off fixtures** should be a maximum of 400 watts. Horizontal lamp mounting and flat glass lens are preferred over vertical lamp mounting. "Sag" or "drop" lenses result in excessive **glare** and are not acceptable. Additional **shielding** of fixtures shall be required as determined by the **Design Review Board** to avoid **light trespass** and **glare** viewed from adjacent properties and streets.
3. Lamps in **lantern** type fixtures where the lamp is not **shielded** should not exceed a maximum of 3800 **lumens** per fixture. Except for low-wattage lamps, additional means may be required to minimize **glare**, such as the use of refractors, louvers, or patterned or translucent glass to obscure view of the lamp. (See Appendix E, Comparison of Lamp Types and Lumen Outputs)
4. Fixtures with an adjustable aiming angle present potential for **glare**, **skyglow** and **light trespass** problems, and are generally not allowed.
5. Fixtures should be in scale with proposed pole height. Provide an elevation of the building with poles and fixtures superimposed for review. Lighting fixtures and poles should be appropriate to the style of architecture.
6. Total pole and fixture height should be a maximum of 20 feet, measured from grade at base. Poles, concrete bases, and fixtures should be appropriate in scale for the buildings and lot. Less height, closer spacing and lower wattage may be required. Taller poles may be considered in some situations, but should not conflict with tree canopies.
7. Pole lighting fixtures shall also be shown on landscape plans to demonstrate coordination of fixtures and tree planting.
8. Lighting installations shall be equipped with controls as required by **Title 24 Lighting Standards**. Plans submitted shall specify the proposed off-time. This requirement shall include a provision for reduced light levels or reduced number of fixtures for after-hours security.
9. Fixtures mounted in service station canopies should be fully recessed, where feasible, and with flush or recessed diffusers. Where the underside of a canopy is sloping, fixtures should be adjustable or of a type to permit aiming straight down. All fixtures shall be designed to control **glare**. "Sag" or "drop" lenses result in excessive **glare** and are not acceptable.
10. For service station canopies, illuminance should not exceed 40 foot-candles average, with a maximum of 60 foot-candles measured at ground level.
11. For automobile sales areas in the area of Calle Real, Hope Avenue, and Hitchcock Way, illuminance shall be a maximum of 70 foot-candles measured at ground level.

Service Stations, Automobile Dealerships, and Exterior Sales Areas, Cont'd.

12. For automobile sales areas in all other areas of the City, illuminance shall be a maximum of 30 foot-candles measured at ground level. *Design Review Boards* may approve higher light levels for limited accent lighting where appropriate.

13. Glare from light reflected from automobile windshields in display lots is not acceptable and should be minimized by careful design of the lighting installation. Glare can result from fixtures with an adjustable aiming angle or intentionally low mounting heights.

14. For these and all other types of exterior sales areas, lighting levels shall be reviewed for appropriateness with the ambiance of the surrounding neighborhood.

Note: *The following additional requirements apply to all new installations. These requirements also apply to expansions, replacements, or renovations of existing projects, unless deemed by City Staff and Design Review Board to be minor in nature.*

15. Provide a *foot-candle plot* on a site plan showing illuminance to 20 feet beyond property line. Show minimum, average, and maximum foot-candles and uniformity ratio. Where adjacent to residential uses, illuminance should not exceed 0.1 (1/10) foot-candle at 10 feet beyond the property line. Where adjacent to commercial uses, illuminance should not exceed 0.2 (2/10) foot-candle at 10 feet beyond property line.

16. The above calculations for minimum, average, and maximum foot-candles and uniformity ratio shall be based on a statistical area that does not include points beyond the property line or more than 1.5 pole heights measured horizontally from the base of pole.

NOTE: Where the proposed lighting cannot be adequately represented by a point-by-point foot-candle plot, such as due to topographic features or the presence of existing buildings, City Staff or the Design Review Board may require a computer-rendered 3D lighting model.

D. Landscape, Hardscape, and Building Lighting

Goals:

- ◆ To meet or exceed the currently adopted *Title 24 Lighting Standards*.
- ◆ To integrate energy conservation, new lighting technologies, and traditional fixture design characteristics when used with period architectural styles, such as in *El Pueblo Viejo*.
- ◆ To harmonize with adjacent businesses and avoid the use of lighting as a means of competition.
- ◆ To promote the use of *full cut-off* type fixtures for area lighting and limit the use of decorative *lanterns* to lower level accent lighting.
- ◆ To maximize opportunities for energy conservation, while avoiding *glare* and *light trespass*, in design of lighting installations through selection of fixture type, lighting technology and location, and control of light levels.
- ◆ To integrate design of lighting installations with adjacent architecture and landscape.

Guidelines:

1. Lighting technologies currently recognized as meeting these guidelines are *High Pressure Sodium (HPS)*, *Metal Halide (MH)*, *Fluorescent*, *Induction Lighting*, or *Light Emitting Diode (LED)*. Mercury Vapor (MV) may be used for illuminating landscaping. Incandescent lighting may be used for accent lighting, as allowed by *Title 24 Lighting Standards*. The use of colored lamps or filters is discouraged.

2. Landscape lighting should be subtle, and should be carefully *shielded* to avoid view of the source. Uplighting of landscaping should be limited to a select few elements, and should be designed to avoid *skyglow*.

Landscape, Hardscape, and Building Lighting, Cont'd.

3. Hardscape lighting includes path lights, ***bollards***, and post-top lights (other than as covered in Guidelines "A - Parking Lots and Traffic Areas", and "C - Service Stations, Automobile Dealerships, and Exterior Sales Areas"), and should use the minimum intensity required for the intended purpose. Fixtures and placement should be designed to avoid ***glare, light trespass*** onto adjacent properties, and ***skyglow***.
4. Building lighting includes fixtures mounted to building surfaces, recessed downlighting, and fixtures aimed at the building. Building lighting should use the minimum intensity required for the intended purpose. Fixtures in which the lamp is not ***shielded***, such as ***lanterns***, should be low intensity to avoid ***glare***, and should generally be used for decorative and local lighting, and not for area lighting.
5. For Hardscape and Building lighting, lamps in fixtures where the lamp is not ***shielded*** should not exceed a maximum of 2700 ***lumens*** per fixture in commercial zones and 1200 ***lumens*** in residential zones. Lighting of building facades should be considered for appropriateness to the ambiance of Santa Barbara, and should be subtle. (See Appendix E, Comparison of Lamp Types and Lumen Outputs)
6. Additional means may be required to minimize ***glare***, such as the use of refractors, louvers, or patterned or translucent glass to obscure view of the lamp and diffuse the light output. (See Appendix E, Comparison of Lamp Types and Lumen Outputs)
7. Lighting installations shall be equipped with controls as required by ***Title 24 Lighting Standards***. Plans shall specify the proposed off-time. This requirement shall include a provision for reduced light levels or reduced number of fixtures for after-hours security.
8. Lighting fixtures shall also be shown on landscaping plans to demonstrate coordination of fixtures with trees and plants.
9. Area lighting fixtures and poles should be appropriate to the style and scale of the architecture.
10. Special attention must be given to the use of compact ***fluorescent*** lamps (also known as CFLs) in traditional fixture types, or in any fixture where the lamp is exposed to view. Use of opal or diffusing glass, or an accessory such as an internal diffusing shade may be necessary to conceal view of the lamp, unless the lamp is of a shape that closely resembles a traditional incandescent lamp. CFL color temperature should be approximately 3000°K.

E. Security Lighting

Goals:

- ◆ To enhance the security of people and property.
- ◆ To provide acceptable light levels for safety and uniformity, while avoiding ***glare, light trespass***, and overlighting.

Guidelines:

1. Lighting technologies currently recognized as meeting these guidelines are ***High Pressure Sodium (HPS), Fluorescent, Induction Lighting, or Light Emitting Diode (LED)***. Incandescent may be used as allowed by ***Title 24 Lighting Standards***.
2. Security lighting should be consistent with these Guidelines. Special care should be taken to control ***glare*** and direct view of illumination sources, and to confine illumination to the property on which the fixtures are located.
3. Lighting fixtures that are aimed at a building are much more effective for security than fixtures that are mounted on the building, which can blind observers of the property (police, neighbors or others).

Security Lighting, Cont'd.

4. Floodlighting aimed toward adjacent properties or the public right of way is not allowed. The term floodlighting includes "barn lights", "wall packs" and aimable fixtures. Floodlighting attached to buildings is regulated by **Title 24**.

F. Automated Teller Machines (ATMs)

Goals:

- ◆ To integrate design of lighting installations with adjacent architecture and avoid use of lighting as a means of competition.
- ◆ To meet the minimum illumination criteria required by applicable laws (California AB 244) for the safety and security of users without overlighting.
- ◆ To avoid **glare** and **light trespass** in design of lighting installations through selection of fixture type and location, lighting technology, and control of light levels. Besides aesthetic considerations, **glare** can compromise an ATM customer's ability to observe their surroundings and identify an approaching threat.

Guidelines:

1. Lighting technologies currently recognized as meeting these guidelines are **High Pressure Sodium (HPS)**, and **Fluorescent**. **Metal Halide** lighting is discouraged. Other types such as **Light Emitting Diode (LED)** and **Induction Lighting** may be acceptable if it can be demonstrated that they can provide a warm color quality.
2. Lighting should be carefully **shielded** to avoid view of the source by the use of awnings or other architectural elements, or provided by architecturally appropriate decorative fixtures.
3. ATM machines should be the minimum size necessary, and should not include extraneous signage. Except for data and instructional displays, internal illumination of graphics displays is not appropriate. Signage associated with ATMs may also be subject to review by the Sign Committee.

G. Sign Lighting

Goals:

- ◆ To integrate design of lighting installations with adjacent architecture and landscaping, and appropriateness for the surrounding neighborhood.
- ◆ To ensure subtlety and visual harmony of sign lighting and avoid use of lighting as a means of competition.
- ◆ To conform to the currently adopted **Title 24 Lighting Standards**.
- ◆ To avoid **glare**, **light trespass**, and **skyglow** through selection of fixture type and location, lighting technology, and control of light levels.

Guidelines:

1. Externally illuminated ground signs should generally be lit with linear or compact **fluorescent** lamps, **Light Emitting Diode (LED)**, or low-wattage halogen. Fixtures that accept screw-in floodlights are not allowed, except for **shielded** fixtures that are only capable of accepting a PAR-16 or PAR-20 halogen lamp. Fixtures should be located and aimed to confine light to the sign and should be **shielded** from view by use of landscaping or architectural elements.

Sign Lighting, Cont'd.

- 2.** Internally illuminated ground signs and wall-mounted cabinet signs with illuminated faces are discouraged due to their inconsistency with the ambiance of Santa Barbara. When used, dark backgrounds with lighter graphics are preferred. When a dark background is not proposed, it is especially important that the background be rendered opaque, allowing light to come through the graphics only. The depth of sign cabinets shall be kept to the minimum necessary. This sign type is not allowed in *El Pueblo Viejo*.
- 3.** Halo-lit or back-lit signs, also know as “reverse pan channel” letters, have opaque faces and sides, and are preferred over face-lit or “pan channel” letters. Letters are internally illuminated with neon or **Light Emitting Diode (LED)**, and should be the least depth feasible for the light source used. White illumination is preferred, and should be a warm white and the minimum intensity necessary. Excessive illumination can tend to “bleed” around letters and make them less legible. Dimmers for adjusting the intensity of **LEDs** are not acceptable, as there is no means of controlling future upward adjustments. Letters should be individually mounted to the building and are not permitted to be installed on an electrical “raceway” channel or cabinet unless it can be aesthetically incorporated into the sign as a design element.
- 4.** Face-lit channel letters or “pan channel” letters have translucent faces and opaque sides. Letters are internally illuminated with neon or **Light Emitting Diode (LED)**, and should be the least depth feasible for the light source used. Illumination should be the minimum intensity necessary. Excessively bright face-lit letters tend to visually “vibrate” and contribute to **glare** and **skyglow**. Letters should be individually mounted to the building and are not permitted to be installed on an electrical “raceway” channel or cabinet unless it can be aesthetically incorporated into the sign as a design element. This sign type is not allowed in *El Pueblo Viejo*.
- 5.** Externally illuminated wall signs and hanging signs should generally be lit with compact **fluorescent** lamps, **Light Emitting Diode (LED)**, or with low-wattage halogen. Fixtures that accept screw-in floodlights are not allowed, except for **shielded** fixtures that are only capable of accepting a PAR-16 or PAR-20 halogen lamp. Fixtures should be located and aimed to confine light to the sign and to minimize **glare** from the vantage point of pedestrians or vehicles. Wherever possible, fixtures should be integrated into, or concealed by, architectural elements. Exposed conduits on walls are not allowed.
- 6.** Ambient light from existing lighting on the building and from nearby streetlights should be considered in the review of wall signs and hanging signs, as there may already be sufficient illumination. Especially in *El Pueblo Viejo*, use of traditional lanterns is encouraged to provide illumination.
- 7.** **Fluorescent** and **Light Emitting Diode (LED)** lamps should be warm to neutral color temperature (2700K to 3500K). **Fluorescent** lamps in internally illuminated cabinets may be 4100K. **Fluorescent** lamps should not be of the High Output (HO) or Very High Output (VHO) type.
- 8.** Mounting of light fixtures on roofs to illuminate wall signs above a roof is not allowed.
- 9.** Generally, sign lighting should reflect a traditional approach and should be subservient to the signage itself. It is inconsistent with the ambiance of Santa Barbara to utilize lasers, moving or blinking lights, or optically projected images.
- 10.** See specific Guidelines section for signage associated with Automatic Teller Machines (ATMs).

H. Sports and Recreation Lighting

Goals:

- ◆ To recognize the valuable contribution to the community of sports and recreation facilities, and to integrate lighting for nighttime uses, where appropriate, with the ambiance of Santa Barbara.
- ◆ To provide acceptable light levels for the intended purpose, while avoiding **glare**, **light trespass**, and **skyglow**.

Guidelines:

1. Per the City of Santa Barbara Outdoor Lighting Ordinance (Appendix F), outdoor recreational court lighting (as defined in the Ordinance) is generally prohibited in all residential zones of the City.
2. In all other zones, and where permitted in residential zones pursuant to provisions of the Municipal Code, all applications for projects including lighting for sports and recreational uses must be considered on a case-by-case basis due to diverse site characteristics in the City of Santa Barbara.
3. Considerations in the review of sports and recreation lighting include:
 - a) The nature of the activity for which the lighting is intended,
 - b) The immediate context of the project and compatibility with surrounding neighborhoods,
 - c) The larger context of the project and views of the project from hillside neighborhoods,
 - d) Appropriate **shielding** of fixtures to address **light trespass**, **glare**, and **skyglow**,
 - e) Reflectances of lit surfaces to minimize **skyglow** from reflected light,
 - f) Mandatory Provisions for controls for reduced lighting levels after game and/or off-time.
4. The Illumination Engineering Society of North America (IESNA) publishes recommended illumination levels for sports and recreation lighting for different types of activity and level of play. Generally, these recommendations should be considered for applicability, but may significantly exceed appropriate lighting levels given the context of the project site and the overall ambiance of Santa Barbara.

— SECTION II —

Streetlighting & Pedestrian Lighting in the Public Right-of-Way

(NOTE: Words in *bold italics* are defined in the Glossary.)

Part One - General Guidelines

- ◆ Streetlighting & Pedestrian Lighting shall be designed to control *glare*, minimize *light trespass* onto adjacent properties, minimize *direct upward light emission*, promote effective safety and security, provide for safe operation of motor vehicles, and enhance safety for all modes of travel. The minimum intensity needed for the intended purpose should be used. This paragraph is not intended to preclude maintaining the use of existing decorative *lantern* fixtures with visible lamps, provided they meet other provisions of these guidelines.
- ◆ It is the practice of the City to meet or exceed the currently adopted *Title 24 Lighting Standards* for *full cut-off luminaires* and energy efficiency, regardless of the applicability of *Title 24 Lighting Standards* to lighting in the public right-of-way.
- ◆ In all residential areas, illumination levels should be compatible with residential uses. Lighting for commercial installations proximate to residential uses should be designed to be compatible with residential illumination levels and avoid *light trespass*.
- ◆ Streetlights should be compatible with their context (i.e. residential neighborhoods vs. commercial districts) and should, to the maximum extent feasible, have a City-wide consistent theme within which variation can occur.
- ◆ In new development, streetlights shall be installed to meet City standards. Streetlights are typically required at all intersections, locations of pedestrian crossings, changes of direction and ends of roads, and spaced as described in the *Public Works Construction Standard Details*.

Part Two - Specific Guidelines

A. Streetlights

Goals:

- ◆ To provide cohesive and homogenous illumination for streetlighting through the use of light sources similar in color to incandescent lighting.
- ◆ To meet *Public Works Construction Standard Details* light levels for safety and uniformity, but avoid *glare*, *light trespass*, and overlighting.
- ◆ To use energy efficient light fixtures for new and retrofit installations as feasible. The City should be at the forefront of utilizing new technologies when they can be aesthetically integrated, including the use of energy efficient light sources and solar energy, to minimize energy and lamp replacement maintenance costs.
- ◆ To identify “Opportunity Corridors” where anticipated future facility upgrades present an opportunity to establish a new character for major streets, or to extend an already established character. See *City Streetlight Style & Location Map* (Appendix H) for more information.
- ◆ To encourage the use of streetlights as an element to establish the character of neighborhoods, as distinguished from arterial streets.

Streetlights, Cont'd.

- ◆ To standardize pole and fixture styles, simplifying review by **Design Review Boards** and minimizing inventory maintained by the City.
- ◆ To establish the use of textured concrete poles for new and replacement installations to minimize maintenance costs, except where it is determined that continued use of decorative cast metal poles in existing corridors is appropriate, such as in the **El Pueblo Viejo District**.
- ◆ To enhance the scenic environment of the City by recognizing and taking advantage of opportunities to incrementally replace **Cobra Head** fixtures.

Guidelines:

1. Lighting technologies currently recognized as meeting these guidelines are **High Pressure Sodium (HPS)**. The use of Deluxe **HPS** lamps is encouraged to provide high color rendering ability. **Metal Halide (MH)** lighting is discouraged. Other types such as **Light Emitting Diode (LED)** and **Induction Lighting** may be acceptable if it can be demonstrated that they can provide a warm color quality.
2. Poles, luminaires, and accessories shall comply with the **Public Works Standard Details** unless otherwise approved by the **Public Works Director** and **Design Review Boards** for aesthetic issues within their purview.
3. Fixtures should be in scale with the proposed pole height.
4. Lamp size shall be per **Public Works Construction Standard Details**.
5. Total pole and fixture height shall be per **Public Works Construction Standard Details**.

B. Pedestrian Lighting

Goals:

- ◆ To enhance safety and security for pedestrians while adding a pedestrian-scale element to streetscapes.
- ◆ To encourage local residents and visitors to walk through commercial and residential neighborhoods as an alternative to using their cars.

Guidelines:

1. Lighting technologies currently recognized as meeting these guidelines are **High Pressure Sodium (HPS)** and **Induction Lighting**.
2. Poles, luminaires, and accessories shall comply with the **Public Works Construction Standard Details** unless approved by the **Public Works Director** and **Design Review Board** for aesthetic issues within their purview.
3. Fixtures mounted on a pole used solely for pedestrian lighting should be in scale with the proposed pole height. Fixtures mounted on the same pole as streetlighting poles should have a pedestrian scale. Fixtures mounted on poles of alternating heights should be the same scale and mounting height.
4. Lamp size shall not exceed 70 watts per fixture.
5. Total pole and fixture height should be per **Public Works Construction Standard Details**.
6. Lighting installations shall be equipped with controls for photocell on and timer off. Plans shall specify the off time proposed.

Pedestrian Lighting, Cont'd.

7. When required by the Public Works Department, improvement plans shall provide a point by point foot-candle plot on a site plan showing illuminance to 20 feet beyond property line. Show minimum, average, and maximum foot-candles and uniformity ratio. Where adjacent to residential uses, illuminance should not exceed 0.1 (1/10) foot-candle at 10 feet beyond property line. Where adjacent to commercial uses, illuminance should not exceed 0.2 (2/10) foot-candle at 10 feet beyond property line.
8. Calculations shall be based on a statistical area that does not include points beyond the property line or more than 1.5 pole heights measured from the base of pole.
9. Pedestrian poles shall be designed to minimize light intrusion issues in residential areas, and prevent extreme glare.

C. El Pueblo Viejo

Goals:

- ◆ To preserve the existing inventory of streetlight poles and fixtures that contribute to defining the character of *El Pueblo Viejo*, and maintain them to the highest standard. These include the *Carrillo Street Fixture*, *Chapala Street Fixture*, *State Street Fixture*, and *Teardrop Fixture*.
- ◆ To require the use of existing pole and fixture types for extensions of existing installations.
- ◆ To establish the use of the *Teardrop Fixture* and metal pole with decorative base as the required new or replacement fixture for *Cobra Head* and *Marbelite Pole* installations at intersections.
- ◆ To introduce the use of the Dome Style Fixture and Marbelite Pole at locations where the foregoing fixture types are not specified.
- ◆ To respect the scale of the downtown streets by discouraging the use of accessories such as mast-arm-mounted traffic signals except on major boulevards, as determined by the *Public Works Director* and the *Design Review Board*.

Guidelines:

1. Poles, luminaires, and accessories shall comply with the *Public Works Construction Standard Details* and shall be as approved by the Historic Landmarks Commission as acceptable for use in *El Pueblo Viejo*.
2. The *City Streetlight Style & Location Map* (Appendix H) delineates the locations and extents of existing fixture and pole types within *El Pueblo Viejo*.
3. Lighting within *El Pueblo Viejo* shall be consistent with these guidelines in all other respects, while utilizing fixtures and poles approved for the district.

D. Private Roads

- ◆ It is the City's practice and policy to design private roads to City Standards, including streetlights.
- ◆ The Airport roads south of Hollister Avenue are owned and maintained by the Airport Department. They are considered private roads and shall be designed to City Standards.

Appendices

Appendix A. Exceptions to Guidelines

Nothing in these guidelines shall preclude the **Design Review Board**, with concurrence from the **Public Works Director**, from reviewing and approving, or conditionally approving, an exception to these guidelines, provided such exceptions are consistent with applicable State and local laws and regulations, including **Public Works Construction Standard Details**, as determined by the **Public Works Director**. Exceptions may include, but are not limited to, illuminance level, illumination source, or pole height. The **Design Review Board** shall include findings in their approval, such as references to historical authenticity, special circumstances, existing installation, or other similar findings as deemed appropriate. The approval of an exception shall not be construed as establishing a precedent.

Appendix B. References to Other Ordinances, Guidelines, and Codes

The City of Santa Barbara has additional ordinances and guidelines which may contain specific requirements relating to lighting, including, but not limited to:

- ◆ Outdoor Lighting Ordinance, Municipal Code Chapter 22.75 (Included as Appendix F)
- ◆ **El Pueblo Viejo District**, ordinance and guidelines
- ◆ Sign Committee, ordinance and guidelines
- ◆ **Public Works Construction Standard Details**
- ◆ Single Family Residence Design Guidelines
- ◆ Solar Energy System Guidelines

Outdoor lighting is also subject to compliance with State of California **Title 24 Lighting Standards**.

Appendix C. Compliance Statement

SECTION I – Building and Site Lighting - Plans submitted for review and approval by the City of Santa Barbara Community Development Department shall bear the following compliance statement on the first sheet of outdoor lighting plans: The person signing the statement must be qualified under the Business and Professions Code to prepare plans.

Outdoor Lighting Compliance Statement		
As preparer of these plans for outdoor lighting, I certify that this lighting design meets the City of Santa Barbara Outdoor Lighting Ordinance and Outdoor Lighting Design Guidelines.		
Principal Lighting Designer Name	Signature	Date

Plans submitted for review and approval shall provide, reproduced on the plans, information sufficient to demonstrate compliance with the requirements of these Guidelines; including plan and elevation drawings, lamp type and wattage, additional information that may be required under certain sections of these Guidelines such as **foot-candle plots** or controls, additional information as requested by City Staff or the **Design Review Board**, and the above Compliance Statement. Manufacturers' fixture cut-sheets may be reproduced on the plans or submitted as attachments. Changes after approval are subject to the same review process.

Appendix D. Glossary of Lighting Terms & Streetlight Types

This Glossary contains basic lighting terminology. Technical terminology as used in these Guidelines is per professional and industry standard definitions. (Words in definitions in ***bold italics*** are defined in the Glossary.)

ACORN STYLE FIXTURE - A post - top streetlight fixture in use on the Riviera and Loma Alta Drive. These traditional fixtures typically are low-wattage ***High Pressure Sodium (HPS)*** with globes that diffuse the light source, but do not direct light towards the ground, nor control upward light emission, and therefore are not in compliance with

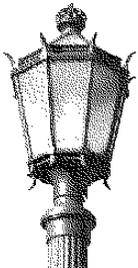


Title 24 Lighting Standards for new installations. Newer fixture designs are available that use reflectors and/or refractors to control light and may comply with **Title 24 Lighting Standards**. Where used, new fixtures should emulate the details and simplicity of the originals as closely as possible. (See **City Streetlight Map**, Appendix H, for locations.)

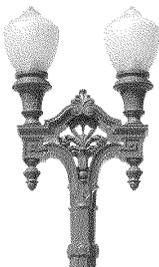
AMBIENT LIGHTING - The general character and overall level of illumination in a particular area.

BOLLARD - A type of architectural outdoor lighting fixture that is a stout upright ground-mounted unit typically used for grounds and outdoor walkway lighting, usually 42" high or less.

CARRILLO STREET FIXTURE - A historic fixture style that exists on Carrillo Street from Chapala Street to Olive Street. (See **City Streetlight Map**, Appendix H, for locations.)

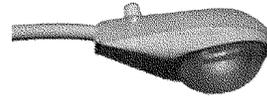


CHAPALA STREET FIXTURE - A historic style fixture that exists on Chapala Street from Montecito Street to Victoria Street. (See **City Streetlight Map**, Appendix H, for locations.)



CITY STREETLIGHT STYLE & LOCATION MAP - A map of the City that identifies the location of existing streetlighting, depicted with a graphic reference to types of street and pedestrian lights and poles. The map shall be updated periodically to

reflect additional installations and changes, and is intended for use by the City's Boards and Commissions to understand the context of applications before them. (Appendix H of these guidelines. They are available at the Public Works Department permit counter)



COBRA HEAD FIXTURE - A generic

type of **luminaire** used for general roadway lighting, attached to an arm which is mounted to the pole. These fixtures are the most extensively used in the City and are found on **Marbelite** poles, **SCE poles**, and some metal poles. Newer models of **cobra head** fixtures are **cut-off** type. (See **City Streetlight Map**, Appendix H, for locations.)

CUT-OFF FIXTURE - (See also **Full Cut-off Fixture**) A lighting fixture that does not allow **Direct Upward Light Emission**, but does not provide as complete cut-off as a **Full Cut-off Fixture**.

DESIGN REVIEW BOARD - Projects in the City involving lighting may require review and approval by the appropriate Design Review Board: the Architectural Board of Review, the Historic Landmarks Commission, or the Single Family Design Board. The project may also require review by the Planning Commission.

DIRECT UPWARD LIGHT EMISSION - Light rays that are emitted from a fixture that are above a horizontal plane intersecting that light source or fixture.



DOME STYLE FIXTURE - A **cut-off** style of **luminaire** that incorporates **optical** elements to direct light down and has a flat-glass lens that minimizes **glare**. (See **City Streetlight Map**, Appendix H,

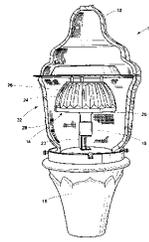
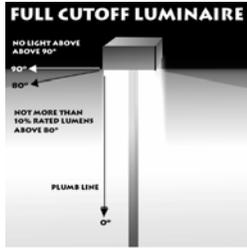
for locations.)

EL PUEBLO VIEJO (EPV) - A historic district of Santa Barbara defined in Municipal Code Section 22.22. (See **City Streetlight Map**, Appendix H.)

FLUORESCENT - An energy efficient light source available in a wide variety of shapes and sizes, from linear tubes to compact forms that are a replacement for **incandescent** lamps.

FOOT-CANDLE, FOOT-CANDLE PLOT – A foot-candle is a quantitative unit measuring the amount of light falling on a surface. A foot-candle plot is a diagram depicting the location of all light poles and building mounted lighting fixtures that contribute to area lighting, and numeric foot-candle values for maintained lighting levels which shall be represented in a point-by-point grid. An iso-lumen plot depicting contour lines of equal light level is not an acceptable substitute.

FULL CUT-OFF FIXTURE – (See also *Cut-off Fixture*)



A lighting fixture constructed so that all light emitted by the fixture, either directly from the lamp or a

diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

GLARE - Brightness in the field of view that is sufficiently greater than the amount to which the eye is adapted, causing annoyance, discomfort, or loss of visual performance and visibility.

HID - High Intensity Discharge (HID) lamps include *High Pressure Sodium (HPS)*, *Metal Halide (MH)*, and Mercury Vapor (MV).

HIGH PRESSURE SODIUM (HPS) - An energy-efficient light source that has a pinkish-yellowish cast. Deluxe HPS lamps have an improved whiter color.

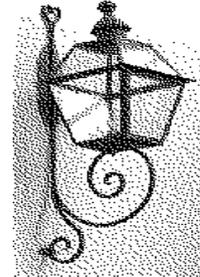
INCANDESCENT - Includes low-voltage lamps and halogen lamps. Historically used for outdoor lighting, especially in lanterns. Incandescent lighting is the least energy-efficient source and is of limited use for outdoor lighting.

INDUCTION LIGHTING - A new lighting technology, characterized by long life, energy efficiency, and a white light that is not as yellowish as *High Pressure Sodium*, nor as bluish as *Metal Halide*.

INTERNATIONAL DARK-SKY ASSOCIATION – “The mission of the International Dark-Sky Association (IDA) is to preserve and protect the nighttime environment and our heritage of dark skies through quality outdoor lighting.” The IDA website (www.darksky.org) offers information on lighting

techniques and preventing light pollution.

LANTERN - The historical fixture type for lighting and may be mounted to a wall, suspended from a ceiling, or atop a pole (see also *Carrillo Street Fixture* and *State Street Fixture*).



LED (LIGHT EMITTING DIODE) LIGHTING -

A type of energy-efficient lighting currently installed in the City’s traffic signal system. It is expected that advances in the technology of LED lighting will include bringing greater light output and better quality white light, opening up more applications for streetlighting and other exterior lighting. Also used extensively in sign lighting.

LIGHT TRESPASS - Light produced by a fixture that illuminates a surface beyond the boundaries of the property on which it is located.

LUMEN – A quantitative unit measuring the amount of light emitted from a light source. Lumens are the most useful measurement for comparison of the light output of different lamps. Watts are a measure of power consumed, and therefore not useful for comparison of different lamp types as they don’t account for efficiency of the light source. (See Appendix E, Comparison of Lamp Types)

LUMINAIRE - The term is used interchangeably with “Fixture” in these guidelines and is the complete light fixture assembly comprising the lamp, electrical components, *Optics*, lenses, and housing.

MARBELITE POLE - The Marbelite Company no longer exists, but the term “Marbelite” is used generically for concrete poles with variations of color and texture achieved through combinations of colored marble-chip aggregate and plain or colored cement, which may also be sandblasted or receive protective coatings. Marbelite poles approved for use in the City are specified in the *Public Works Construction Standard Details*.

METAL HALIDE (MH) – An energy-efficient light source that has a bluish cast.

MOUNTING HEIGHT - Pedestrian light fixtures are usually mounted at a height of 14 feet. Streetlights in the City are generally mounted on a commercial pole which is 29’ tall or on a residential pole which is 20’ tall. This information is specified in the *Public Works Construction Standard Details*.

OPTICS, OPTICAL - Components of a *luminaire* that control and direct light from the lamp. Reflectors are often used when the lamp position is concealed from normal viewing angles. Refractors are textured glass or plastic components surrounding the lamp that act as many prisms to bend light. See *Cut-off Fixture* illustration.

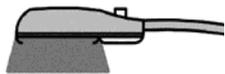
PEDESTRIAN LIGHT FIXTURE - A *luminaire* of a smaller scale than streetlight fixtures that is intended to illuminate the pedestrian path of travel. These fixtures may be attached to the same pole as a streetlight but on the sidewalk side, or on intermediate poles of a smaller scale to fill in between streetlights and provide more even illumination and security for pedestrians. They may also be attached to undercrossings and bridges. See *Public Works Construction Standard Details* for specifications.

PUBLIC WORKS DIRECTOR - The Director or his designee, which may include the City Engineer or the Facilities and Energy Manager.

PUBLIC WORKS CONSTRUCTION STANDARD DETAILS - A booklet of construction design standards and details approved by the Public Works Director, officially titled *City of Santa Barbara Public Works Department Construction Standard Details*.

SCE POLE AND FIXTURE - A pole, generally wooden, owned by Southern California Edison (SCE) that supports overhead utilities and is frequently equipped with a SCE-owned *Cobra Head* fixture.

SHIELD (EXTERNAL) - Additional shielding may sometimes be required on luminaires installed adjacent to residential uses to prevent *light trespass*. Shielding on street-lights is provided and installed by the City on a case-by-case basis.



SHIELDED, SHIELDING - Components that serve to obscure direct view of the light source, or to prevent *skyglow* and *light trespass*, and may be either opaque or translucent. Shielding includes components internal and/or external to the fixture. Internal shielding includes reflective hoods, louvers, refractors, diffusers (either surrounding the lamp or as part of the enclosure, such as patterned or opal glass). External shielding includes attached opaque shields, architectural elements, and landscaping elements. Landscaping shall not be considered as shielding for preventing *light trespass*.

SKYGLOW - The adverse effect of brightening the night sky due to man-made lighting, caused either by *direct upward light emission*, light reflected off illuminated surfaces, or scattering due to haze.

SOLAR - As solar technologies evolve, applications may include streetlights having photovoltaic panels remotely located, such as on a roof, that can supply energy to a group of streetlights.

STATE STREET FIXTURE - A historic fixture style that exists on State Street from Cabrillo Boulevard to Micheltorena Street, Carrillo Street from Chapala Street to US 101, generally in the first block on either side of State Street in the downtown core, and some locations on Cabrillo Boulevard. (See *City Streetlight Map*, Appendix H, for locations.)



STREETLIGHT - The entire assembly of pole, mounting arm (where applicable) and *luminaire*. Streetlights illuminate the road and vary between 16-29 feet in height. This information is specified in the *Public Works Construction Standard Details*.



TEARDROP LIGHT FIXTURE - A fixture style that is primarily used at intersections, generally in the downtown area. (See *City Streetlight Map*, Appendix H, for locations.)

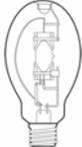
TITLE 24 LIGHTING STANDARDS - Title 24, Part 6 of the California Code of Regulations: Energy Efficiency Standards for Residential and Nonresidential Buildings. It specifies requirements for luminaire type and efficiency, controls, and light distribution. The standards & compliance manuals are available at <http://www.energy.ca.gov/title24/>

Appendix E. Comparison of Lamp Types and Lumen Outputs

These charts are for general comparison only, and are sorted by *lumens* in order of ascending brightness. They are divided into 2 tables; the first compares “omni-directional” lamps with light output in all directions, and the second compares “floodlight” lamps with their own integral optical reflector. They do not take into consideration all the many variables, such as coated vs. uncoated versions, the fact that all lamps lose some brightness after a “breaking-in” period (some types more than others), or that dirt can accumulate on fixtures or lamps and reduce light output; nor do the floodlights take into account spot vs. flood beam spreads.

Instead, these charts will serve to aid in comparing relative brightness of different lighting technologies. For example, it can be seen that the output of a 13W compact fluorescent is very close to that of a 60w incandescent lamp. This is useful for comparing, for example, the impact of a lantern with an *incandescent* lamp, vs. a compact *fluorescent*, vs. a high-intensity-discharge lamp such as *High Pressure Sodium (HPS)* or *Metal Halide (MH)*. *Light Emitting Diode (LED)* lamps are not included, as their technology is so different as to preclude a meaningful comparison.

TABLE 1 - OMNI-DIRECTIONAL LAMPS

					
Incandescent A-lamp	Plug-in – Compact Fluorescent – Screw-in		High Pressure Sodium/Metal Halide		
Lamp Description	Watts	Lumens	Color Temperature in °Kelvin	OK Unshielded Comm. Zones*	OK Unshielded Res. Zones*
Incandescent A-lamp	40	490	Warm 2700	YES	YES
Incandescent A-lamp	60	870	Warm 2700	YES	YES
Compact Fluorescent	13	900	Warm to Cool 2700-4100	YES	YES
Incandescent A-lamp	75	1200	Warm 2700	YES	YES
Compact Fluorescent	18	1200	Warm to Cool 2700-4100	YES	YES
Incandescent A-lamp	100	1690	Warm 2700	YES	NO
Compact Fluorescent	26	1710	Warm to Cool 2700-4100	YES	NO
Incandescent A-lamp	100	1730	Warm 2700	YES	NO
HPS-High Pressure Sodium	35	2150	Warm 2000	YES	NO
Compact Fluorescent	32	2200	Warm to Cool 2700-4100	YES	NO
Metal Halide	32	2400	Cool 4000	YES	NO
Compact Fluorescent	42	2700	Warm to Cool 2700-4100	YES	NO
Incandescent A-lamp	150	2800	Warm 2700	YES [†]	NO
Metal Halide	50	3200	Cool 4000	YES [†]	NO
HPS-High Pressure Sodium	50	3800	Warm 2000	YES [†]	NO
Delux-HPS (coated)	70	3800	Warm 2200	YES [†]	NO
Metal Halide	70	5300	Cool 4000	NO	NO
HPS-High Pressure Sodium	70	5950	Warm 2000	NO	NO
Metal Halide	100	8500	Cool 4000	NO	NO
HPS-High Pressure Sodium	100	8800	Warm 2000	NO	NO

*Per Guidelines SECTION I requirements for exposed lamps. See Glossary definition of *shielded*.

†Limited to site lighting as allowed in Guidelines “A - Parking Lots and Traffic Areas”, and “C - Service Stations, Automobile Dealerships, and Exterior Sales Areas”

Comparison of Lamp Types and Lumen Outputs, cont'd.

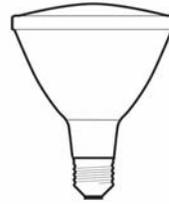
TABLE 2 - REFLECTOR FLOODLIGHT LAMPS



MR-16



PAR-20



PAR-30



PAR-38

Lamp Description	Watts	Lumens	Color Temperature in °Kelvin
MR-16 Halogen	20	350	Neutral 2900
PAR-20 Halogen	50	570	Neutral 2800
PAR-30 Halogen	50	630	Neutral 2800
MR-16 Halogen	50	700	Neutral 3050
PAR-20 Metal Halide	20	1000	Neutral 3000
PAR-30 Halogen	75	1050	Neutral 2850
PAR-38 Halogen	75	1050	Neutral 2850
PAR-30 Metal Halide	20	1200	Neutral 3000
PAR-38 Halogen	90	1310	Neutral 2900
PAR-38 Halogen	120	1900	Neutral 2950
PAR-20 Metal Halide	39	2100	Neutral 3000
PAR-38 Standard	150	2175	Warm 2775
PAR-30 Metal Halide	39	2400	Neutral 3000
PAR-30 Metal Halide	70	4700	Neutral 3000

Appendix F. City of Santa Barbara Outdoor Lighting Ordinance

Excerpted from City of Santa Barbara Municipal Code, Title 22 (Chapter 22.75). Note: Ordinances are occasionally amended – visit the [City of Santa Barbara website](#) to verify the most recent version.

Chapter 22.75 OUTDOOR LIGHTING

rev. 6/30/07

Sections:

22.75.010 Purpose.

22.75.020 Definitions.

22.75.030 Certain Lighting Prohibited.

22.75.040 Certain Lighting Exempted.

22.75.050 Outdoor Lighting Review by the Architectural Board of Review, the Single Family Design Board, and the Historic Landmarks Commission.

22.75.060 Control of Nuisance Lighting In and Adjacent to Residential Zones.

22.75.010 Purpose.

In order to preserve and enhance the unique qualities of Santa Barbara's residential neighborhoods and its visual environment, it is essential to encourage the highest quality of outdoor night-time lighting through the adoption of lighting standards.

This ordinance is intended to reduce problems created by improperly designed and incorrectly installed outdoor lighting, particularly in the City's residential zones. It is intended to provide for safety and security concerns, without contributing to the problems associated with glare, light trespass, or skyglow, and to promote the efficient use of energy.

This ordinance establishes certain regulations and design review requirements intended to limit the uses of outdoor lighting to certain appropriate land uses and to prohibit the use of certain lighting fixtures.

This ordinance recognizes the benefits of outdoor night-time lighting and provides clear guidelines for its design and installation to help maintain and complement Santa Barbara's character. (Ord. 5035, 1997.)

22.75.020 Definitions.

For the purposes of this Title, the following words and phrases shall have the meanings set forth herein:

A. **ADJACENT.** Immediately next to.

B. **AMBIENT LIGHTING.** The general character and overall level of illumination in a particular area.

C. **DIRECT UPWARD LIGHT EMISSION.** Light rays that are emitted from a fixture that are above a horizontal plane intersecting that light source or fixture.

D. **GLARE.** Brightness in the field of view that is sufficiently greater than the amount to which the eye is adapted, causing annoyance, discomfort, or loss of visual performance and visibility.

E. **LASER LIGHTS.** A laser source light, or any similar high intensity light, used for outdoor advertising or entertainment, when projected above the horizontal.

F. **LIGHT SOURCE.** Any man-made light source, or collection of light sources that produce light by any means.

G. **LIGHT TRESPASS.** Light produced by a Lighting Fixture that illuminates a surface beyond the boundaries of the property on which it is located.

H. **LIGHTING FIXTURE.** A complete unit consisting of a Light Source together with a housing and parts designed to distribute and aim the light, located outside a building, including but not limited to, fixtures attached to any part of a structure, located on the surface of the ground, or located on free standing poles.

I. **LOW VOLTAGE.** Operating at 24 volts or less or as defined by Section 551-2 of the National Electrical Code (1993 edition) or as such Code is subsequently amended from time to time.

J. **NUISANCE LIGHTING.** Includes, but is not limited to, Glare, Light Trespass, and Skyglow.

K. **OUTDOOR LIGHTING.** The night time illumination of an outside area or object, or any man-made light emitting object located outdoors.

L. **OUTDOOR RECREATIONAL COURT.** Includes, but is not limited to, a field, court, or other area, whether permanent or temporary, designed or used for playing any sport or game, such as tennis, volleyball, basketball, or

badminton, or similar outdoor game or sport, but not including lighting for a swimming pool which is located beneath the surface of the water.

M. **SEARCHLIGHT.** A mobile or fixed projector designed to produce an approximately parallel beam of light which is aimed above the horizontal plane, the use of which includes, but is not limited to, advertising for special events.

N. **SHIELDED.** A Lighting Fixture having a configuration of the housing or optics that prevents a direct view to the light source from normal viewing angles (i.e., less than 20° above the horizontal plane).

O. **SKYGLOW.** The adverse effect of brightening of the night sky due to man-made lighting.

(Ord. 5035, 1997.) 435-1 rev. 6/30/07

22.75.030 Certain Lighting Prohibited.

A. **GENERAL PROHIBITIONS.** The use of the following Lighting Fixtures shall be prohibited in all zones of the City:

1. Mercury vapor and low-pressure sodium fixtures and lamps except when used for landscape lighting accent purposes.
2. Searchlights, Laser Lights, or similar high intensity outdoor lights except pursuant to a special lighting event permit granted pursuant to subsection C hereof.
3. Lighting Fixtures mounted in such a way as to illuminate a roof or an awning.
4. Lighting Fixtures mounted to aim light only towards a property line.
5. Lighting Fixtures mounted in a way that is distracting to motorists or in a way that interferes with the safe operation of a motor vehicle, as may be determined by the City Engineer.
6. Lighting that is blinking, moving, or which changes in intensity except small temporary lighting fixtures installed and used only during the period between the last week of November and first week of January of the following year.

B. **OUTDOOR RECREATIONAL COURT LIGHTING IN RESIDENTIAL AREAS.** The lighting of an Outdoor Recreational Court is prohibited in all residential zones of the City except where such a Court is located on a property used for non-residential purposes in accordance with the applicable provisions of Title 28 for non-residential uses in residential zones.

C. **SPECIAL LIGHTING EVENTS.** Upon the application of a property owner or a business within the City, the Community Development Director may grant a temporary permit for the use of a searchlight, laser light or other similar lighting fixture for a period not to exceed eight (8) consecutive hours, provided that no such permit shall be granted for any one property (or business location) within the City more often than five (5) times during any 180 day period and provided further that in no case shall a searchlight, laser light, or other similar lighting fixture be operated pursuant to such a permit between midnight and sunrise. (Ord. 5035, 1997.)

22.75.040 Certain Lighting Exempted.

The use of the following Lighting Fixtures and Light Sources are exempted from regulation pursuant to this Chapter:

A. **LOW VOLTAGE FIXTURES.** Low Voltage lighting except for those Fixtures regulated pursuant to subsection 22.75.030A(6) above.

B. **CONTROLLED FIXTURES.** A Lighting Fixture controlled by a motion detector in a residential zone provided the motion detector is predominantly in the off mode and it is installed to minimize Nuisance Lighting. (Ord. 5035, 1997.)

22.75.050 Outdoor Lighting Review by the Architectural Board of Review, the Single Family Design Board, and the Historic Landmarks Commission.

Those projects for which design review is required by the Architectural Board of Review pursuant to Chapter 22.68, the Single Family Design Board pursuant to Chapter 22.69, or the Historic Landmarks Commission pursuant to Chapter 22.22, shall also be reviewed for consistency with the City Outdoor Lighting Design Guidelines approved by resolution of the City Council. (Ord. 5416, 2007; Ord. 5035, 1997.)

22.75.060 Control of Nuisance Lighting In and Adjacent to Residential Zones.

A. **GENERALLY.** Outdoor lighting in residential zones and outdoor lighting on real properties adjacent to residential zones shall be designed, installed, and operated so that it is compatible with the ambient lighting of the neighborhood in which it is located. Such lighting shall be designed, installed, and operated to control glare, prevent light trespass onto adjacent areas, minimize direct upward light emission, promote effective security, avoid interference with safe operation of motor vehicles. The minimum intensity needed for the intended purpose shall be used.

B. **ENFORCEMENT.** The staff of the Community Development Department shall be responsible for the enforcement of this Section provided, however, that enforcement shall occur only upon a written complaint and upon a determination by City enforcement staff that the light or lights constitutes Nuisance Lighting which is unreasonably

and negatively affecting a neighboring resident. Upon such a determination, the light or lights shall constitute a public nuisance which may be abated by the City and which, if necessary, may be enjoined by a court of competent jurisdiction.

C. ENFORCEMENT MEASURES. Prior to the initiation of legal measures for the enforcement of this Section, the staff of the Community Development Department shall attempt to remedy a reasonable complaint concerning Nuisance Lighting by recommending or, if necessary, by requiring the property owner of the property from which the light emanates to take appropriate steps to eliminate the Nuisance Lighting. Such steps may include, but are not limited to, each of the following (or any combination thereof) in the priority listed herein:

1. The use and application of appropriate lighting equipment, fixture locations, shielding, light sources and illumination intensities, and through the elimination of unnecessary lighting.
2. Nuisance Lighting control through the use of vegetation, landscaping, fences or similar screening methods and fixture aiming adjustments.
3. Restrictions on the hours of operation or by requiring the use of motion detector switches or timers to trigger the lights only on an as needed basis.
4. The preparation and implementation of a professional lighting plan designed to avoid Nuisance Lighting which plan is reviewed by and acceptable to the Architectural Board of Review or the Historic Landmarks Commission, as applicable.

D. PRIVATE RIGHT OF ACTION. Any aggrieved person may enforce the provisions of this Section by means of a civil action seeking injunctive relief in a court of competent jurisdiction.

(Ord. 5035, 1997.)

Appendix G. Plan Review Checklist

(NOTE: Words in ***bold italics*** are defined in the Glossary.)

This section is designed for use by City Staff and ***Design Review Board*** members during review of an application for outdoor lighting. It may also be useful to applicants as a checklist to determine that plans submitted are complete. These checklists may be expected to be revised from time to time as experience is gained in their application. These checklists are not a part of the Guidelines adopted by resolution by the City Council. Where there is a conflict between these checklists and the text of the Guidelines, the Guidelines shall govern.

To begin, determine the section(s) relevant to the project being reviewed, and the checklist(s) to be used. The checklists reflect general requirements, but the text of the Guidelines should be checked for allowable alternatives for special circumstances.

OUTDOOR LIGHTING GUIDELINE SECTIONS

- A. Parking Lots and Traffic Areas**
- B. Parking Garages**
- C. Service Stations, Automobile Dealerships, and Exterior Sales Areas**
- D., E., F. Landscape, Hardscape, and Building Lighting; Security Lighting; Automated Teller Machines (ATMs)**
- G. Sign Lighting**
- H. Sports and Recreation Lighting** – no checklist due to unique circumstances

A. Plan Review Checklist - Parking Lots and Traffic Areas

- Foot-candle plot** unless expansion, replacement, or renovation of existing project, and deemed by City Staff and Design Review Board to be minor in nature.
 - Should have point-by-point **foot-candle** values arranged in a grid, and should cover the project site and extend 20' beyond property line. A plot of "contour lines" of equal light levels is not an acceptable substitute.
 - Should have chart or text block showing:
 - Minimum foot-candles
 - Average foot-candles –
 - Design light level target is 1 fc, check to see it doesn't exceed 1.5 fc
 - Maximum foot-candles
 - Uniformity ratio (maximum fc to minimum fc) –
 - Check that it doesn't exceed 5:1
 - The above calculations for minimum, average, and maximum foot-candles and uniformity ratio are based on a statistical area that does not include points beyond property line or more than 1.5 pole heights measured horizontally from the base of pole. Includes all points within the pole field.
 - Check to see that foot-candles values on plan roughly agree with info in text block above.
 - Check to see that at 10' beyond the property line, foot-candles values don't exceed 0.1 (1/10) fc next to residential, or 0.2 (2/10) next to commercial.
- Plans have lighting controls as required by Title 24 Lighting Standards, specify off-time.
- Manufacturers' product sheets showing representation of fixture design, lamp type, wattage, and other pertinent information including color.
- Landscape plan to show pole locations to determine coordination of lighting with tree plantings.
- Pole and fixture height not to exceed 20', and in scale with architecture. May require pole and fixture superimposed on architectural elevations.
- Fixture and pole style appropriate to architecture, neighborhood, and/or special district.
- High Pressure Sodium (HPS)** lighting used, or other source if demonstrated to be warm color (not **Metal Halide (MH)**).
- Area lighting uses **cut-off** or **full cut-off** fixtures with flat-glass lens (not "sag" or "drop" lens).
- Lamps do not exceed 400 watts for 16' to 20' high poles, or 250 watts for 12' to 16' poles.
- Lantern-type fixtures that are not **cut-off** or **full cut-off** have **shielding** if the lamp exceeds 3800 **lumens**. **HPS** lamp larger than 50 watts requires shielding. (See Appendix E, Comparison of Lamp Types and Lumen Outputs)
- Fixtures are fixed and not aimable.
- Evaluate project for unique site circumstances and potential for **glare**, **skyglow**, and **light trespass**.
- Plan sheets that contain Outdoor Lighting information have the required Compliance Statement per Appendix C, certifying that the plans conform.

B. Plan Review Checklist - Parking Garages

- Foot-candle** plot.
 - Should have point-by-point foot-candles values arranged in a grid, and show illuminance at the transition zones (the area from vehicle and pedestrian entrances and exits, extending 60 feet into the building from the exterior face) and to the furthest floor area visible from the vehicle entrance or exit. Illuminance should not exceed the ambient streetlighting level at 10' feet beyond the vehicle entrance or exit. A plot of "contour lines" of equal light levels is not an acceptable substitute.
 - Should have chart or text block showing:
 - o Minimum foot-candles
 - o Average foot-candles –
 - Design light level target is 1 fc, check to see it doesn't exceed 1.5 fc
 - o Maximum foot-candles
 - o Uniformity ratio (maximum fc to minimum fc)
 - Plans have lighting controls as required by Title 24 Lighting Standards, and as required to provide for daytime and nighttime illumination levels.
- Plans show transition zone (the area from vehicle and pedestrian entrances and exits, extending 60 feet into the building from the exterior face):
 - Designed to provide for separate daytime and nighttime illumination levels.
 - Fixtures recessed or screened from view.
 - Directed task lighting preferred over general illumination.
 - HPS** or **fluorescent** lamps recommended, **MH** not allowed.
 - Plans have cross-sections or details to demonstrate screening of fixtures.
- Garage interior beyond transition zone:
 - HPS** or **fluorescent** lamps recommended, **MH** allowed if walls are warm color (not white).
 - Fixtures recessed, screened from view, or **cut-off**. **Cut-off** fixtures have horizontal lamp and no "sag" or "drop" lenses.
 - If more than one garage level above grade, **glare** and **light trespass** from interior fixtures controlled by appropriate fixture type and/or placement relative to openings in exterior walls.
- If parking garage with roof level parking:
 - Must be **full cut-off** fixtures.
 - Minimize pole height, minimize illumination level, and avoid placement of poles at building perimeter.
 - MH** lamps not allowed on roof.
 - Fixture and pole style appropriate to architecture, neighborhood, and/or special district.
- Plan sheets that contain Parking Garage Lighting information have the required Compliance Statement per Appendix C, certifying that the plans conform.

C. Plan Review Checklist - Service Stations, Auto Dealerships, and Exterior Sales Areas

- Foot-candle plot** unless expansion, replacement, or renovation of existing project, and deemed by City Staff and Design Review Board to be minor in nature.
- Should have point-by-point foot-candles values arranged in a grid, and should cover the project site and extend 20' beyond property line. A plot of "contour lines" of equal light levels is not an acceptable substitute.
- Should have chart or text block showing:
 - o Minimum foot-candles
 - o Average foot-candles –
 - For service station canopies, design light level target at ground level is 40 fc, check to see that it doesn't exceed 60 fc
 - o Maximum foot-candles
 - For auto dealerships
 - At Calle Real/Hitchcock/Hope Ave., check that maximum at ground level doesn't exceed 70 fc
 - All other areas in City, check that maximum at ground level doesn't exceed 30 fc
 - o The above calculations for minimum, average, and maximum foot-candles and uniformity ratio are based on a statistical area that does not include points beyond property line or more than 1.5 pole heights measured horizontally from the base of pole. Includes all points within the pole field.
- Check to see that foot-candles values on plan roughly agree with info in text block above.
- Check to see that at 10' beyond the property line, foot-candles values don't exceed 0.1 (1/10) fc next to residential, or 0.2 (2/10) next to commercial.
- Plans have lighting controls as required by Title 24 Lighting Standards, specify off-time.
- Manufacturers' product sheets showing representation of fixture design, lamp type, wattage, and other pertinent information including color.
- Landscape plan to show pole locations to determine coordination of lighting with tree plantings.
- Pole and fixture height not to exceed 20', and be in scale with architecture. May require pole and fixture superimposed on architectural elevations.
- Fixture and pole style appropriate to architecture, neighborhood, and/or special district.
- For significant parking or traffic areas, see Checklist A.
- Area lighting uses **cut-off** or **full cut-off** fixtures with flat-glass lens (not "sag" or "drop" lens).
- Lamps do not exceed 400 watts for 16' to 20' high poles, or 250 watts for 12' to 16' poles.
- Lantern-type fixtures that are not **cut-off** or **full cut-off** have **shielding** if the lamp exceeds 3800 **lumens**. **HPS** lamp larger than 50 watts requires shielding. (See Appendix E, Comparison of Lamp Types and Lumen Outputs)
- Evaluate project for unique site circumstances and potential for **glare**, **skyglow**, and **light trespass**. Lighting levels should be appropriate for the ambiance of the surrounding neighborhood.

- Plan sheets that contain Outdoor Lighting information have the required Compliance Statement per Appendix C, certifying that the plans conform.

Plan Review Checklist – Service Stations, Auto Dealerships, Sales, Cont'd.

SPECIFIC TO SERVICE STATIONS:

- Often designed with intent to be brighter than other nearby stations to compete for attention, which is inconsistent with the intent of these Guidelines.
- Canopy over pumps is of particular concern. Check that fixtures have flat glass lenses and not “sag” or “drop” lenses. If underside of canopy slopes, fixtures must be of a type or installed so that their light is directed vertically down.
- HPS** lighting most appropriate for parking and traffic areas, **MH** for canopy.

SPECIFIC TO AUTOMOBILE DEALERSHIPS:

- Often designed with intent to be brighter than other nearby dealerships to compete for attention, which is inconsistent with the intent of these Guidelines.
 - Fixtures with adjustable aiming angle or especially low mounting heights are discouraged. They can be used to compete for attention by being aimed to reflect brightness from windshields, and create problems with **glare** and **skyglow**.
 - Fixtures installed at ground level to uplight displays are not allowed.
-

D., E., F. Plan Review Checklist - Landscape, Hardscape, and Building Lighting; Security Lighting; Automatic Teller Machines (ATMs)

- Plan sheets that contain Outdoor Lighting information have the required Compliance Statement per Appendix C, certifying that the plans conform to the Outdoor Lighting Ordinance and Outdoor Lighting Design Guidelines.
- SPECIFIC TO LANDSCAPE LIGHTING:**
 - Nearly all light sources have applicability for landscape lighting. MR-16 halogen floods and spots are most common. Other types should be evaluated for appropriateness and intensity.
 - Check to see that landscape lighting is **shielded** by architectural or landscape elements to avoid view of the source.
 - Uplighting should not be overdone, and is most effective when limited to a few landscape elements.
 - Landscape plan to show fixture locations to determine coordination of lighting with trees and plants.
 - Manufacturers' product sheets showing representation of fixture design, lamp type, wattage, and other pertinent information including color.
- SPECIFIC TO HARDSCAPE LIGHTING:**
 - Check to see that lighting intensity of path lights, bollards, and post-top lights is the minimum necessary for the intended purpose.
 - For bollards and post-top lights, **HPS** or **fluorescent** are preferred for walkways and open areas. For compact fluorescent, check that color temperature is specified. Preferred color temperature is 2700-3000°K.
 - Check to see that fixtures and placement are designed to avoid **glare**, **light trespass**, and **skyglow**.
 - Fixture and pole style for area lighting appropriate to architecture, neighborhood, and/or special district.
 - Check that lamps in fixtures where the lamp is not **shielded** don't exceed a maximum of 2700 **lumens** per fixture in commercial zones and 1200 **lumens** in residential zones. (See Appendix E, Comparison of Lamp Types and Lumen Outputs)
 - Manufacturers' product sheets showing representation of fixture design, lamp type, wattage, and other pertinent information including color.
- SPECIFIC TO BUILDING LIGHTING & AUTOMATIC TELLER MACHINES (ATMs):**
 - Check to see that lighting intensity of fixtures mounted to building surfaces, downlighting, and fixtures aimed at the building is the minimum necessary for the intended purpose.
 - HPS** and **fluorescent** lighting are preferred. Care should be taken with **MH** to avoid **glare**.
 - Fixtures in which the lamp is not **shielded**, such as **lanterns**, should be low intensity to avoid **glare**, and should generally be used for decorative and local lighting, and not for area lighting.

Plan Review Checklist - Landscape, Hardscape, and Building Lighting; Security Lighting; Automatic Teller Machines (ATMs), Cont'd.

- Check that lamps in fixtures where the lamp is not **shielded** don't exceed a maximum of 2700 **lumens** per fixture in commercial zones and 1200 **lumens** in residential zones. (See Appendix E, Comparison of Lamp Types and Lumen Outputs)
- Check that, regardless of light output, lantern-type fixtures conceal view of compact fluorescent lamps that do not have a traditional "light bulb" shape, especially in **El Pueblo Viejo**. This may be accomplished by patterned or translucent glass in the fixture enclosure, or internal diffusers.
- For compact fluorescent, check that color temperature is specified. Preferred color temperature is 2700-3000°K.
- For ATMs, use existing ambient light if possible (such as streetlights or wall fixtures) and supplement with minimum necessary additional light. Conceal added lighting with awning or building architecture. Limit internally illuminated graphics to info panels. Avoid **glare**.
- Lighting of building facades should be considered for appropriateness to the ambiance of Santa Barbara, and should be subtle.
- Manufacturers' product sheets showing representation of fixture design, lamp type, wattage, and other pertinent information including color.
- SPECIFIC TO SECURITY LIGHTING:**
 - Floodlights aimed toward adjacent properties or streets are not allowed.
 - Floodlights include "wall packs", "barn lights", and aimable fixtures.
 - Security lighting should confine illumination to the subject property.

G. Plan Review Checklist - Sign Lighting

- Existing lighting: Check to see if existing lighting is evident from photographs; check City files for permits; otherwise review as new lighting or specify to be removed
- Ground Signs – Externally Illuminated:
 - Compact **fluorescent** and linear **fluorescent** are appropriate sources for external illumination. As a rough guide, look for 10-20 watts per linear foot of sign width, depending on sign height. Fluorescent lamps should not be HO (high output) or VHO (very high output) types.
 - Small halogen floods (MR-16, PAR-20, PAR-30) may also be used. Floodlight fixtures that accept PAR-38 lamps are not acceptable. **Title 24** limits **incandescent** to 2.3 watts/sf of sign area, so in order to be in compliance, a 6' x 4' ground sign would only be allowed 55 watts per face.
 - Check that fixtures are located such that they will be screened by landscaping and not cause **glare**.
- Ground Signs – Internally Illuminated:
 - Check that **fluorescent** lamps are not HO (high output) or VHO (very high output) types. Cabinet depth should be minimum practical.
 - Check that sign background is opaque if lighter colors, or limits light transmission for darker colors.
 - Not allowed in **EPV**.
- Wall Signs and Hanging Signs – Externally Illuminated:
 - Check that exposed fixtures used for wall signs are appropriate to the architecture; or are small, unobtrusive, and painted building color.
 - For **fluorescent**, check that color temperature is specified. Preferred color temperature is 2700-3500°K.
 - Small halogen floods (MR-16, PAR-20, PAR-30) may also be used. Floodlight fixtures that accept PAR-38 lamps are not acceptable. **Title 24** limits **incandescent** to 2.3 watts/sf of sign area, so in order to be in compliance, a 4' x 2' sign would be limited to 20 watts.
 - Check that proposed lighting location will not present **glare** problem.
 - Consider existing ambient light from streetlights or building lighting in determining appropriate sign illumination.
 - Exposed conduits on walls are not allowed.
 - Lighting fixtures mounted on roofs are not allowed.

Plan Review Checklist - Sign Lighting, Cont'd.

- Wall Signs – Internally Illuminated:
 - Cabinet signs discouraged, not allowed in *EPV*.
 - “Pan channel” letters with illuminated faces should have least intensity needed and should be least depth necessary for light source used (neon or *LED*). Must be individually mounted to building and not on “raceway”, unless incorporated into sign as design element. Not allowed in *EPV*.
 - Halo-lit letters should have least intensity needed and should be least depth necessary for light source used (neon or *LED*). Check light source color, warm white illumination preferred, especially in *EPV*. Must be individually mounted to building and not on “raceway”, unless incorporated into sign as design element.
 - Automatic Teller Machines (ATMs): See specific Guidelines checklist.
-



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2009

TO: Mayor and Councilmembers

FROM: Transportation Division, Public Works

SUBJECT: State And De La Vina Intersection Reconfiguration Project

RECOMMENDATION: That Council:

- A. Direct Staff to continue with the Transportation and Circulation Committee's (TCC) recommended concept for the State and De La Vina Intersection Reconfiguration Project;
- B. Approve the final design elements for the Project as presented to the Architectural Board of Review (ABR) on May 8, 2008; and
- C. Authorize an increase in MNS Engineering's contract in the amount of \$20,000 to complete the Project design.

EXECUTIVE SUMMARY:

Council's direction is sought on whether to proceed with the Project. A history of the Project is presented below, including the project development background, design history, and alternatives considered. TCC recommendations are also provided.

DISCUSSION:

Background

The Project was first discussed during the 2003-2004 Oak Park Neighborhood Traffic Management Program (NTMP) process as a potential means of addressing neighborhood concerns regarding the intersections of De La Vina Street at both State Street and Samarkand Drive. The participants of this neighborhood outreach process (Participants) identified this general area as one of top ten priorities because of the difficulties in access and egress from Samarkand Drive and the immediately adjacent commercial area, and because of the potential for bicycle or pedestrian conflicts with vehicles on State Street at De La Vina.

The Core Group of the NTMP (Core Group), a group of Oak Park residents who volunteered to work with Staff, reviewed alternatives and recommended that a change

to this intersection be funded as a Capital Improvement Project. The size of the proposed Project placed it outside the scope of funding available for Oak Park NTMP improvements. Staff indicated that alternative funds would be sought to improve this intersection. For these reasons, it was agreed that this Project would not be part of the neighborhood ballot used to determine use of Oak Park NTMP funded improvements. This Project was also identified in Section V of the Upper State Street Study (2007) "to modify the intersection as planned to remove the eastbound free-right turn and provide positive signal control for all crosswalks at the intersection."

In November 2005, Council authorized this Project as one of five intersections identified for funding through Traffic Congestion Relief Program (TCRP) grant funds. This Project was approved by the California Transportation Commission and the Regional Transportation Planning Agency as an appropriate candidate for the use of TCRP grant funds in September 2006. The TCC found a concept design for this Project to be consistent with the Circulation Element on November 8, 2007, and reconfirmed its finding on December 11, 2008.

The Project's components include traffic signal modifications, access ramps, crosswalk striping, and replacement of the right turn lane with landscape.

Issue Identification

At one time, Hollister Road and De La Vina connected as one continuous road at this location. It was not until 1951 that State Street was extended from Constance to Hollister, and Hollister was renamed State Street. The curb edge of the large radius was left in place presumably because it provided for economical construction of the new intersection. At the time of the intersection's construction, the land use adjacent to the turn was automobile oriented. However, today this entrance serves as the gateway to the Upper De La Vina Commercial District where multiple commercial areas serve residents using all modes to access a coffee shop, Mackenzie Park, restaurants, and Trader Joe's.

The current configuration of the intersection is vehicle oriented and places pedestrian and bicycle movements at a secondary level of comfort and safety. Some of the issues identified by the participants at this particular intersection include: inconvenient and uncomfortable pedestrian crossings (190 feet with two refuges across De La Vina, and 125 feet with one refuge across State Street); stopping distance that is less than typical at a conventional intersection; 85th percentile speeds between 31 and 35 miles per hour through the turn; bicycle weaving across the free-right turn lane with atypical yielding in order to continue on State Street; and poor aesthetics. In the last 5 years, 7 collisions have been reported near the Trader Joe's parking lot where maneuverability and visibility are limited. Collision data does not indicate a problem at this location, however, Staff, Engineering Consultants, and Police Department representatives see potential pedestrian and bicycle safety issues at this location, consistent with the concerns raised with Oak Park NTMP processes. Lack of funding has prevented this issue from being

addressed in the past, but with the available grant funds, there is an opportunity to address the potential pedestrian and bicycle safety issues now.

In order to address the identified issues, a plan was developed that would balance the functionality for all users. The elimination of a free-right turn lane is a recommended practice in modern intersection design to improve pedestrian access. With this proposal, all right turning traffic would turn at the signal, consistent with typical signalized intersections in the City.

Project Design History

The merits of the current design have been the subject of considerable community debate.

Design commenced on the Project in spring 2007. The Parks and Recreation Commission reviewed and approved tree removal and replacements necessary for the Project to move forward in February 2008. The Project has been before the ABR twice (November 2007 and May 2008), but has failed to gain support. The ABR and members of the community asked that other alternatives to the removal of the free-right turn lane be considered. While there was significant concern expressed by the Board regarding the proposed Project and the removal of the median and right turn lane, the landscaping, as presented should the island be removed, was deemed satisfactory by the ABR.

Staff reassessed the alternatives brought forward previously to the TCC and ABR, as well as other alternatives not previously considered. In addition to the proposal created and supported by the Core Group to remove the free-right turn, three alternative concepts emerged: a proposal that removes the free right-turn while maintaining an island; a proposal that retains the free-right turn lane while reducing its width; and a proposal that builds on the narrowing of the free-right turn concept by adding on the closure of the northbound right turn lane and/or curb extensions and a median on De La Vina Street. It should be noted that a roundabout option was considered as well, but dismissed because of right-of-way concerns.

The three design concepts were described in detail at the December 11, 2008, TCC meeting. The purpose of the meeting was to allow TCC members to provide feedback on the various concepts and to provide advice to Council as to which option was preferred, based on its consistency with the Circulation Element. The operational elements and merits of each option were described (Attachment 1) as was an evaluation matrix (Attachment 2), used to help identify the policy application for decision-making purposes.

Staff concluded that each of the alternatives described to the TCC could provide some pedestrian and bicycle benefits. However, no proposal that maintains the free-right turn could be considered to provide equality of convenience, comfort, and safety for all

modes because of the disadvantage to pedestrians. Therefore, it was the recommendation of Staff that the proposal to remove the free right turn to create a standard intersection best meets the policies of the Circulation Element.

The design concept ultimately supported by the TCC at its December 11, 2008, meeting was the proposal to remove the free right turn and create an additional landscape area in the altered space. The TCC approved the following motion: "That the TCC reaffirms its support for the original option of November 8, 2007: Removing the free-right turn."

Additionally, the TCC made recommendations about specific design elements emphasizing the possibility to improve pedestrian access at Samarkand and De La Vina by adding a pedestrian island, as well as pre-wiring the traffic signal at State and De La Vina for a right turn green arrow in the event the future traffic volumes require this modification to maintain an acceptable LOS.

Circulation Element Policy Implications

The intent of the Project is to implement many of the Circulation Element Policies:

- Policy 2.1 – Work to achieve equality of convenience and choice among all modes of transportation.
- Policy 4.2 - The City shall work to expand, enhance, and maintain the system of bikeways to serve current community needs and to develop increased ridership for bicycle transportation and recreation.
- Policy 5.1 – The City shall create an integrated pedestrian system within and between City neighborhoods, schools, recreational areas, commercial areas, and places of interest.
- Policy 5.5 – The City shall create and foster a pedestrian friendly environment through physical and cultural improvements and amenities.
- Policy 5.6 - The City shall make street crossing easier and more accessible to pedestrians.

Environmental Analysis

A significant environmental impact would occur if a project would cause the LOS to drop below LOS C or 0.77. The intent of this Project is to maintain a satisfactory LOS for vehicles at the intersection. While the overall LOS for the intersection remains the same, at LOS B, staff recognizes the right turning movement would experience some delay and drop to LOS C. However, the Project as proposed would not reduce the vehicular LOS below LOS C; therefore further environmental analysis is not required.

BUDGET/FINANCIAL INFORMATION:

Budget And Schedule

The Project for De La Vina and State Street is currently funded for design through the TCRP. Construction dollars will be allocated by the State on a first-come, first serve basis once the Project is ready to go out to bid. Due to the delay in Project approval, design services have exceeded those proposed by MNS Engineering. An additional \$20,000 is required to prepare the Project for final design, in order to retain sufficient funds in the contract for the design of traffic signals on De La Vina at Canon Perdido and Figueroa Street. The complete cost of the Project, including design, construction, and construction management, is currently estimated at \$893,503, with \$670,125 in TCRP funds and \$223,378 local match. Given the time required to produce final bid documents and the timeline anticipated for State of California allocation of construction funding, it is expected that construction will not occur until 2010.

Alternate Use of Funds

The current grant proposal accepted for TCRP funds included improvements at five intersections. If the Project does not move forward, the TCRP funds could be utilized to finish the design and construction of traffic signals/intersection improvements at De La Vina at Figueroa, and De La Vina at Canon Perdido. Should funds remain, staff recommends pursuing design of improvements at Alamar at State Street.

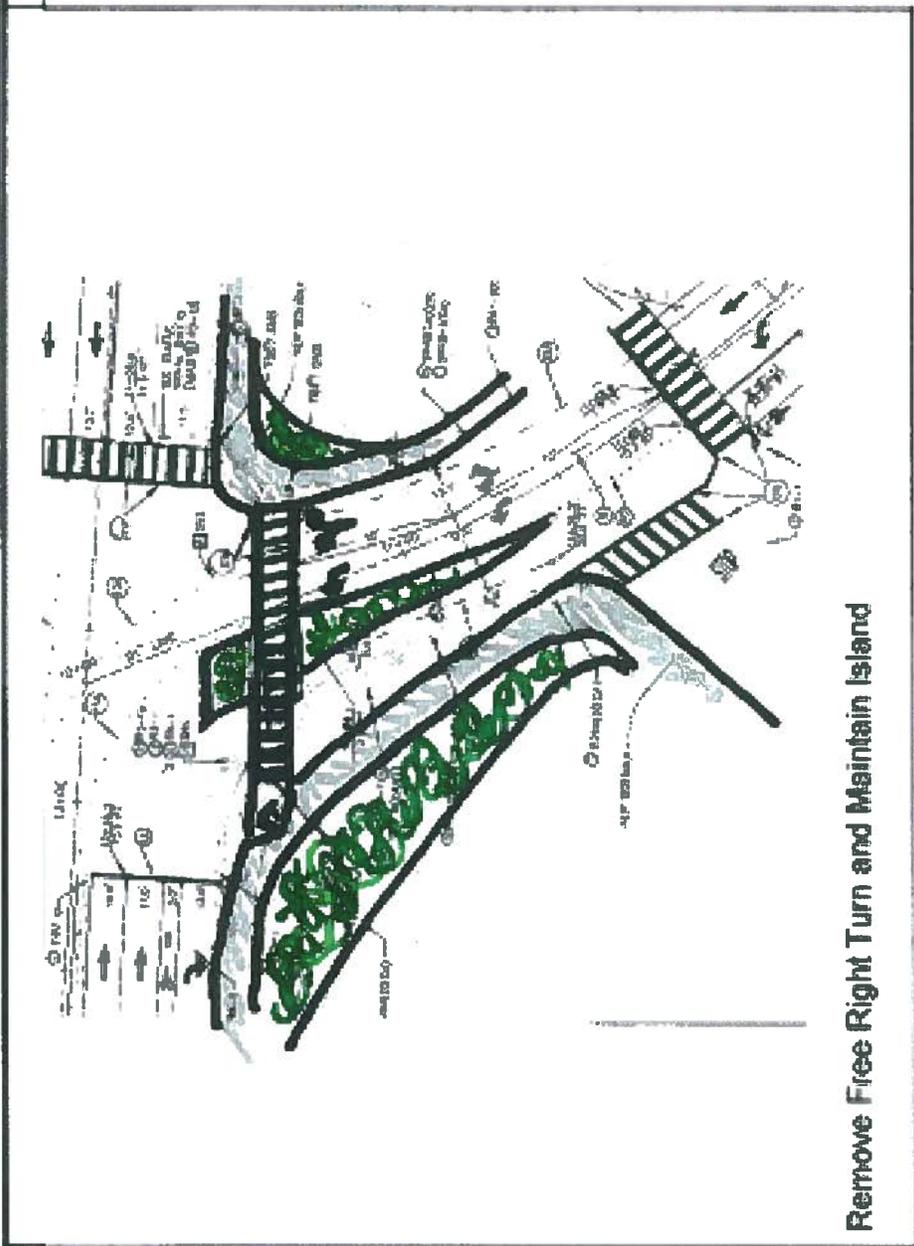
- ATTACHMENT(S):**
1. State and De La Vina Intersection Reconfiguration Project Concept Alternatives
 2. State and De La Vina Intersection Reconfiguration Project Decision Matrices

PREPARED BY: Browning Allen/DvH/tm

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

<p>PROPOSAL ELEMENTS</p> <ul style="list-style-type: none"> • Free right turn lane replaced with smaller park • Exclusive NB De La Vina right turn lane replaced with curb extension • Existing island reduced to 40% • 80' right turn pocket on State of right turn • Bike lane to left pocket on State • 90' pedestrian De La Vina crossing with one refuge 	<p>PROPOSAL MERITS</p> <ul style="list-style-type: none"> • State street crossing will be initiated from the corner instead of on island • Slower speeds to Samarkand crosswalk should increase yield rate • DLV turns from 3 crosswalks into 2 crosswalks, and State turns from 2 crosswalks into 1 crosswalk • Reduces the pedestrian exposure by reducing the crossing distance along state crossing • DLV & protected by the pedestrian phase of the signal • Access for downstream driveways should improve because oncoming vehicle speeds are slower • The asphalt is recaptured to landscaping, improving sustainability
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Remove Free Right Turn and Maintain Island

Concept 2: Remove Free-Right Turn and Maintain Island

Evaluation Matrix: Operations Considerations

	SB DLV Pedestrian Crossing	Improve Bike Lane EB State	Vehicle LOS	Samar kand Intersection	Cost Relative to Benefit	NB RT DLV Pedestrian Crossing	Samar kand Pedestrian Crossing	DLV NB Pedestrian Crossing	Landscape Potential	Minimized Parking Loss	Functional Green Space	Total
Unweighted Rating												
Remove Free Right Turn	4	3.5	1.5	4	2	4	2	1	3	1.5	4	30.5
Remove FRT Maintain Island	1	3.5	1.5	3	1	2	1	2.5	4	1.5	3	24
Narrow Free Right Turn	2.5	1.5	4	1.5	4	1	3	2.5	1	3.5	1	25.5
Narrow Free Right Turn (plus)	2.5	1.5	3	1.5	3	3	4	4	2	3.5	2	30
Importance Factor	3	2	2	1	3	1	3	1	3	1	2	
Rating Weighted by Importance												
Remove Free Right Turn	12	7	3	4	6	4	6	1	9	1.5	8	61.5
Remove FRT Maintain Island	3	7	3	3	3	2	3	2.5	12	1.5	6	46
Narrow Free Right Turn	7.5	3	8	1.5	12	1	9	2.5	3	3.5	2	53
Narrow Free Right Turn (plus)	7.5	3	6	1.5	9	3	12	4	6	3.5	4	59.5

Note: Rating definition

4 = most benefit

1 = least benefit

Note: Importance Factor Definition

3 = High Value

2 = Medium Value

1 = Low Value

Evaluation Matrix: Policy Considerations

	Policy 2.1 – Work to achieve equality of convenience and choice among all modes of transportation	Policy 4.2 - Expand, enhance, and maintain the system of bikeways	Policy 5.1 – create an integrated Pedestrian system within and between City neighborhoods, schools, recreational areas, commercial areas, and places of interest.	Policy 5.5 – create and foster a Pedestrian friendly environment through physical and cultural improvements and amenities.	Policy 5.6 - make street crossing easier and more accessible to Pedestrians.	Change in Level of Service for Vehicles	Total
Unweighted Rating							
Remove Free Right Turn	4	2.5	4	4	4	1	19.5
Remove FRT Maintain Island	3	2.5	3	1	3	2	14.5
Reduce Free Right Turn	1.5	2.5	1.5	2	1.5	4	13
Reduce Free Right Turn (plus)	1.5	2.5	1.5	3	1.5	3	13
Importance Factor	3	2	3	2	3	2	
Rating Weighted by Importance							
Remove Free Right Turn	12	5	12	8	12	2	51
Remove FRT Maintain Island	9	5	9	2	9	4	38
Reduce Free Right Turn	4.5	5	4.5	4	4.5	8	30.5
Reduce Free Right Turn (plus)	4.5	5	4.5	6	4.5	6	30.5

Note: Rating Definition

4 = most benefit

1 = least benefit

Note: Importance Factor Definition

3 = High Value

2 = Medium Value

1 = Low Value