

**CITY OF SANTA BARBARA
CITY COUNCIL**

Marty Blum

Mayor

Dale Francisco

Mayor Pro Tempore

Das Williams

Ordinance Committee Chair

Roger L. Horton

Finance Committee Chair

Iya G. Falcone

Grant House

Helene Schneider



James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

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

**OCTOBER 6, 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 meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

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

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

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

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

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

ORDER OF BUSINESS

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

SPECIAL ORDINANCE COMMITTEE MEETING - 12:00 NOON IN THE COUNCIL CHAMBER (120.03)

Subject: Medical Cannabis Dispensary Ordinance Revision

Recommendation: That the Ordinance Committee review the existing Medical Cannabis Dispensary Ordinance, discuss options, and provide direction to staff on potential revisions.

(Continued from September 29, 2009)

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. Subject: 2009 Annual Charitable Giving Campaign (170.01)

Recommendation: That Council receive a report from the Chairperson on the City's 2009 Annual Charitable Giving Campaign.

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through October 31, 2009.

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

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

Recommendation: That Council authorize the Public Works Director to execute a joint funding agreement with United States Geological Survey (USGS) for water resources investigations related to surface water and groundwater measurements for the period of November 1, 2009, through October 31, 2010, with a City cost share not to exceed \$109,100.

CONSENT CALENDAR (CONT'D)

4. Subject: Resolution To Establish An Easement For Cacique Street On City Property Between Highway 101 And Milpas Street (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Dedicating an Easement for Public Street and All Related Purposes on the Portion of Cacique Street Previously Vacated by Resolution No. 89-114, Owned by the City of Santa Barbara, Santa Barbara County Assessor's Parcel No. 017-251-018, for the Undercrossing of Cacique Street at State Highway 101 Between Milpas Street and Alisos Street.

5. Subject: Adoption Of Ordinance For 2030 Las Canoas Road Annexation (680.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Zoning of Certain Real Property Upon Annexation to Assessor's Parcel Number 021-030-039 located at 730 Las Canoas Place.

6. Subject: Adoption Of Ordinance Concerning Undergrounding Utilities And Time Limits To Rebuild Nonconforming Properties Damaged Or Destroyed In Natural Disasters (530.07)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 22.38.050 of the Santa Barbara Municipal Code Regarding Utility Undergrounding Requirements in Connection with Construction Projects, and Amending Section 28.87.038 of the Municipal Code Regarding the Reconstruction of Nonconforming Buildings Damaged or Destroyed by Natural Disasters.

7. Subject: Receipt Of Energy Efficiency And Conservation Block Grants (630.06)

Recommendation: That Council:

- A. Authorize the receipt of American Reinvestment and Reinvestment Act (ARRA) grant funds totaling \$868,200 through the Energy Efficiency and Conservation Block Grants (EECBG) program;
- B. Increase appropriations and estimated revenues by \$818,200 in the Intra-City Services Fund for the portion of the grant to be used for energy efficiency and conservation projects;

(Cont'd)

CONSENT CALENDAR (CONT'D)

7. (Cont'd)

- C. Increase appropriations and estimated revenues by \$50,000 in the General Fund, Community Development Department, budget for the portion of the grant to be used for a Climate Action Plan;
- D. Authorize the Public Works Director to execute a contract with AG Mechanical Engineers for an amount not to exceed \$75,230 for the design of standard Heating, Ventilation and Air Conditioning (HVAC) systems and control systems to be used for all City facilities; and
- E. Authorize the Public Works Director to have Change Order authority of up to \$20,000 for extra services of AG Mechanical Engineers that may result from necessary changes in the scope of work.

8. **Subject: Golf Course Safety Improvement Master Plan (570.02)**

Recommendation: That Council approve a change order of \$10,000 for the Golf Course Safety Improvement Master Plan agreement with Cupp Design, contract number 21,631, negotiated in March 2005 in the amount of \$150,000, to cover any cost increases that may result from extra work.

9. **Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Approval For 1900 Lasuen Road (640.07)**

Recommendation: That Council set the date of November 10, 2009, at 6:00 p.m. for hearing the appeal filed by Trevor Martinson of the Planning Commission approval of an application for the El Encanto Hotel and Garden Villas property owned by Orient Express Hotels, Trains & Cruises and located at 1900 Lasuen Road, Assessor's Parcel No. 019-170-022, R-2/4.0/R-H Two-Family Residential/4 Units per Acre/Resort-Residential Hotel Zones, General Plan Designation: Residential, 3 Units per Acre. The project is a revision to the approved El Encanto Hotel Revised Master Plan and consists primarily of revisions to the design of the northwest corner of the project site. The proposal includes three one-story cottages above an underground valet parking garage. The discretionary applications required for the project are Modifications and a Transfer of Existing Development Rights.

NOTICES

- 10. The City Clerk has on Thursday, October 1, 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.

CONSENT CALENDAR (CONT'D)

NOTICES (CONT'D)

11. Cancellation of the regular Redevelopment Agency meeting of October 6, 2009, due to a lack of business.
12. A City Council site visit is scheduled for Monday, October 12, 2009, at 1:30 p.m. to the property located at 1642 and 1654 Calle Canon and 2418 Calle Montilla, which is the subject of an appeal hearing set for October 13, 2009, at 2:00 p.m.

This concludes the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

- 13. Subject: Annual Performance Management Program Report For Fiscal Year 2009 And Comparative Indicators Report (170.01)**

Recommendation: That Council:

- A. Receive a status report on the City's performance management program and a summary of department performance highlights for Fiscal Year 2009; and
- B. Receive a report on how the City of Santa Barbara compares with other California communities on key indicators.

PUBLIC WORKS DEPARTMENT

- 14. Subject: Authorization To Terminate The Green Mobile Home Park Encroachment Permit (330.10)**

Recommendation: That Council:

- A. Authorize and direct the Public Works Director to terminate a portion of the Encroachment Permit, Agreement No. 16,786, Ordinance No. 4788, for the Green Mobile Home Park (Park), from 120 feet south of Punta Gorda Street to Highway 101, effective September 1, 2010, in accordance with the terms of the Agreement; and
- B. Authorize the Public Works Director to terminate the remainder of the Encroachment Permit effective September 1, 2011.

PUBLIC HEARINGS

15. Subject: Appeal Of The Single Family Design Board Approval For 2105 Anacapa Street (640.07)

Recommendation: That Council deny the appeal of Tony Fischer on behalf of the Friends of Upper-Anacapa Street, and uphold the Single Family Design Board (SFDB) Preliminary Approval of the application of Barbara E. Matthews for the proposed demolition of an existing single-family residence and detached garage and construction of a two-story single-family residence and attached garage.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

ADJOURNMENT

To Monday, October 12, 2009, at 1:30 p.m. at 1642 and 1654 Calle Canon and 2418 Calle Montilla. (See Agenda Item No. 12)

CITY OF SANTA BARBARA

SPECIAL ORDINANCE COMMITTEE MEETING

MEETING AGENDA

DATE: October 6, 2009
TIME: 12:00 p.m.
PLACE: Council Chambers

Das Williams, Chair
Dale Francisco
Grant House

Office of the City
Administrator

Office of the City
Attorney

Nina Johnson
Assistant to the City Administrator

Stephen P. Wiley
City Attorney

ITEMS FOR CONSIDERATION

Subject: Medical Cannabis Dispensary Ordinance Revision

Recommendation: That the Ordinance Committee review the existing Medical Cannabis Dispensary Ordinance, discuss options, and provide direction to staff on potential revisions.

(Continued from September 29, 2009)



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE REPORT

AGENDA DATE: September 15, 2009

TO: Ordinance Committee

FROM: Planning Division, Community Development Department

SUBJECT: Medical Cannabis Dispensary Ordinance Revision

RECOMMENDATION:

That the Ordinance Committee review the existing Medical Cannabis Dispensary Ordinance, discuss options, and provide direction to staff on potential revisions.

EXECUTIVE SUMMARY:

On July 28, 2009, the City Council referred the Medical Cannabis Dispensary Ordinance, SBMC Chapter 28.80, to the Ordinance Committee, with direction to review the ordinance, discuss options, and make recommendations to Council. Several subject areas were specifically mentioned by the Council, and others have been added by staff, based on experience processing recent applications. Each subject area is discussed briefly in this Ordinance Committee report.

BACKGROUND:

On July 28, 2009, the City Council referred the Medical Cannabis Dispensary Ordinance to the Ordinance Committee, with direction to review the following nine subject areas, discuss options, and make recommendations to Council on revisions to the ordinance.

1. Police Department statistics surrounding the existing dispensaries in order to tighten up the ordinance;
2. Cap on the number of dispensaries per area or citywide;
3. Security requirements;
4. Milpas Street recovery zone and how it interacts with the dispensaries;
5. Locational requirements of dispensaries in proximity of schools and educational enterprises;
6. Reducing the amortization period for nonconforming dispensaries;
7. Impacts on neighborhoods;
8. Re-establishing a moratorium or interim ordinance, and the applicability of new regulations to existing and pending dispensaries; and
9. Information about neighboring jurisdictions' medical cannabis regulations.

Additionally, based on recent experience processing Medical Cannabis Dispensary Permits (MCDPs) and recent public input, staff suggests that the Ordinance Committee also discuss the following subject areas:

10. Criteria for Issuance;
11. Permit discretion given to the Staff Hearing Officer;
12. Whether permit decisions should be appealable to the City Council;
13. Allowing Dispensaries in the C-O and/or C-1 Zones.
14. Full cost recovery for application review.

Known Medical Cannabis Dispensaries

The following is a summary of known medical cannabis dispensaries by category:

PERMITTED BY CITY AND OPERATING

331 N. Milpas St. (compliance with approved permit is under investigation)

PERMIT APPROVED APPLICATIONS

500 N. Milpas St.

PENDING APPLICATIONS

631 Olive St. Commission	Approved by Staff Hearing Officer, on appeal to Planning
741 Chapala St	Pending
2 W. Mission	Pending
234 E. Haley	Pending
302 E. Haley	Pending
826 De la Vina	Pending

NONCONFORMING

These dispensaries were found to be legal under the City's Interim Ordinance, and are allowed to remain in their current locations for three years from the effective date of the current ordinance (until April 25, 2011). If they meet the locational requirements of the current ordinance, they can apply for a Medical Cannabis Dispensary Permit, otherwise they must close or obtain a City Zoning Variance. See Subject #6 below. A nonconforming status under investigation means that at the time of application, they were found to be nonconforming, but it is uncertain whether those conditions still exist.

3128 State Does not meet locational requirements, too close to MacKenzie Park

3516 State	Meets locational requirements (continuing legal Nonconforming status under investigation).
27 Parker Way	Does not meet locational requirements, but may qualify for a variance. Too close to Moreton Bay Fig Tree Park, which is across US101. (Nonconforming status under investigation)
100 E. Haley	Does not meet locational requirements, too close to Vera Cruz Park. (continuing legal Nonconforming status under investigation).

ILLEGALLY OPERATING – The following are under investigation and enforcement:

2915 De la Vina	(Currently the subject of a City Zoning Enforcement Action)
336 Anacapa	(Currently the subject of a City Zoning Enforcement Action)

There are other dispensaries that are currently under investigation by the Police Department.

DISCUSSION:

The current Medical Marijuana Dispensary ordinance includes locational requirements for permitted dispensaries. They are allowed in the C-2 and C-M zones, as well as on Upper State Street, Milpas Street, and the Mesa, but not within 500 feet of schools, parks or another dispensary. The ordinance's operational requirements include: a security plan, cameras, floor plan, consumption prohibition within 200 feet, etc. The existing ordinance does not place a cap on the number of dispensaries within the City or a limit on the hours of operation.

1. Police Department Statistics

The Police Department staff will be present at the Ordinance Committee meeting to present crime statistics concerning existing dispensaries.

2. Cap on the Number of Dispensaries per Area

The Council discussed both a citywide cap and a cap per geographic area. Currently, the areas (Downtown, Upper State, Milpas, Mesa) are not delineated by boundaries within the ordinance. If the Ordinance Committee would like geographic area caps, staff will return with boundaries, to facilitate the discussion. An alternative to a cap would be to increase the minimum distance between dispensaries from 500 feet (1 block).

3. Security Requirements

The existing ordinance, SBMC Chapter 28.80, has quite a number of security requirements, which seem adequate to staff; however, it may be appropriate to consider adding two additional requirements: 1) a limitation on the hours of operation, such as from 10 am to 7pm; and 2) a requirement that the security personnel be licensed by the State (Department of Consumer Affairs, Bureau of Security and Investigative Services). Both of

these requirements have been added as conditions of approval of recently approved dispensaries.

The current ordinance requires a separate, secure area designated for dispensing cannabis. A pending dispensary at 741 Chapala Street originally proposed a very open floor plan, with cannabis dispensing taking place at a counter in the general retail area, rather than a separate dispensing area. The operator of this proposed dispensary operates several dispensaries of a similar configuration in the Los Angeles area, and according to them, has had no problems with security. Staff would like the Ordinance Committee's confirmation that a separate, secure dispensing area is appropriate.

4. Milpas Recovery Zone

The Milpas Recovery Zone is a proposal by the Milpas Action Task Force to create a space where those seeking recovery from substance abuse, mental illness and physical ailments can be free from negative illegal influences. The area suggested by the Milpas Action Task Force is bounded by Milpas Street, the beach, Garden Street, and Gutierrez Street. Although the City has agreed on the implementation of a Recovery Zone concept, definitive boundaries have not yet been determined. Medical Cannabis Dispensaries could be excluded from the Recovery Zone.

5. Siting Requirements of Dispensary in Proximity to Schools and Parks

The current ordinance prohibits dispensaries within 500 feet of parks and schools (pre-schools, day care centers, colleges, universities, trade schools, and vocational schools are not considered "schools" under the existing ordinance). This 500-foot radius could be increased, which would reduce the number of viable locations, perhaps severely, if the radius is much larger. Pre-schools and day care centers were specifically excluded from this radius requirement since most attendees are in parental control during pick-up and drop-off. At a Downtown Organization meeting, a representative of the SB School Board requested a limitation on dispensaries on or near safe routes to schools or around bus stops where school age children congregate. One concern with more siting restrictions around private schools and day care centers is that such operations come and go, so a dispensary may start up, and later, a child care center is proposed. Does the dispensary become nonconforming?

Additionally, the current ordinance does not contain a prohibition of dispensaries within a certain distance of residential zones. Such a prohibition was discussed, but not recommended. In recent hearings, concern was raised by the public about the proximity of dispensaries to residential zones. Depending on the distance, this requirement could eliminate large portions of Milpas Street and Outer State Street from the areas where dispensaries are allowed.

6. Reducing the Amortization Period for Nonconforming Dispensaries

SBMC Chapter 28.80 allows dispensaries that were in compliance with the Interim Ordinance to continue operation for three years from the effective date of the current ordinance (April 25, 2008), under certain conditions. Three years was considered reasonable by the Council in 2008, as it gave operators time to amortize their tenant improvement expenses. Additionally, for those dispensaries that could be legalized, the three years gave adequate time to do so. The nonconforming dispensaries must either get a Medical Cannabis Dispensary Permit or relocate before April 25, 2011 (about 19 months). The Ordinance Committee could recommend a shorter amortization period.

7. Impacts on Neighborhoods

Staff has heard about the following types of neighborhood impacts from the public in meetings and correspondence: loitering, such that passers-by or nearby business owners or residents are uncomfortable or fearful; smoking near dispensaries, either in public or in cars; marijuana odors (both from smoking and from the raw material); dispensary patients selling marijuana to non-patients (including children) outside the dispensary; robberies and violence. The Police Department staff will discuss this issue at the Ordinance Committee hearing.

8. Re-establishing an Interim Ordinance, and the applicability of new regulations to existing and pending dispensaries

After the issue of Medical Cannabis Dispensaries first arose in August 2007, the City passed an Interim Ordinance which prohibited the opening of new dispensaries for one year, while the permanent ordinance was being drafted. We have a request to do this again, and depending on the extent of changes that the Council may be considering, it may be appropriate to impose a new moratorium/interim ordinance.

The subject of applicability of new regulations to existing and pending dispensaries must be addressed in the ordinance revision. Normally, new regulations do not apply to existing, legal land uses, at least not without an appropriate amortization period. For example, if a land use zone changes from industrial to residential, the industrial use is allowed to remain as long as certain criteria are met for not expanding the non-conforming use. Another methodology is to allow an amortization period, similar to the current Medical Cannabis Dispensary Ordinance, which allows pre-existing, nonconforming dispensaries three years to seek approval of a MCDP under the current code, relocate, or close operations. For pending dispensaries, any number of points in the process (building occupancy, building permit issuance, project approval, application completeness, etc.), could be the point at which the revised regulations would apply.

9. Information about Neighboring Jurisdictions' Medical Cannabis Regulations

Staff has researched neighboring jurisdictions on the South Coast, and found that virtually all jurisdictions (Lompoc, Santa Maria, Buellton, Solvang, Goleta, Carpinteria, Ventura, Oxnard, Camarillo and Guadalupe) have either an outright ban on dispensaries or a temporary moratorium on new dispensaries. Both Goleta's and Ventura's moratoriums are to consider allowing dispensaries pursuant to an ordinance in the future. It appears that the city and County of Santa Barbara are the only local jurisdictions that currently allow medical cannabis dispensaries.

10. Criteria for Issuance

SBMC Chapter 28.80 establishes 13 criteria for issuance that must be considered by the decision making body in determining whether to grant or deny a dispensary permit. After processing several dispensary permit applications, Staff believes that it is appropriate to revise or eliminate some of these criteria.

- A. Criterion #2 requires that the location of the dispensary is not identified by the City Chief of Police as an area of high crime activity. The Police Department has not currently identified any areas of high crime activity in the City, so the value of this criterion is questionable. Staff recommends changing the language so that it can better reflect when the Police Department has concerns over criminal activity at the potential location of a dispensary.
- B. Criterion #4 refers to "reporting requirements." This is a remnant from when the Ordinance contained language requiring periodic reporting or permit renewal. Staff proposes to delete this phrase.

11. Amount of discretion given to the Staff Hearing Officer

The Medical Cannabis Dispensary Permit is set up as a Performance Standard Permit (PSP), which is a discretionary action partway between a ministerial action (no discretion) and a Conditional Use Permit (total discretion). A PSP allows the decision making body only a limited amount of discretion, and if the Criteria for Issuance are met, then the permit is approved. This was done because it seemed that the location and operational requirements would prevent the type of neighborhood concerns that caused the drafting of the current ordinance. It was to be the Staff Hearing Officer's responsibility to review the project to ensure that the requirements were met, and to give the public a forum to speak to the project.

Of the current 13 criteria for issuance, there are two criteria for issuance that give the decision making bodies some discretion: #7 and #10. Criterion #7 states, "...no significant nuisance issues or problems are anticipated..." Criterion #10 states, "That the

dispensary would not adversely affect the health, peace, or safety of persons living or working in the surrounding area...”

A question that has arisen from the Staff Hearing Officer is: how much discretion does the Staff Hearing Officer have to deny a dispensary permit, if all locational and operational requirements are met. Staff would like to discuss this issue with the Ordinance Committee for possible amendments to these criteria.

12. Lack of Appeal to City Council

The current ordinance allows the Staff Hearing Officer’s decision to be appealed to the Planning Commission, but the Planning Commission is the final review body. The Planning Commission’s decision cannot be appealed to City Council. Planning Commissioners, appellants and some interested parties have questioned this lack of appeal rights, and Staff would appreciate a discussion of this subject by the Ordinance Committee.

13. Allowing Dispensaries in the C-O and/or C-1 Zones

During the City Council meeting on July 28, 2009, several public speakers commented that Medical Cannabis Dispensaries should be located near hospitals or in doctors’ offices, and that the current ordinance targets certain areas of the City for dispensaries. Hospitals and doctors’ offices are located, for the most part, in the C-O Zone, which is centered around Cottage Hospital and the old St. Francis Hospital on East Micheltorena Street. Staff does not believe that dispensaries should be located in the East Micheltorena C-O Zone, as it’s very small, is surrounded by residential uses, and the hospital is no longer in operation. However, dispensaries could be found to be appropriate in the C-O Zone surrounding Cottage Hospital. Additionally, perhaps dispensaries should be allowed in the C-1 zone (Coast Village Road), in order to have a more even distribution of dispensaries in the city.

14. Full Cost Recovery for Application Processing

The City Council directed the Finance Committee to review a cost recovery fee, and staff would like the Ordinance Committee’s input on this issue as well. Although several Councilmembers have expressed interest in fees that would recover the cost of all aspects of City involvement with dispensaries, including policing, staff does not believe that all such fees are lawful. However, it would be appropriate to charge full cost for application processing. Currently, Planning Staff charges its hourly rate for application processing. The current rate is \$200/hr. Planning Staff collects \$2000 as a deposit (10 hrs) and charges additionally if the processing takes more than 10 hours of the case planner’s time. There are several issues we would like the Ordinance Committee to discuss:

A. The other major participants in the review of Medical Cannabis Dispensaries are the Police Department and the Building & Safety Division. We have not been charging the

applicants for the time spent by these participants, but will do so from this point forward. Another issue here is that we will be re-examining whether \$200/hr represents the full hourly rate (including overhead), of the Community Development Department and Police Departments.

- B. The appeal fees in the City are very low and only cover a small percentage of the costs involved with appeals. Currently, appellants (usually neighbors) pay the appeal fee of \$300.00, but we do not charge applicants the hourly fee. Should the applicants be charged hourly for the time spent on an appeal?

ATTACHMENTS:

1. Current Medical Marijuana Dispensary Ordinance
2. Maps of Allowed Locations for Medical Marijuana Dispensaries

PREPARED BY: Danny Kato, Senior Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. 5449

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING THE MUNICIPAL CODE
BY ADDING CHAPTER 28.80 ESTABLISHING
REGULATIONS AND PROCEDURES FOR MEDICAL
CANNABIS DISPENSARIES

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

SECTION ONE. The City Council adopts the ordinance codified in this chapter based upon the following findings and determinations:

- A. The voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 et seq.) entitled "The Compassionate Use Act of 1996" (Act).
- B. The intent of Proposition 215 was to enable persons residing in the State of California who are in need of cannabis for medical purposes to be able to obtain and use it without fear of criminal prosecution under limited, specified circumstances.
- C. The State enacted SB 420 in 2004, being Sections 11362.7 et seq., of the Health and Safety Code, being identified as the Medical Cannabis Program (Program), to clarify the scope of the Compassionate Use Act of 1996 and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with the Program.
- D. To protect the public health, safety, and welfare, it is the desire of the City Council to modify the City Code consistent with the Program, regarding the location and operation of medical cannabis dispensaries.
- E. It is the City Council's intention that nothing in this chapter shall be construed to do any of the following: 1. to allow persons to engage in conduct that endangers others or causes a public nuisance; 2. to allow the use of cannabis for non-medical purposes; or 3. to allow any activity relating to the cultivation, distribution, or consumption of cannabis that is otherwise illegal and not permitted by state law.
- F. Pursuant to California Health and Safety Code Section 11362.71 et seq., the State Department of Health, acting by and through the state's counties, is to be responsible for establishing and maintaining a voluntary medical cannabis identification card program for qualified patients and primary caregivers.

G. California Health and Safety Code Section 11362.71(b) requires every county health department, or its designee, to implement a procedure to accept and process applications from those seeking to join the identification program in the matters set forth in Section 11362.71 et seq.

H. This chapter is found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b) (3) in that the Council finds and determines that there is nothing in this chapter or its implementation that could foreseeably have any significant effect on the environment.

I. This chapter is compatible with the general objectives of the general plan and any applicable specific plan, in that this use would be conditionally permitted in commercial and industrial districts, being similar to other permitted and conditionally permitted uses, such as pharmacies and medical clinics, and in that the use will be subject to strict review and conditions.

J. This chapter is compatible with the public convenience, general welfare and good land use practice, in that medical marijuana dispensaries address a medical need in the community, and in that the use will be subject to rigorous review and conditions.

K. This chapter will not adversely affect the orderly development of property, in that dispensaries would be subject to a careful review process, and strict operating requirements would be imposed.

SECTION TWO. Title 28 of the Santa Barbara Municipal Code is amended by adding a new chapter, Chapter 28.80 entitled "Medical Cannabis Dispensaries," which reads as follows:

28.80.010 Purpose and Intent.

It is the purpose and intent of this chapter to regulate the locations of medical cannabis dispensaries in order to promote the health, safety, and general welfare of residents and businesses within the City. It is neither the intent nor the effect of this chapter to condone or legitimize the use or possession of cannabis except as allowed by California law.

28.80.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the following meanings:

A. Applicant. A person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a dispensary.

B. Drug Paraphernalia. As defined in California Health and Safety Code Section 11362.5, and as may be amended from time to time.

C. Identification Card. As defined in California Health and Safety Code Section 11362.5 et seq., and as may be amended from time to time.

D. Medical Cannabis Dispensing Collective or Dispensary. Any association, cooperative, affiliation, or collective of persons where multiple qualified patients or primary care givers are organized to provide education, referral, or network services, and facilitation or assistance in the lawful retail distribution of medical cannabis. "Dispensary" shall include any facility or location where the primary purpose is to dispense medical cannabis (i.e., marijuana) as a medication that has been recommended by a physician, and where medical cannabis is made available to or distributed by or to a primary caregiver or a qualified patient in strict accordance with California Health and Safety Code Section 11362.5 et seq. A dispensary shall not include dispensing by primary caregivers to qualified patients in the following locations, so long as the location of the clinic, health care facility, hospice, or residential care facility is otherwise permitted by the Municipal Code or by applicable state laws:

1. a clinic licensed pursuant to Chapter 1 of Division 2 of the state Health and Safety Code;

2. a health care facility licensed pursuant to Chapter Two of Division 2 of the state Health and Safety Code;

3. a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the state Health and Safety Code;

4. a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the state Health and Safety Code;

5. a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the state Health and Safety Code;

provided that any such clinic, health care facility, hospice or residential care facility complies with applicable laws, including, but not limited to, Health and Safety Code Section 11362.5.

E. Permittee. The person to whom either a dispensary permit is issued by the City and who is identified in California Health and Safety Code Section 11362.7, subdivision (c) or (d), or (e) or (f).

F. Person. An individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company, or combination of the above in whatever form or character.

G. Person with an Identification Card. As set forth in California Health and Safety Code Section 11362.5 et seq., and as amended from time to time.

H. Physician. A licensed medical doctor, including a doctor of osteopathic medicine as defined in the California Business and Professions Code.

I. Primary Caregiver. As defined in California Health and Safety Code Section 11362.5 et seq., and as it may be amended.

J. Qualified Patient. As defined in California Health and Safety Code Section 11362.5 et seq., and as it may be amended from time to time.

K. School. An institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes an elementary school, middle or junior high school, senior high school, or any special institution of education for persons under the age of eighteen years, whether public or private.

28.80.030 Dispensary Permit Required to Operate.

It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City, the operation of a dispensary, unless the person first obtains and continues to maintain in full force and effect a Dispensary Use Permit issued by the City Staff Hearing Officer pursuant to this Chapter, or by the Planning Commission on an appeal from a decision by the Staff Hearing Officer.

28.80.040 Business License Tax Liability.

An operator of a dispensary shall be required to apply for and obtain a Business Tax Certificate pursuant to Chapter 5.04 as a prerequisite to obtaining a permit pursuant to the terms of this Chapter, as required by the State Board of Equalization. Dispensary sales shall be subject to sales tax in a manner required by state law.

28.80.050 Imposition of Dispensary Permit Fees.

Every application for a dispensary permit or renewal shall be accompanied by an application fee, in an amount established by resolution of the City Council from time to time. This application or renewal fee shall not include the standard City fees for

fingerprinting, photographing, and background check costs and shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies.

28.80.060 Limitations on the Permitted Location of a Dispensary.

A. Permissible Zoning for Dispensaries. A dispensary may only be located within the C-2 or C-M zoned areas of the City as so designated in the General Plan, Title 28 of the Municipal Code, and City Zoning map, provided, however, that dispensaries may also be located on parcels situated as follows:

1. any parcel fronting on State Street between Calle Laureles and the westerly boundary of the City at the intersection of State Street and Calle Real;
2. any parcel fronting on Milpas between Canon Perdido Street and Carpinteria Street;
3. any C-P zoned parcel fronting on Cliff Drive within 1000 feet of the intersection of Cliff Drive and Meigs Road;

B. Storefront Locations. A dispensary shall only be located in a visible store-front type location which provides good public views of the dispensary entrance, its windows, and the entrance to the dispensary premises from a public street.

C. Areas and Zones Where Dispensaries Not Permitted. Notwithstanding subparagraph (A) above, a dispensary shall not be allowed or permitted in the following locations or zones:

1. On a parcel located within 500 feet of a school or a park; or
2. On a parcel located within 500 feet of a permitted dispensary; or
3. On a parcel fronting on State Street between Cabrillo Boulevard and Arrellaga Street; or
4. On a parcel zoned R-O or zoned for residential use.

D. Locational Measurements. The distance between a dispensary and the above-listed uses shall be made in a straight line from any parcel line of the real property on which the dispensary is located to the parcel line of the real property on which the facility, building, or structure, or portion of the building or structure, in which the above-listed use occurs or is located.

28.80.070 Operating Requirements for Dispensaries.

Dispensary operations shall be permitted and maintained only in compliance with the following day-to-day operational standards:

A. Criminal History. A dispensary permit applicant, his or her agent or employees, volunteer workers, or any person exercising managerial authority over a dispensary on behalf of the applicant shall not have been convicted of a felony or be on probation or parole for the sale or distribution of a controlled substance.

B. Minors. It is unlawful for any dispensary permittee, operator, or other person in charge of any dispensary to employ any person who is not at least 18 years of age. Persons under the age of 18 shall not be allowed on the premises of a dispensary unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian. The entrance to a dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

C. Dispensary Size and Access. The following dispensary and access restrictions shall apply to all dispensaries permitted by the Chapter:

1. A dispensary shall not be enlarged in size (i.e., increased floor area) without a prior approval from the Staff Hearing Officer amending the existing dispensary permit pursuant to the requirements of this Chapter.

2. The entrance area of the dispensary building shall be strictly controlled. A viewer or video camera shall be installed in the door that allows maximum angle of view of the exterior entrance.

3. Dispensary personnel shall be responsible for monitoring the real property of the dispensary site activity (including the adjacent public sidewalk and rights-of-way) for the purposes of controlling loitering.

4. Only dispensary staff, primary caregivers, qualified patients and persons with bona fide purposes for visiting the site shall be permitted within a dispensary.

5. Potential patients or caregivers shall not visit a dispensary without first having obtained a valid written recommendation from their physician recommending use of medical cannabis.

6. Only a primary caregiver and qualified patient shall be permitted in the designated dispensing area along with dispensary personnel.

7. Restrooms shall remain locked and under the control of Dispensary management at all times.

D. Dispensing Operations. The following restrictions shall apply to all dispensing operations by a dispensary:

1. A dispensary shall only dispense to qualified patients or primary caregivers with a currently valid physician's approval or recommendation in compliance with the criteria in California Health and Safety Code Section 11362.5 et seq. Dispensaries shall require such persons to provide valid official identification, such as a Department of Motor Vehicles driver's license or State Identification Card.

2. Prior to dispensing medical cannabis, the dispensary shall obtain a verification from the recommending physician's office personnel that the individual requesting medical cannabis is or remains a qualified patient pursuant to state Health & Safety Code Section 11362.5.

3. A dispensary shall not have a physician on-site to evaluate patients and provide a recommendation or prescription for the use of medical cannabis.

E. Consumption Restrictions. The following medical marijuana consumption restrictions shall apply to all permitted dispensaries:

1. Cannabis shall not be consumed by patients on the premises of the dispensary.

The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the dispensary's entrance. Dispensary employees who are qualified patients may consume cannabis within the enclosed building area of the premises, provided such consumption occurs only via oral consumption (i.e., eating only) but not by means of smoking or vaporization.

2. Dispensary operations shall not result in illegal re-distribution of medical cannabis obtained from the dispensary, or use or distribution in any manner which violates state law.

F. Retail Sales of Other Items by a Dispensary. The retail sales of dispensary-related or marijuana use items may be allowed under the following circumstances:

1. With the approval of the Staff Hearing Officer, a dispensary may conduct or engage in the commercial sale of specific products, goods, or services in addition to the provision of medical cannabis on terms and conditions consistent with this chapter and applicable law.

2. No dispensary shall sell or display any drug paraphernalia or any implement that may be used to administer medical cannabis.

3. A dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Section 11362.5 et seq.

G. Operating Plans. In connection with a permit application under this Chapter, the applicant shall provide, as part of the permit application, a detailed Operations Plan and, upon issuance of the dispensary permit, shall operate the dispensary in accordance with the Operations Plan, as such plan is approved by the Staff Hearing Officer.

1. **Floor Plan.** A dispensary shall have a lobby waiting area at the entrance to the dispensary to receive clients, and a separate and secure designated area for dispensing medical cannabis to qualified patients or designated caregivers. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

2. **Storage.** A dispensary shall have suitable locked storage on premises, identified and approved as a part of the security plan, for after-hours storage of medical cannabis.

3. **Security Plans.** A dispensary shall provide adequate security on the premises, in accordance with a security plan approved by the Chief of Police and as reviewed by the Staff Hearing Officer, including provisions for adequate lighting and alarms, in order to ensure the safety of persons and to protect the premises from theft.

4. **Security Cameras.** Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage and to report loitering, crime, illegal or nuisance activities. Security video shall be maintained for a period of not less than 72 hours.

5. **Alarm System.** Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition within the dispensary at all times.

6. **Emergency Contact.** A dispensary shall provide the Chief of Police with the name, cell phone number, and facsimile number of an on-site community relations staff person to whom the City may provide notice of any operating problems associated with the dispensary.

H. Dispensary Signage and Notices.

1. A notice shall be clearly and legibly posted in the dispensary indicating that smoking, ingesting or consuming cannabis on the premises or in the vicinity of the dispensary is prohibited.

2. Signs on the premises shall not obstruct the entrance or windows.

3. Address identification shall comply with Fire Department illuminated address sign requirements.

4. Business identification signage shall comply with the City's Sign Ordinance (SBMC Chapter 22.70) and be limited to that needed for identification only, consisting of a single window sign or wall sign that shall not exceed six square feet in area or 10 percent of the window area, whichever is less.

I. Employee Records. Each owner or operator of a dispensary shall maintain a current register of the names of all volunteers and employees currently working at or employed by the dispensary, and shall disclose such registration for inspection by any City officer or official, but only for the purposes of determining compliance with the requirements of this chapter.

J. Patient Records. A dispensary shall maintain confidential health care records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code Section 11362.71 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician or doctor of osteopathy stating the need for medical cannabis under state Health & Safety Code Section 11362.5.

K. Staff Training. Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with state and local law, and properly trained or professionally-hired security personnel.

L. Site Management.

1. The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours, if directly related to the patrons of the subject dispensary.

2. The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.

3. The operator shall provide patients with a list of the rules and regulations governing medical cannabis use and consumption within the City and recommendations on sensible cannabis etiquette.

M. Trash, Litter, Graffiti.

1. The operator shall clear the sidewalks adjoining the premises plus 10 feet beyond property lines along the street, as well as any parking lots under the control of the operator, as needed to control litter, debris and trash.

2. The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.

N. Compliance with Other Requirements. The dispensary operator shall comply with all provisions of all local, state or federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.

O. Display of Permit. Every dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such dispensary in a conspicuous place so that the same may be readily seen by all persons entering the dispensary.

P. Alcoholic Beverages. No dispensary shall hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.

Q. Parking Requirements. Dispensaries shall be considered office uses relative to the parking requirements imposed by Section 28.90.100(l).

28.80.080 Dispensary Permit Application – Preparation and Filing.

A. Application Filing. A complete Performance Standard Permit use permit application submittal packet shall be submitted, including all necessary fees and all other information and materials required by the City and this chapter. All applications for permits shall be filed with the Community Development Department, using forms provided by the City, and accompanied by the applicable filing fee. It is the responsibility of the applicant to provide information required for approval of the permit. The application shall be made under penalty of perjury.

B. Eligibility for Filing. Applications may only be filed by the owner of the subject property, or by a person with a lease signed by the owner or duly authorized agent of the owner allowing them the right to occupy the property for the intended use.

C. Filing Date. The filing date of any application shall be the date when the City receives the last submission of information or materials required in compliance with the submittal requirements specified herein.

D. Effect of Incomplete Filing. Upon notification that an application submittal is incomplete, the applicant shall be granted an extension of time to submit all materials required to complete the application within 30 days. If the application remains incomplete in excess of 30 days, the application shall be deemed withdrawn and new application submittal shall be required in order to proceed with the subject request. The

time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.

E. Effect of Other Permits or Licenses. The fact that an applicant possesses other types of state or City permits or licenses does not exempt the applicant from the requirement of obtaining a dispensary permit.

28.80.090 Criteria for Review of Dispensary Applications by Staff Hearing Officer.

A. Decision on Application. Upon an application for a Dispensary permit being deemed complete, the Staff Hearing Officer, or the Planning Commission on appeal of a decision of the Staff Hearing Officer, shall either issue a Dispensary permit, issue a Dispensary permit with conditions in accordance with this chapter, or deny a Dispensary permit.

B. Criteria for Issuance. The Staff Hearing Officer, or the Planning Commission on appeal, shall consider the following criteria in determining whether to grant or deny a dispensary permit:

1. That the dispensary permit is consistent with the intent of the state Health & Safety Code for providing medical marijuana to qualified patients and primary caregivers, and the provisions of this Chapter and the Municipal Code, including the application submittal and operating requirements herein.

2. That the proposed location of the Dispensary is not identified by the City Chief of Police as an area of high crime activity (e.g., based upon crime reporting district/statistics as maintained by the Police Department).

3. For those applicants operating other Dispensaries within the City, that there have not been significant numbers of calls for police service, crimes or arrests in the area, or to the applicant's existing dispensary location.

4. That all required application fees have been paid and reporting requirements have been satisfied in a timely manner.

5. That issuance of a dispensary permit for the dispensary size requested is justified to meet needs of community.

6. That issuance of the dispensary permit would serve needs of City residents within a proximity to this location.

7. That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule or regulation, and no significant nuisance issues or

problems are anticipated or resulted, and that compliance with other applicable requirements of the City's Zoning Ordinance will be accomplished.

8. That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

9. That all reasonable measures have been incorporated into the security plan or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference with the operation of another business.

10. That the dispensary would not adversely affect the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance; or that the dispensary will generally not result in repeated nuisance activities, including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.

11. That any provision of the Municipal Code or condition imposed by a City-issued permit, or any provision of any other local or state law, regulation, or order, or any condition imposed by permits issued in compliance with those laws, will not be violated.

12. That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

13. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City.

28.80.100 Appeal from Staff Hearing Officer Determination.

A. Appeal to the Planning Commission. An applicant or any interested party who disagrees with the Staff Hearing Officer's decision to issue, issue with conditions, or to deny a dispensary permit may appeal such decision to the City Planning Commission by filing an appeal pursuant to the requirements of subparagraph (B) of Section 28.05.020 of the Municipal Code.

B. Notice of Planning Commission Appeal Hearing. Upon the filing of an appeal pursuant to subparagraph (A) above, the Community Development Director shall provide public notice in accordance with the notice provisions of SBMC Section 28.87.380.

C. Planning Commission Appeal. Notwithstanding subparagraph (C) of Section 28.05.020, Section 28.87.360, and Section 1.30.050, a decision by the Planning Commission on appeal of the Staff Hearing Officer pursuant to this Chapter shall be final and may not be appealed to the City Council.

28.80.110 Suspension and Revocation by Planning Commission.

A. Authority to Suspend or Revoke a Dispensary Permit. Consistent with Section 28.87.360, any dispensary permit issued under the terms of this chapter may be suspended or revoked by the Planning Commission when it shall appear to the Commission that the permittee has violated any of the requirements of this chapter, or the dispensary is operated in a manner that violates the provisions of this chapter, including the operational requirements of this Chapter, or in a manner which conflicts with state law.

B. Suspension or Revocation – Written Notice. Except as otherwise provided in this chapter, no permit shall be revoked or suspended by virtue of this chapter until written notice of the intent to consider revocation or suspension of the permit has been served upon the person to whom the permit was granted at least ten (10) days prior to the date set for such review hearing, and the reasons for the proposed suspension or revocation have been provided to the permittee in writing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery to the permittee, or by depositing such notice in the U.S. mail in a sealed envelope, postage prepaid (via regular mail and return receipt requested), addressed to the person to be notified at his or her address as it appears in his or her application for a dispensary permit.

C. Appeal of Planning Commission Decision. Notwithstanding subparagraph (C) of Section 28.05.020, Section 28.87.360, and Section 1.30.050, a decision by the Planning Commission to suspend or revoke a permit issued pursuant to this Chapter shall be final and may not be appealed to the City Council.

28.80.120 Transfer of Dispensary Permits.

A. Permit – Site Specific. A permittee shall not operate a dispensary under the authority of a dispensary permit at any place other than the address of the dispensary stated in the application for the permit. All dispensary permits issued by the City pursuant to this chapter shall be non-transferable.

B. Transfer of a Permitted Dispensary. A permittee shall not transfer ownership or control of a dispensary or attempt to transfer a dispensary permit to another person, unless and until the transferee obtains an amendment to the permit from the Staff Hearing Officer pursuant to the permitting requirements of this chapter, stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Community Development Department in accordance with all provisions of this chapter accompanied by the required application fee.

C. Request for Transfer with a Revocation or Suspension Pending. No dispensary permit may be transferred (and no permission for a transfer may be issued) when the Community Development Department has notified the permittee in writing that the permit has been or may be suspended or revoked, and a notice of such suspension or revocation has been provided.

D. Transfer Without Permission. Any attempt to transfer a permit either directly or indirectly in violation of this section is declared void, and the permit shall be deemed revoked.

28.80.130 Medical Marijuana Vending Machines.

No person shall maintain, use, or operate a vending machine which dispenses marijuana to a qualified patient or primary caregiver unless such machine is located within the interior of a duly permitted dispensary.

SECTION THREE. Those Dispensaries which were authorized pursuant to the Santa Barbara Municipal Code Chapter 28.80 prior to the date of the adoption of the ordinance enacting this Chapter shall be deemed pre-existing legal uses of real property upon which they are situated for a period of three (3) years from the date of the adoption of this Ordinance, provided the following operational conditions are complied with:

1. the dispensary shall not be relocated nor shall it be discontinued for a period of time in excess of thirty (30) days without obtaining a dispensary permit pursuant to this Chapter;
2. the dispensary shall comply with all portions of Chapter 28.80 (as enacted by this Ordinance) except for the locational provisions of Section 28.80.060; and
3. the dispensary shall be subject to the requirements for nonconforming uses of SBMC Section 28.87.030 until such time that they have been permitted under this Ordinance.

Prior to the expiration of the three (3) year nonconforming period, all medical marijuana dispensaries operating as allowed dispensaries which pre-date the adoption

of this Ordinance shall either obtain a dispensary permit (as required by and in full accord with this Ordinance) or shall discontinue such use not later than the end of the three (3) year amortization period. No such pre-existing legal dispensary shall be assigned or otherwise transferred to a new owner or owners, whether voluntarily or by operation of law, without having obtained a permit pursuant to this ordinance.

SECTION FOUR. The requirements of this Chapter shall apply to all dispensaries which are not permitted or authorized by the Municipal Code prior to the date of the adoption of the ordinance enacting this chapter.

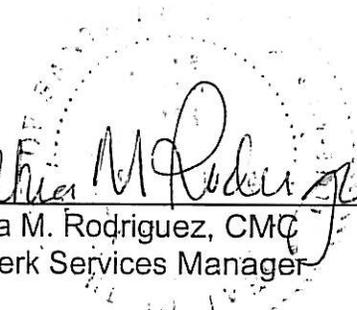
ORDINANCE NO. 5449

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing ordinance was introduced on March 18, 2008, and was adopted by the Council of the City of Santa Barbara at a meeting held on March 25, 2008, by the following roll call vote:

- AYES: Councilmembers Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider
- NOES: Mayor Marty Blum
- ABSENT: Councilmember Das Williams
- ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on March 26, 2008.

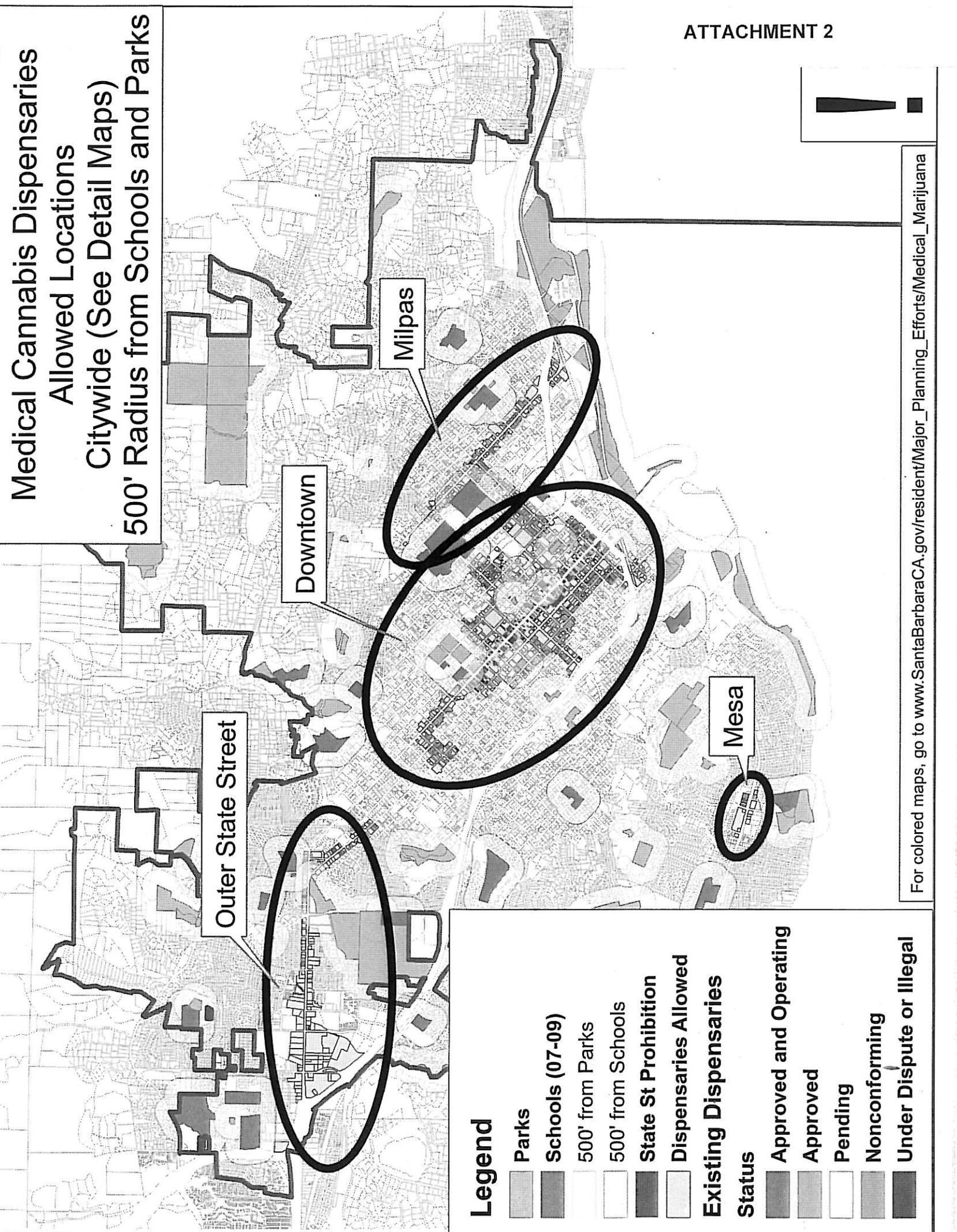


Cynthia M. Rodriguez
Cynthia M. Rodriguez, CMC
City Clerk Services Manager

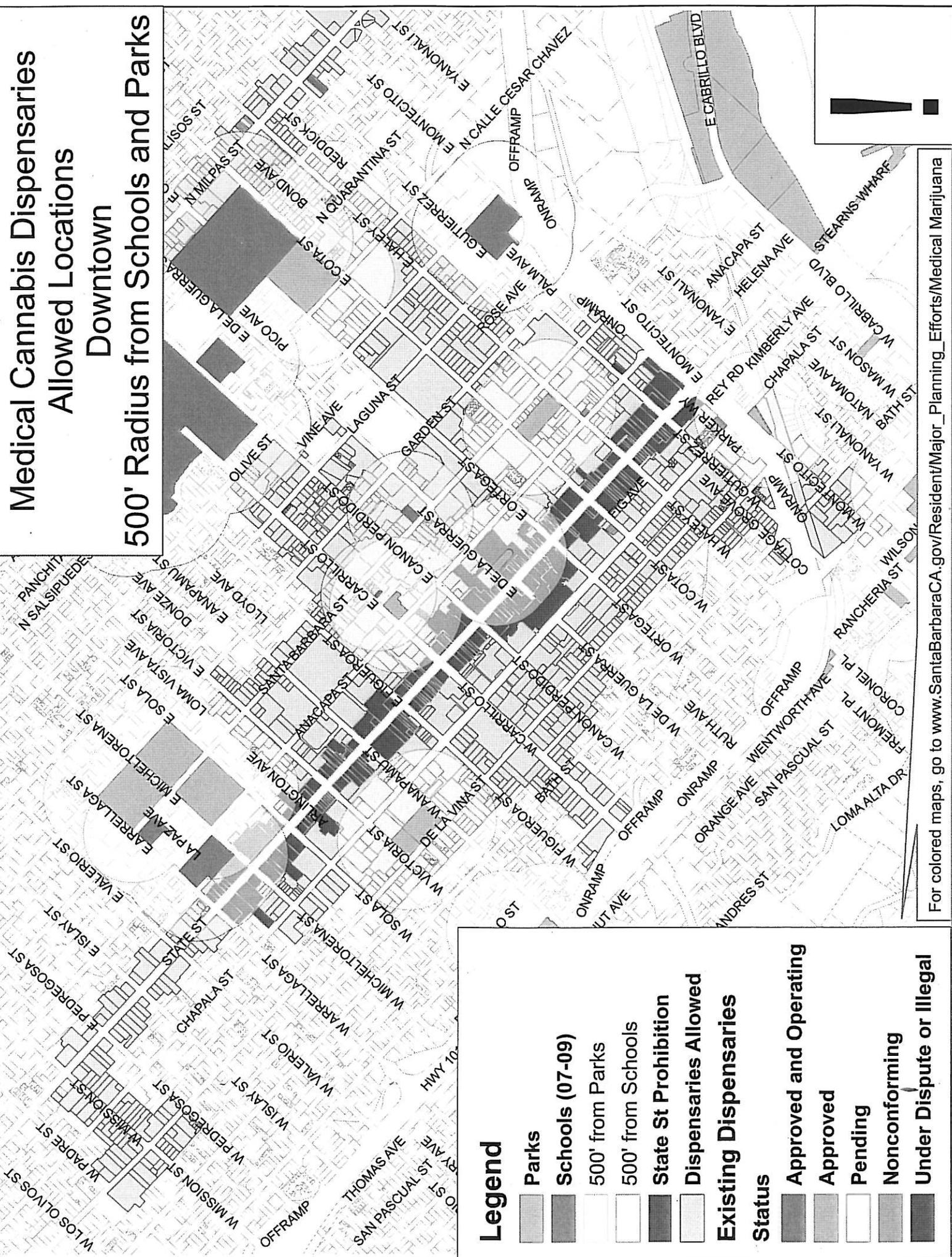
I HEREBY APPROVE the foregoing ordinance on March 26, 2008.

Marty Blum
Marty Blum
Mayor

**Medical Cannabis Dispensaries
Allowed Locations
Citywide (See Detail Maps)
500' Radius from Schools and Parks**



Medical Cannabis Dispensaries Allowed Locations Downtown 500' Radius from Schools and Parks



Legend

- Parks
- Schools (07-09)
- 500' from Parks
- 500' from Schools
- State St Prohibition
- Dispensaries Allowed

Existing Dispensaries

Status

- Approved and Operating
- Approved
- Pending
- Nonconforming
- Under Dispute or Illegal

For colored maps, go to [www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical Marijuana](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana)

Medical Cannabis Dispensaries Allowed Locations Milpas 500' Radius from Schools and Parks

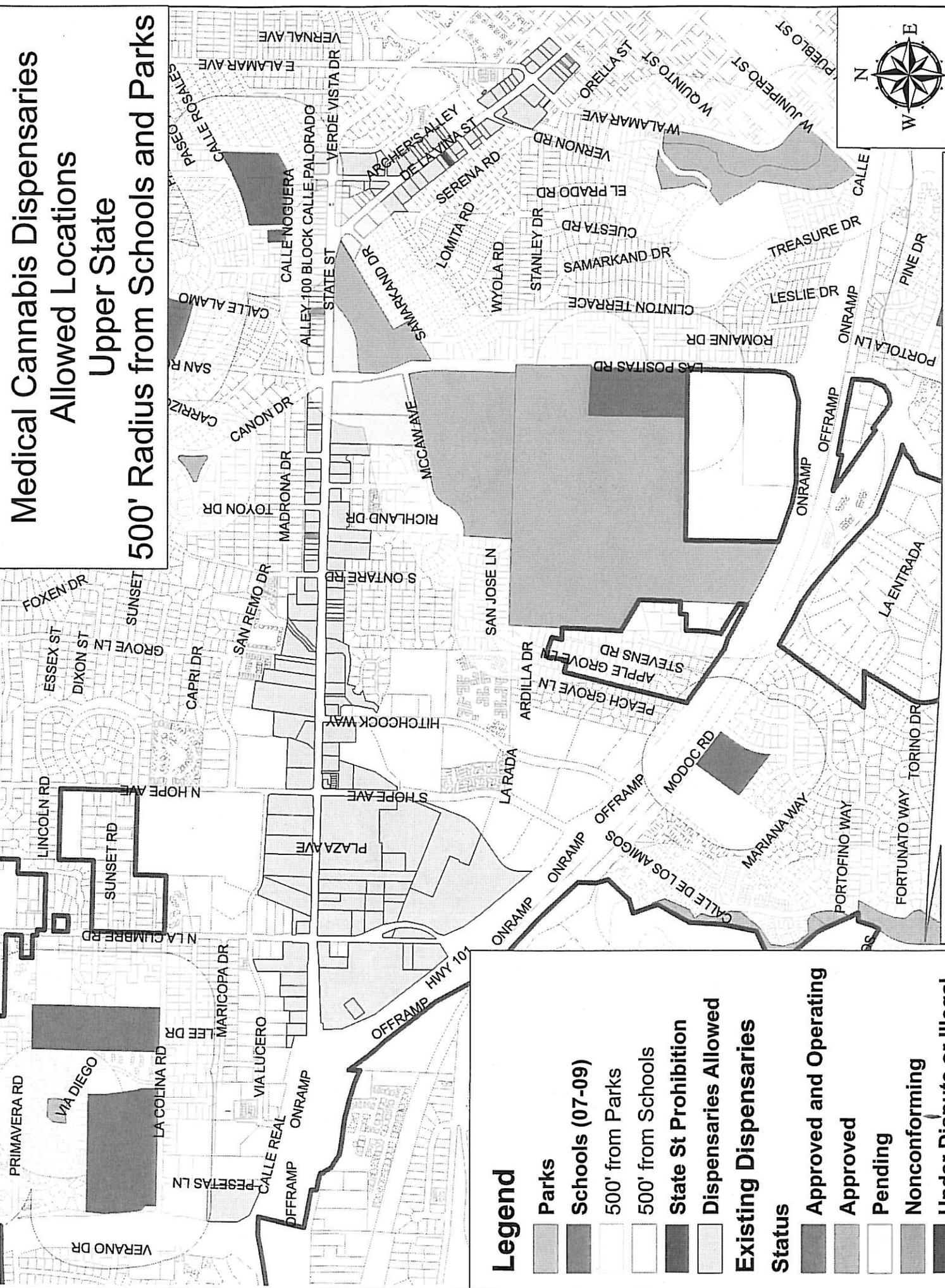


Legend

-  Parks
 -  Schools (07-09)
 -  500' from Parks
 -  500' from Schools
 -  State St Prohibition
 -  Dispensaries Allowed
- ## Existing Dispensaries
- Status**
-  Approved and Operating
 -  Approved
 -  Pending
 -  Nonconforming
 -  Under Dispute or Illegal

For colored maps, go to [www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical Marijuana](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana)

Medical Cannabis Dispensaries Allowed Locations Upper State 500' Radius from Schools and Parks



Legend

- Parks
 - Schools (07-09)
 - 500' from Parks
 - 500' from Schools
 - State St Prohibition
 - Dispensaries Allowed
- ## Existing Dispensaries
- Status**
- Approved and Operating
 - Approved
 - Pending
 - Nonconforming
 - Under Dispute or Illegal

For colored maps, go to [www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical Marijuana](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana)

Medical Cannabis Dispensaries Allowed Locations Mesa 500' Radius from Schools and Parks

RED ROSE LN
RED ROSE WAY

COLORES DR

CAMINO CALMA

CLIFF DR

MEIGS RD

EL FARO

WIGHTHOUSE RD

ELISE WAY

REEF CT



Legend

- Parks
 - Schools (07-09)
 - 500' from Parks
 - 500' from Schools
 - State St Prohibition
 - Dispensaries Allowed
- ## Existing Dispensaries
- ### Status
- Approved and Operating
 - Approved
 - Pending
 - Nonconforming
 - Under Dispute or Illegal

RECEIVED

To: Santa Barbara City Council
From: David Bearman, M.D.
Re: Marijuana Dispensary Ordinance

SEP 08 2009

CITY CLERK'S OFFICE
SANTA BARBARA, CA

CITY ADMINISTRATOR'S OFFICE
SANTA BARBARA

• Recommendations

Cannabis should be dispensed from pharmacies under local and state regulations. My study of history reveals little evidence of problems with distribution of cannabis via pharmacies. From 1854 to 1941 cannabis was in the USP (United States Pharmacopeia), produced by well-known pharmaceutical companies and dispensed through pharmacies in both cannabis containing OTC medication and prescription medication. This is why in 1937 the AMA vigorously testified against the Marijuana Tax Act and why in 1944 the New York Academy of Medicine (as part of the LaGuardia Crime Commission Report) endorsed use of recreational marijuana should be legal.

At any rate, until the federal government takes its head out of the sand, recognizes science, and places cannabis in the appropriate schedule or even better, recognizes that the Controlled Substances Act of 1970 violates the Constitution, we are not going to have pharmacies dispensing cannabis. The next best thing is to apply similar regulations and zoning ordinances to cannabis dispensaries as those which presently govern pharmacies. In addition a couple of my suggestions are that you consider requiring nurses or pharmacists to dispense cannabis, not allowing anyone under the age of 23 in a cannabis dispensary, and requiring that you must be 25 or over to be allowed to work there. It also strikes me that some small but meaningful special tax would be useful to the City of Santa Barbara.

Background

What follows is some background information on this topic which may prove helpful. There is almost unanimous agreement that California's medical marijuana dispensary system should be regulated. Furthermore if the regulations are reasonable and responsible people in the dispensary field will support closing down any major offenders.

The focus needs to be on the patient. We need to recognize that it is a matter of access. The 1996 Proposition 215 that began California's approval of Medical Marijuana laid out that this was done for the benefit of people who are ill. Prop 215 said in Section (A) that the initiative was *"To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief."* This wide use (e.g., "for any other illness for which marijuana provides relief") is consistent with FDA rules for prescription pharmaceuticals. Under FDA guidelines, any pharmaceutical which has been approved for use for one disease can be prescribed ("off-label") by doctors for "any other illness for which" the doctor thinks it "provides relief." In that key regard, California does treat medical marijuana "like every other drug."

That said, most of the problems in regulating dispensaries have been caused by the federal government and the Supreme Court by ignoring the 9th and 10th Amendments to the Constitution, as well as the 1925 Supreme Court decision in the Lindner case which affirmed that it is the State's sole responsibility to regulate the practice of medicine.

There are two basic reasons why marijuana is not available “through a legitimate pharmacy” and is not “regulated like every other drug.” It is not the supporters of medical marijuana who are responsible for keeping cannabis out of the FDA “system”. One is the reluctance of the FDA to follow the law, be it the 1938 Food Cosmetic and Drug Act or the Controlled Substances Act of 1970. For decades supporters of medicinal cannabis have attempted to work through the government bureaucracy and been thwarted. For instance in 1972 NORML sued unsuccessfully to get it rescheduled, so it might be prescribed. The government stalled until 1986. In 1988 the FDA’s Chief Administrative Law Judge, Francis Young, issued his recommendation based on 15 days of hearings, that marijuana should be rescheduled. This opinion was rejected by George H.W. Bush’s head of the FDA, John Lawn.

Secondly, it can cost huge sums to try to get any “drug” through the FDA process which was not set up to analyze a complex plant. In 1993, NORML was told by the Clinton Administration that it would cost \$1.5 million to get the FDA to review marijuana and move it from Schedule I to Schedule II. NORML did not have the \$1.5 million, and the Clinton Administration did not have the courage to do even what it had promised patients that it would do so. They had also pledged to reopen the so-called “Compassionate IND” program, but in the end these promises came to nothing.

In fact cannabis should be lower than Schedule II. In 1998, after a number of states passed medical marijuana laws, Marinol, synthetic THC, was quickly moved from Schedule II to Schedule III with the full support of the DEA, while marijuana remains absurdly in Schedule I.) Of historical note is a 1971 letter from Dr. Rodger Egeberg, then Under Secretary for Health for HEW and former dean of USC Medical School who pointed out that cannabis was only temporarily in Schedule I until the Report of the Nixon Marijuana Commission came out. The Commission recommended legalization of marijuana for recreational use, yet marijuana still languishes as a Schedule I drug.

• Discussion

Feds Have Created the Problem

One justification for the dispensary system is that the federal government has made it difficult for pharmacies to dispense cannabis. Another is that dispensaries keep medical cannabis users from having to go to “street dealers” in order to get their medicine. So while we would be better served by the system which existed from 1854-1941, dispensaries are an improvement over the previous distribution system.

Dispensary System Decreases Substance Abuse

In the broader context of drug policy, the California medical marijuana dispensary system has the same beneficial effect as the Dutch cannabis “coffee shop” system. The Dutch call it the “separation of the markets for soft and hard drugs.” The Dutch have a much lower use of hard drugs, especially heroin, among young people than does the U.S. This is very likely a consequence of this “separation of the markets.”

Dispensaries Have Some Controls

Dispensaries are not selling to just anyone. Dispensaries do provide some limited controls as well as safe access. They require a special form of identification that establishes the fact that a doctor has approved of the patient’s use of cannabis. (That is all that is required by state law, and – critically – all that is allowed by Federal law.)

This zoning issue would disappear if the federal government respected the 9th and 10th Amendments to the Constitution. Then cannabis would be available in a pharmacy by prescription. Since the federal government only grudgingly changing on this matter, the ordinance should look to zoning and licensing requirements of commercial pharmacies.

No control system is perfect. Any “control” system devised by humans will be either “too tight” or “too loose.” If it is too tight, then some sick and probably a few dying people will not be able to get their medical marijuana. Second, healthy young people can always find “weed” on the “streets.” I am trying to use the AACM to marginalize those physicians who are practicing minimalist medicine.

We need to figure out if there is a way to prevent filling the approval several times. We need to recognize that while this will be very useful it won't be perfect. Even with the laws we have regulating pharmacies the “prescription” drug control system does not keep prescription drugs from all teens or prescription drugs out of the illicit market. The dispensary system also has that deficiency. One of the loopholes in the current system is that people can go to several dispensaries. This needs to be addressed, but we must also recognize that no regulatory system in a free society is perfect.

Diversion of Prescription Drugs

On June 14, 2008 the New York Times reported that the “Florida Medical Examiners Commission found that the rate of deaths caused by prescription drugs was three times the rate of deaths caused by all illicit drugs combined.”

Whereas cannabis does not cause death and has relatively benign consequences, there is a big problem with diversion of prescription drugs. Nevertheless we continue to allow the pharmaceutical industry to stay in business.

“The Florida report analyzed 168,000 deaths statewide. Cocaine, heroin and all methamphetamines caused 989 deaths, it found, while legal opioids – strong painkillers in brand-name drugs like Vicodin and OxyContin – caused 2,328.

Drugs with benzodiazepine, mainly depressants (sic) like Valium and Xanax, led to 743 deaths. Alcohol was the most commonly occurring drug, appearing in the bodies of 4,179 of the dead and judged the cause of death of 466 – fewer than cocaine (843) but more than methamphetamine (25) and marijuana (0).” (emphasis added) See Guess Who Said, “The decrease in the abuse of cannabis among youth in the United States may be offset by an increase in the abuse of prescription drugs.” Iron Law of Prohibition” & Czar's Strategy 3.”

Conclusion:

I am confident that you will craft a good functional ordinance. Your staff should be able to incorporate the best features of the many ordinances that have already been instituted. I think that if you keep in mind that these dispensaries serve some very ill people and that the ordinance won't be perfect, you won't drive yourself to distraction trying to escape the legal straightjacket created by the federal government. You might read Sandra Day O'Connor's dissent in *Gonzales v. Raich* for a good assessment of state's rights in this matter.



Agenda Item No. _____

File Code No. 170.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 6, 2009

TO: Mayor and Councilmembers

FROM: Administration Division, Public Works Department

SUBJECT: 2009 Annual Charitable Giving Campaign

RECOMMENDATION:

That Council receive a report from the Chairperson on the City's 2009 Annual Charitable Giving Campaign.

DISCUSSION:

The City of Santa Barbara is beginning its 2009 Annual Charitable Giving Campaign.

As part of the campaign, the Santa Barbara United Way Agency sponsored its 18th Annual Day of Caring on Saturday, September 19, 2009. City employees have historically supported this event in both spirit and with their "helping hands," and continued the tradition this year with over 70 employees volunteering to work in teams at various volunteer locations such as: the Neighborhood Clinic, Art from Scrap, Looking Good Santa Barbara, the Botanical Gardens, and Transition House. Employees assisted with painting, remodeling projects, carpentry, cleaning, and general yard work.

The 2009 Charitable Giving Campaign will be held from Monday, October 5 through Thursday, November 5, 2009, and will involve presentations in all City departments. The goal of the City's Charitable Giving campaign will be to ensure that each City employee is afforded the opportunity to contribute.

PREPARED BY: Elizabeth Schulz, Executive Assistant

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 410.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 6, 2009

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Employee Recognition – Service Award Pins

RECOMMENDATION:

That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through October 31, 2009.

DISCUSSION:

Since 1980, the City Employees' Recognition Program has recognized length of City Service. Service award pins are presented to employees for every five years of service. Those employees achieving 25 years of service or more are eligible to receive their pins in front of the City Council.

Attached is a list of those employees who will be awarded pins for their service through October 31, 2009.

ATTACHMENT: October 2009 Service Awards

SUBMITTED BY: Marcelo A. López, Administrative Services Director

APPROVED BY: City Administrator's Office

OCTOBER 2009 SERVICE AWARDS

October 6, 2009, Council Meeting

5 YEARS

Brenda Beltz, Associate Planner, Community Development
Jose Latorre, Police Officer, Police

10 YEARS

Traci Alvarez, Administrative Assistant, Public Works
Calli Marquez, Electronics/Communications Technician II, Public Works
Barbara Carey, Senior Library Technician, Library
Sharon Staufenberg, Accounting Assistant, Parks and Recreation
Nancy Rapp, Parks and Recreation Director, Parks and Recreation
Elizabeth Williamson, Assistant Parking Coordinator, Waterfront

15 YEARS

John Williams, Police Officer, Police
Tara O'Reilly, Senior Library Technician, Library
Matthew Donahue, Senior Airport Maintenance Worker, Airport

20 YEARS

Janette Carr, Administrative Specialist, Community Development
Freda Markowitz, Office Specialist II, Recreation

25 YEARS

Ida Morozowsky, Accounting Assistant, Finance
Steven Faulstich, Housing Programs Supervisor II, Community Development
Michael Moses, Fire Captain, Fire
Fernando Rodriguez, Administrative Specialist, Police

30 YEARS

John Kattai, Police Officer, Police
Myra Nicholas, Library Services Manager, Library



Agenda Item No. _____

File Code No. 540.10

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 6, 2009

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Agreement For Surface Water And Groundwater Monitoring

RECOMMENDATION:

That Council authorize the Public Works Director to execute a joint funding agreement with United States Geological Survey (USGS) for water resources investigations related to surface water and groundwater measurements for the period of November 1, 2009, through October 31, 2010, with a City cost share not to exceed \$109,100.

DISCUSSION:

The City and USGS have worked cooperatively on water resources monitoring and investigations for over 25 years, including an annual program of measuring surface water flows and monitoring groundwater levels and water quality. As in the past, the proposed Fiscal Year 2010 program has two elements:

- **Surface Water Gauging Stations:** USGS will continue to operate, maintain, and publish stream flow records for four stations on the Santa Ynez River and one on Mission Creek. This information is used to implement the Upper Santa Ynez River Operations Agreement and for tracking recharge releases into Mission Creek.
- **Groundwater Monitoring:** City staff will take monthly water level measurements at 73 monitoring locations. USGS will maintain the database of water level data and continue to collect and maintain groundwater quality data. This information is used in modeling the City's groundwater supplies and potential impact from seawater intrusion.

The data that is collected and maintained is an important part of managing the City's water supply.

BUDGET/FINANCIAL INFORMATION:

The overall program cost is \$171,600, to be shared by the City (\$109,100) and USGS (\$62,500). A potential credit from this year's program may reduce the City's share slightly. The City also contributes 200 labor hours per year for measuring groundwater levels. Funds for this program are included in the 2010 Water Fund Operating Budget.

PREPARED BY: Rebecca Bjork, Water Resources Manager BF/mh

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 330.03

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 6, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Resolution To Establish An Easement For Cacique Street On City Property Between Highway 101 And Milpas Street

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Dedicating an Easement for Public Street and All Related Purposes on the Portion of Cacique Street Previously Vacated by Resolution No. 89-114, Owned by the City of Santa Barbara, Santa Barbara County Assessor's Parcel No. 017-251-018, for the Undercrossing of Cacique Street at State Highway 101 Between Milpas Street and Alisos Street.

DISCUSSION:

In 1989, in response to an application by an adjoining property owner, Council adopted Resolution No. 89-114 to vacate the portion of Cacique Street located between Milpas Street and Highway 101 (Attachment). The partial vacation of Cacique Street was requested in anticipation of the possible sale of the City-owned real property underlying the former street to interested parties, including adjacent owners. However, following the street vacation, the City retained its ownership of the property for possible use in any future transportation project for Highway 101, Milpas Street, or Cacique Street.

In 1998, Council adopted Resolution No. 98-084 to re-establish a public street easement on the City's still-owned vacated portion of Cacique Street for the widening of Milpas Street.

In accordance with the Freeway Agreement No. 22,314 related to the improvement of portions of Highway 101 within the City dated February 13, 2007, between the City and the California Department of Transportation (Caltrans), a new undercrossing for Cacique Street, between Milpas Street and Alisos Street, is now being constructed by Caltrans. Because the City still owns the real property underlying the vacated portion of Cacique Street, it is necessary for the City to re-establish a public street easement for the Highway 101 undercrossing at Cacique Street.

The proposed Resolution will establish the required public easement for the new Cacique Street undercrossing at Highway 101 between Milpas Street and Alisos Street.

BUDGET/FINANCIAL INFORMATION:

Other than future public street maintenance costs, there are no additional costs directly anticipated in connection with the City's establishment of the necessary public street easement at this location.

ATTACHMENT: Site Location Aerial Photograph

PREPARED BY: Pat Kelly, Assistant Public Works Director/City Engineer/DI/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



Cacique Street at Highway 101

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL TO:)
)
City of Santa Barbara)
City Clerk)
P.O. Box 1990)
Santa Barbara, CA 93102-1990)
)
)

No fee per GOVT CODE 6103
Space above line for Recorder's Use

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DEDICATING AN EASEMENT FOR PUBLIC STREET AND ALL RELATED PURPOSES ON THE PORTION OF CACIQUE STREET PREVIOUSLY VACATED BY RESOLUTION NO. 89-114, OWNED BY THE CITY OF SANTA BARBARA, SANTA BARBARA COUNTY ASSESSOR'S PARCEL NO. 017-251-018, FOR THE UNDERCROSSING OF CACIQUE STREET AT STATE HIGHWAY 101 BETWEEN MILPAS STREET AND ALISOS STREET

WHEREAS, the City of Santa Barbara owns the real property in the City of Santa Barbara, County of Santa Barbara, State of California, underlying the portion of Cacique Street vacated by Resolution No. 89-114 of the Council of the City of Santa Barbara, a copy of which was recorded on October 6, 1989, as Instrument No. 89-067062 of Official Records in the Office of the County Recorder of said County;

WHEREAS, in accordance with the Freeway Agreement (City Agreement No. 22,314), dated February 13, 2007, between the City of Santa Barbara and the State of California, acting by and through the Department of Transportation (Caltrans), an under crossing for Cacique Street at State Highway 101 is now being constructed between Milpas Street and Alisos Street, which requires the City to reopen the previously vacated portion of Cacique Street; and

WHEREAS, the City of Santa Barbara desires to dedicate an easement for public street and all related purposes on said previously vacated portion of Cacique Street, as more particularly described herein.

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

SECTION 1. The City of Santa Barbara hereby dedicates an easement for public street and all related purposes on that portion of the real property underlying the portion of Cacique Street previously vacated by Resolution No. 89-114 of the Council of the City of Santa Barbara, a copy

of which was recorded on October 6, 1989, as Instrument No. 89-067062 of Official Records in the Office of the County Recorder of said County.

SECTION 2. The easement for public street hereby dedicated is more particularly described as follows:

Description

All that portion of Cacique Street, 60.00 feet wide, in the City of Santa Barbara, County of Santa Barbara, State of California, located between Block 341 and Block 350, according to the Official Map thereof, being a portion of Cacique Street previously vacated by Resolution No. 89-114 of the Council of the City of Santa Barbara, adopted on September 29, 1989, a certified copy of which was recorded on October 6, 1989, filed as Instrument No. 89-067062 of Official Records, in the Office of the County Recorder of said County, said portion of Cacique Street being described as follows:

Beginning at the Southerly corner of said Block 341, being the intersection of the Northwesterly line of Cacique Street and the Northeasterly line of Milpas Street; thence Northeasterly along the Northwesterly line of said Cacique Street, a distance of 28.00, being the Northwesterly corner of an easement dedicated by the City of Santa Barbara for public street widening of Milpas Street, as described in Resolution No. 98-084 of said City of Santa Barbara, recorded on July 31, 1998, as Instrument No. 98-057992 of Official Records, said point being the True Point of Beginning of the portion of Cacique Street described herein;

Thence the following courses and distances:

- 1st, Northeasterly, continuing along the Northwesterly line of said Cacique Street, a distance of 47 feet, more or less, to the Southerly corner of the tract of land described in the deed to the State of California filed for record on March 6, 1956 in Book 1365 at Page 476 of Official Records of said County, said point being the Northerly corner of that certain portion of Cacique Street vacated by said Resolution No. 89-114 of the City of Santa Barbara, recorded on October 6, 1989, as Instrument No. 89-067062 of Official Records, said corner also being a point located on the Southwesterly line of State Route 101;
- 2nd, Southeasterly, along the Southwesterly line of State Route 101, a distance of 75 feet, more or less, to its intersection with the Southeasterly line of said Cacique Street, said point being the most Easterly corner of that portion of Cacique Street vacated by said Resolution No. 89-114, recorded on October 6, 1989, as Instrument No. 89-067062, of Official Records;
- 3rd, Southwesterly, along the Southeasterly line of said Cacique Street, a distance of 72 feet, more or less, to the Easterly corner of that said easement dedicated by the City of Santa Barbara for widening of Milpas Street, as described in Resolution No. 98-084, recorded on July 31, 1998, as Instrument No. 98-057992 of Official Records;
- 4th, Northwesterly, along the Northeasterly line of that said easement dedicated by the City of Santa Barbara for widening of Milpas Street, as described in said Resolution No. 98-084, recorded on July 31, 1998, as Instrument No. 98-057992 of Official Records, a distance of 60.00 feet, to the Northerly corner of said Milpas Street easement and the True Point of

Beginning.

SECTION 3. The City Clerk shall record a certified copy of this resolution in the Official Records of the Office of the County Recorder of the County of Santa Barbara.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 28.12 (ZONE MAP) OF TITLE 28 OF THE MUNICIPAL CODE PERTAINING TO THE ZONING OF CERTAIN REAL PROPERTY UPON ANNEXATION TO ASSESSOR'S PARCEL NUMBER 021-030-039 LOCATED AT 730 LAS CANOAS PLACE

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

SECTION 1. Effective upon the detachment of a portion of real property from the parcel located at 2030 Las Canoas Road (APN 021-010-061) and the annexation of said real property to the parcel located at 730 Las Canoas Place (APN 021-030-039), the Sectional Zone Map SA02 of Chapter 28.12 (Zone Map) of the Santa Barbara Municipal Code is hereby amended to designate the zoning of the entirety of the adjusted Assessor's Parcel Number 021-030-039, located at 730 Las Canoas Place and depicted in the attached Exhibit A, as A-1, One-Family Residence Zone.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTION 22.38.050 OF THE SANTA BARBARA MUNICIPAL CODE REGARDING UTILITY UNDERGROUNDING REQUIREMENTS IN CONNECTION WITH CONSTRUCTION PROJECTS, AND AMENDING SECTION 28.87.038 OF THE MUNICIPAL CODE REGARDING THE RECONSTRUCTION OF NONCONFORMING BUILDINGS DAMAGED OR DESTROYED BY NATURAL DISASTERS.

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

Section One. Section 22.38.050 of the Santa Barbara Municipal Code is amended to read as follows:

22.38.050 Hardship Waiver; In-Lieu Fees.

A. PROCEDURE. Whenever the cost of placing utility services underground is so great as to constitute an unreasonable hardship, the applicant for a City building permit or other permit or the owner of an interest in the real property may apply in writing to the Chief of Building and Safety for relief from the provisions of this Chapter. The request shall contain (i) a detailed description of the overhead utility services proposed to be placed underground; (ii) separate itemized cost estimates for construction of the project if the utilities were placed or relocated (a) underground or (b) above ground; and (iii) such other information as needed to determine hardship.

B. INVESTIGATION AND HEARING. The Chief of Building and Safety shall investigate the costs of the project if the utilities were placed underground or relocated above ground and obtain any other necessary information to make a determination on the application. Within twenty (20) days after the filing of the application, the Chief of Building and Safety shall hold a hearing on the matter at a scheduled time and place.

C. UNREASONABLE HARDSHIP; FINDINGS. After considering the request for relief, the Chief of Building and Safety shall determine whether any relief is proper under the circumstances, including, but not limited to, indefinite deferral of the undergrounding requirement. The Chief of Building and Safety shall grant relief only upon the following findings, as

applicable:

1. The cost of placing existing utility services underground is either so (i) exorbitant or (ii) disproportionate to the total cost of construction as to constitute an unreasonable hardship;

2. No new utility poles are to be erected;

3. There are other overhead utility lines in the immediate vicinity which would remain even if no waiver were granted;

4. The costs of undergrounding exceeds ten percent (10%) of the project valuation if the project is a subdivision, or five percent (5%) of the project valuation for a project other than a subdivision, as determined by the currently adopted valuation tables of the Chief of Building and Safety or through use of an estimate provided by the architect, engineer or contractor for the project, whichever is higher;

5. The grant of approval would not be inconsistent with the intent and purposes of this Chapter;

6. Where the project is or includes, as a substantial portion of the work, the installation or replacement of utilities distribution facilities and there are unusual conflicts or other conditions or circumstances which preclude reasonable measures to install utilities underground, the Chief of Building and Safety shall provide such relief as is consistent with the intent and purposes of this Chapter; or

7. Where the project involves the reconstruction, restoration or rebuilding of a single family residence which was damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy; provided, however, this finding is only available if the affected utility has determined that the required undergrounding is infeasible or not advisable for technical or maintenance reasons. For purposes of this finding only, the payment of in-lieu fees, as provided in paragraph 3 of Subsection 22.38.050.D below, may be waived by the Community Development Director if the reconstructed single family residence does not exceed the net square footage of the residence that was legally permitted prior to the damage or destruction.

D. REQUIRED CONDITIONS. If relief is granted by the Chief of Building and Safety, the following conditions shall be imposed, as applicable:

1. The owner must execute and cause to be recorded, on forms to be provided by the City, a waiver of the right of protest to the formation of an assessment district proposed for the purpose of undergrounding utilities; and

2. An electric meter enclosure or other enclosure suitable for both overhead and underground utilities is to be installed; and

3. The owner shall pay the City an in-lieu fee of ten percent (10%) of the project valuation if the project is a subdivision and (i) the subdivision will contain more than two (2) new lots, or (ii) more than two (2) dwellings exist or may legally be constructed within the subdivision or (iii) the property is not zoned solely for residential uses. Alternatively, the owner shall pay the City an in-lieu fee of five percent (5%) of the project valuation for other subdivisions or a project other than a subdivision. Project valuation shall be determined utilizing valuation tables or through use of an estimate provided by the architect, engineer or contractor for the project, whichever is higher. The fees shall be deposited in a fund to be used only for undergrounding of utilities in the City and purposes directly related thereto. For subdivisions, the in-lieu fees shall be paid to the City prior to approval of a Final Map or Parcel Map. For other projects, the in-lieu fee shall be paid to the City prior to the issuance of the building permit for the project, unless a building permit is not required for the project, in which event the fee shall be paid to the City within thirty (30) days after the granting of the relief is final.

4. As to each subdivision for which a five percent (5%) in-lieu fee will be paid, an agreement approved by the City Attorney shall be recorded which (i) prohibits more than two lots within the property being subdivided, (ii) restricts the use of the subdivided property to residential uses, and (iii) prohibits the construction, maintenance or use of more than two dwellings on the subdivided property. The agreement shall require that if there is not compliance with the above conditions and restrictions, the Owner, at its sole cost, shall cause all utilities within the property that is subdivided to be placed underground.

5. Where the project is or includes, as a substantial portion of the work, the installation or replacement of utilities distribution facilities and there are unusual conflicts or other conditions or circumstances which preclude reasonable measures to install utilities underground, the Chief of Building and Safety shall provide, as a condition of any relief from requirements of this Chapter, an in lieu payment or other commitment sufficient to insure placement of overhead conduit underground to an extent which is equivalent to the extent of the conduit for which relief is granted.

E. INAPPLICABILITY TO SUBDIVISION APPROVALS. This Section does not authorize the waiver of any subdivision map condition related to undergrounding of utilities except as authorized by Sections 22.38.050.D and 27.08.025 of the Code.

F. TERMINATION OF AUTHORITY. The authority to grant relief pursuant to this Section or Section 22.38.060 shall terminate should a court of competent jurisdiction determine that the City may not lawfully impose or collect the in-lieu fee specified in Subsection D.

Section Two. Section 28.87.038 of the Santa Barbara Municipal Code is amended to read as follows:

28.87.038 Reconstruction of Damaged Nonconforming Structures.

A. Nonresidential Structures. A nonconforming building or structure used for nonresidential purposes, which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy to the extent of not more than seventy-five percent (75%) of its market value immediately prior to the damage, as determined by the Community Development Director or designee, may be restored and the occupancy or use of such building, structure or part thereof which existed at the time of such partial destruction may be continued or resumed, provided that reconstruction, restoration or rebuilding shall commence within a period of one (1) year of the occurrence of the damage or destruction. The applicant shall demonstrate due diligence to complete the proposed reconstruction as determined by the Community Development Director. In the event such damage or destruction exceeds seventy-five percent (75%) of the market value of such nonconforming building or structure immediately prior to the damage, as determined by the Community Development Director or designee, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all the regulations for new buildings in the zone in which it is located. The Community Development Director or designee may require the applicant to have the property appraised by a licensed real estate appraiser in order to determine the market value of such nonconforming building or structure immediately prior to the damage.

B. Residential Structures. Any nonconforming building or structure used for residential purposes, which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy may be restored or rebuilt and the occupancy and use may be continued or resumed provided the following conditions are met:

1. The net square footage of the replacement building or structure shall not exceed the net square footage of the building or structure that was legally permitted prior to the

damage or destruction;

2. The number of dwelling units shall be not greater than the number existing prior to the damage or destruction;

3. In R-3, R-4, R-O, C-1, C-2, and C-M zones, the number of bedrooms per dwelling unit shall not be greater than the number existing prior to the damage or destruction;

4. The building setbacks shall not be less than those which existed prior to the damage or destruction;

5. The number of parking spaces shall be no less than the number of parking spaces in existence prior to the damage or destruction;

6. The building, plot and landscaping plans shall be reviewed and approved by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, or the City Council on appeal, if such review would normally be required, except as allowed in this Section;

7. Any such reconstruction, restoration or rebuilding shall conform to all applicable adopted Uniform Codes in effect at the time of reconstruction, unless otherwise excused from compliance as a historic structure, pursuant to the Uniform Code for Building Conservation;

8. All permits required under the California Building Code as adopted and amended by the City shall be obtained. The Community Development Director or designee shall review and determine prior to issuance of said permits that the plans conform to the above;

9. Plans existing in the City's archives shall be used to determine the size, location, use, and configuration of nonconforming buildings and structures. Notwithstanding anything to the contrary above, if a property owner proposes to rebuild the building or structure in accordance with the City's archive plans, a building permit shall be the only required permit or approval. However, any exterior alterations shall be subject to design review, if such review would normally be required by the Santa Barbara Municipal Code. If plans do not exist in the City's archives, the City shall send a notice to all owners of property within 100 feet of the subject property, advising them of the details of the applicant's request to rebuild, and requesting confirmation of the size, location, use, and configuration of the nonconforming building that is proposed to be rebuilt. The public comment period shall be not less than 10 calendar days as calculated from the date that the notice was mailed.

10. The building permit for the reconstruction, restoration or rebuilding must be issued within three (3) years of the occurrence of the damage or destruction.

Section Three. The provisions of this ordinance are intended to apply to the reconstruction, restoration, or rebuilding of any building or structure which was damaged or destroyed in the November 2008 Tea Fire or the May 2009 Jesusita Fire.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 6, 2009

TO: Mayor and Councilmembers

FROM: Facilities Division, Public Works Department

SUBJECT: Receipt Of Energy Efficiency And Conservation Block Grants

RECOMMENDATION: That Council:

- A. Authorize the receipt of American Reinvestment and Reinvestment Act (ARRA) grant funds totaling \$868,200 through the Energy Efficiency and Conservation Block Grants (EECBG) program;
- B. Increase appropriations and estimated revenues by \$818,200 in the Intra-City Services Fund for the portion of the grant to be used for energy efficiency and conservation projects;
- C. Increase appropriations and estimated revenues by \$50,000 in the General Fund, Community Development Department, budget for the portion of the grant to be used for a Climate Action Plan;
- D. Authorize the Public Works Director to execute a contract with AG Mechanical Engineers for an amount not to exceed \$75,230 for the design of standard Heating, Ventilation and Air Conditioning (HVAC) systems and control systems to be used for all City facilities; and
- E. Authorize the Public Works Director to have Change Order authority of up to \$20,000 for extra services of AG Mechanical Engineers that may result from necessary changes in the scope of work.

DISCUSSION:

In June 2009, City Council authorized the City Administrator to apply for EECBG funding. The purpose of the EECBG is to “assist states, counties, cities and tribes in creating and implementing strategies to reduce energy use, improve energy efficiency in the building, transportation, and other appropriate sectors, and reduce fossil fuel emissions while maximizing the benefits for local and regional communities.”

The ARRA allocated \$2.6 billion for these grants nationwide. These funds are formula-based and are awarded to jurisdictions based on population size. The City of Santa Barbara submitted an application for \$868,200 in funding, and staff received notice that the full grant amount was approved by the Department of Energy.

Staff proposes spending these funds on energy efficiency and conservation projects in City General Fund facilities and the development of a Climate Action Plan (CAP) for the community, as described below. The proposed funding allocation is:

Energy Retrofits in City Facilities		\$818,200
Climate Action Plan		\$50,000
	TOTAL	\$868,200

Energy Retrofit Projects

The energy projects in City facilities would include lighting retrofits, heating, ventilation and air conditioning (HVAC) system upgrades and replacements, HVAC and lighting automation systems, and building system commissioning. It is estimated that completion of these projects will save the City 526,000 kWh of electricity and \$81,000 annually. Based on the U.S. Department of Energy's calculations, this effort will create or retain 10 jobs in the community. Incentives are also available through the South Coast Energy Efficiency Partnership to pay for portions of the projects. The proposed energy retrofit projects are located in the following City facilities:

- City Hall
- Central Library
- East Side Library
- Franklin Center
- Cabrillo Pavilion Arts Center
- Parks and Recreation Administration Building
- Fire Station 1
- West Side Community Center
- Chase Palm Park
- Teen Center
- Cabrillo Ball Field
- Dwight Murphy Field
- Pershing Park

The grant funding will help address maintenance backlog items as discussed in the Infrastructure Financing Taskforce Report "Keeping Santa Barbara In Shape" completed in October 2008. Without the economic stimulus funds, these projects would be delayed and the maintenance backlog would continue to grow.

Staff proposes hiring AG Mechanical Engineers at a cost of \$75,230 to design HVAC system standards to be used throughout City facilities, using standard equipment manufacturers and building automation system (BAS) configurations. This project would include designs for HVAC systems and the implementation of BAS in the following City facilities:

- City Hall
- Central Library
- East Side Library

- Franklin Center
- Parks and Recreation Administration Building
- Fire Station 1 (BAS Only)
- West Side Community Center
- Teen Center

Furthermore, AG Mechanical Engineers will provide the City with a project manual detailing Owner's Project Requirements including product specifications and execution requirements. This manual will apply to all City facilities.

AG Mechanical Engineers was selected due to their prior experience with the City's standard control system and because they have designed several HVAC systems located at various City facilities.

Climate Action Plan

The balance of grant funds totaling \$50,000 would be used to assist with the preparation of a Climate Action Plan (CAP). A CAP is one of the eligible activities under the grant that provides the City a head start on responding to impending requirements of AB 32, the California Global Warming Solutions Act of 2006. A CAP would inventory greenhouse gas emissions in the community and identify strategies to reduce emissions. Pursuant to AB 32, the State Attorney General has used California Environmental Quality Act litigation to force local agencies to address the issue of greenhouse gas emissions in their general plans. In an advice letter to local agencies, the Attorney General's Office identifies the preparation of a CAP as a reasonable mitigation measure for potential environmental impacts due to greenhouse gas emissions. The preparation of a CAP would, in part, address the Attorney General's goal of shaping land use patterns in a manner that is consistent with AB 32.

SUSTAINABILITY IMPACT:

These projects are consistent with the City's sustainability efforts and play an important role in demonstrating the City's leadership and direction in conserving energy and reducing carbon emissions. The proposed projects are estimated to save approximately 526,000 kWh annually, and reduce CO2 equivalent greenhouse gases by 463,000 lbs. annually.

PREPARED BY: James Dewey, Facilities and Energy Manager/AP/cc

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 570.02

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 13, 2009

TO: Mayor and Councilmembers

FROM: Golf Division, Parks and Recreation Department

SUBJECT: Golf Course Safety Improvement Master Plan

RECOMMENDATION:

That Council approve a change order of \$10,000 for the Golf Course Safety Improvement Master Plan agreement with Cupp Design, contract number 21,631, negotiated in March 2005 in the amount of \$150,000, to cover any cost increases that may result from extra work.

DISCUSSION:

The Golf Course Safety Improvement Master Plan (Plan) was intended to improve the safety and quality of the Santa Barbara Municipal Golf Course. It contains hole-by-hole strategies, golf course upgrades, and defines the scope of work. The Golf Advisory Committee was instrumental in reviewing options within the Plan and approved the Plan on December 8, 2004. The Park and Recreation Commission reviewed and approved the Plan on January 26, 2005, and Council approved the Plan on March 15, 2005.

Since the Plan was approved, work has been carried out each fiscal year as funding was available. To date, several greens and tees have been reconstructed, bunkers have been added, and fencing erected to provide a safer environment for both golfers and neighbors. Currently, Phase IV, the final phase of the project, is under construction and will reconstruct two greens complexes and complete the cart path system by November. The two reconstructed greens will be open for play in January 2010.

Because of the extent of the project and the need to complete work in phases due to budget constraints, the contract authority initially established will fall short of the amount needed to complete the project. The current contract authority does not provide for change orders. Therefore, staff recommends that Council approve a change order authority in the amount of \$10,000 with Cupp Design to cover any cost increases that may result from extra work.

BUDGET/FINANCIAL INFORMATION:

There are sufficient appropriations in the Golf Course Fund to cover the requested increase.

PREPARED BY: Mark Reed, Golf Course Manager/lr/km

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

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 6, 2009

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Annual Performance Management Program Report For Fiscal Year 2009 And Comparative Indicators Report

RECOMMENDATION: That Council:

- A. Receive a status report on the City's performance management program and a summary of department performance highlights for Fiscal Year 2009; and
- B. Receive a report on how the City of Santa Barbara compares with other California communities on key indicators.

DISCUSSION:

In 2002, the City of Santa Barbara implemented a performance management system to promote long-term planning, and improve program efficiency and effectiveness. The management system consists of program owners developing performance objectives each fiscal year, monitoring progress through regular status reports, and assessing progress on the objectives as part of the management performance evaluations. Through this process the City is able to plan and prioritize work, evaluate organizational effectiveness, identify opportunities for improvement and align program goals with City Council's goals for the organization.

In Fiscal Year 2009 there were 917 objectives reported on with 766 (84%) of those being achieved. Attachment 1 summarizes some of the highlights and challenges for 2009 by area of focus including: cost reduction, public outreach, timeliness of service, environmental leadership and special projects. Some of the more challenging and complex projects will carry forward into Fiscal Year 2010.

Monthly reports on key management indicators are provided to managers and supervisors to maintain performance awareness at a program level. Key indicators include: sick leave, lost hours due to injury, vehicle collisions, work schedules, training and timeliness of completing employee evaluations. Focused efforts on employee safety resulted in significant improvements citywide with hours lost due to injury continuing to decline by 15% from 2008 and 64% from 2004. Additionally, managers

and supervisors achieved an 85% rate of employee evaluations completed on time and employees received an average of 13 hours of training.

In 2008 a Comparative Indicators Report was presented to the Finance Committee, comparing Santa Barbara with 10 other California communities. Comparing benchmarks between cities provides a starting point for Council and staff to evaluate the effectiveness and efficiency in providing services relative to other communities. The Fiscal Year 2010 Comparative Indicators Report (Attachment 2) and associated table (Attachment 3) and graphs (Attachment 4) provide information of how the City compares in six areas: General Demographics, Financial, Public Safety, Library, Parks and Public Works. The ten communities that were selected are: Santa Cruz, Redondo Beach, Newport Beach, Santa Monica, Carlsbad, Berkeley, City of Ventura, Sunnyvale, Oceanside and Huntington Beach.

- ATTACHMENTS:**
1. Fiscal Year 2009 Performance Highlights and Performance Objectives Not Met
 2. Fiscal Year 2010 Comparative Indicators Report
 3. Fiscal Year 2010 Table of Ten Cities Data
 4. Fiscal Year 2010 Ten Cities Comparative Graphs

PREPARED BY: Lori Pedersen, Administrative Analyst

SUBMITTED BY: James L. Armstrong, City Administrator

APPROVED BY: City Administrator's Office

Fiscal Year 2009 Performance

<u>Department</u>	<u>Total Objectives</u>	<u>Percent of Objectives Achieved</u>
Administrative Services	34	82%
Airport Department	58	76%
City Administrator's Office	29	92%
Community Development Department	100	90%
Finance Department	133	77%
Fire Department	45	84%
Library Department	32	81%
Parks and Recreation Department	173	86%
Police Department	110	82%
Public Works Department	165	84%
Waterfront Department	38	87%

Fiscal Year 2009 Performance

1.) FINANCIAL MANAGEMENT		
Department	Program	Highlight
Airport	Facilities Planning and Development	Change orders for capital improvement projects at the Airport were limited to an average of 7% of the total value of awarded construction contracts.
Airport	Business and Property Management	Maintained annual lease revenue through effective management of commercial and industrial lease assets.
Public Works	Engineering Services	Public Works change orders for capital improvement projects were limited to an average of 7% of the total value of construction projects awarded.

2.) NEW REVENUE		
Department	Program	Highlight
Parks and Recreation	Administration	Received \$1,512,910 in cash and non-cash donations, grants and volunteer support.
Police	Traffic	Received a grant for \$194,855 from the Office of Traffic and Safety for DUI enforcement.

3.) EMPLOYEE SAFETY		
Department	Program	Highlight
Finance	Risk Management	Occupational injuries citywide declined by 15% over the previous year with more staff making safety a top priority.
Finance	Workers Compensation	The use of modified duty placement rate was 96%; reducing Temporary Total Disability (TTD) payments by \$320,637.
Fire	Operations	18,475 hours of training were provided and injuries were at a historic low of 1,019 hours.
Waterfront	Harbor Patrol	Continued to emphasize safety resulting in no work hours lost due to employee injury.

4.) COST REDUCTION		
Department	Program	Highlight
Administrative Services	City Clerk	Analyzed cost options to conduct the 2009 general municipal election and voting by mail will reduce costs by approximately \$50,000.
Airport	Facilities Maintenance	Maintenance costs per landscaped acre were reduced by 5% from FY 2008.

Fiscal Year 2009 Performance

5.) IMPROVED SERVICE TO PUBLIC		
Department	Program	Highlight
Administrative Services	City Clerk	Implemented an electronic Campaign filing systems for candidates, committees and elected officials.
Community Development	CDBG and Human Services	Work with the County on the 10-Year Plan to End Chronic Homelessness, organized Council Subcommittee on Homelessness and Community Relations meetings and presented recommended strategies that were approved by Council.
Finance	Billing	Notified 100% of Extraordinary Water Use applicants of credit determination within 45 days of receipt of application.
Fire	Fire Prevention	Staff determined the cause of 92% of fires investigated up from 89% in FY 2008.
Fire	Operations	Contained 95.25% of structure fires to the area or room of origin up from 81.5% in FY 2008.
Parks and Recreation	Community Services	Free services provided to the public for renters/homeowner's assistance, tax preparation, health screening, food distribution, and other social services increased by 27% from FY 2008 to 50,590 contacts.
Parks and Recreation	Forestry	Pruned 7,268 street trees and 1,522 park and facility trees exceeding the annual target by 50%.
Police	Nightlife Enforcement	Developed and implemented a training program for bar security personnel.
Public Works	Land Development	Met 100% of Land Development project review deadlines.
Public Works	Downtown Parking	Performed 100% of the regular cleaning of public restrooms.

6.) PREVENTATIVE MAINTENANCE		
Department	Program	Highlight
Fire	Wildland Fire Mitigation	Completed 14 miles of road clearance in the Wildland Fire Suppression Benefit District and 4 miles in the High Fire Hazard Area.
Parks and Recreations	Grounds and Facilities	Skater's Point skateboard park was inspected daily for abnormal wear, graffiti and vandalism.
Public Works	Motor Pool	97% of preventative maintenance services of the City's motorpool were completed on schedule with manufacturer's recommendations, resulting in 96% - 98% in-service time for sedans, fire pumps, police interceptors, trucks, and loaders.
Public Works	Building Maintenance	99% of preventative maintenance work orders were completed by due.

Fiscal Year 2009 Performance

6.) PREVENTATIVE MAINTENANCE (continued)		
Department	Program	Highlight
Public Works	Communication Systems	Maintained the Combined Communications Center (9-1-1) at 100% operational readiness.
Public Works	Wastewater Collection	31 miles of pipeline were inspected using Closed Circuit Television. The data gathered is used to rate pipe conditions and plan maintenance activities.
Public Works	Wastewater Collection	173 miles of wastewater collection pipes were cleaned.
Waterfront	Facilities Maintenance	Average in-service time for the Harbor Patrol fleet was 81%.

7.) ACCURACY		
Department	Program	Highlight
Finance	Payroll	The biweekly employee payroll was processed accurately and on time 99.97% of the time.
Finance	Meter Reading	A 99.99% accuracy rate for meter readings was achieved.

8.) TIMELINESS OF SERVICE		
Department	Program	Highlight
Administrative Services	City Clerk	Completed 100% of Customer Service Requests within two working days or by the requested deadline.
Community Development	Records, Archives, and Clerical Services	100% of all building and planning file documents and commercial plan view requests were delivered on-time.
Community Development	Building Inspection and Code Enforcement	100% of all building inspections were completed on the day scheduled.
Finance	Accounting Services	100% of monthly bank statements were reconciled within 45 days.
Fire	Operations	Achieved an average fire emergency response time of two minutes fifty one seconds.
Library	Support Services	New books were available to patrons within 8 days of receipt from vendor.
Parks and Recreation	Facilities and Registration Services	99% of facility rental applications were processed while the customer was present.
Police	Combined Communications Center	9-1-1 calls for service were answered by dispatchers within an average of 3.5 seconds.

Fiscal Year 2009 Performance

8.) TIMELINESS OF SERVICE (continued)		
Department	Program	Highlight
Police	Animal Control	100% of animal control cases (4,494) were responded to within 24 hours.
Public Works	Transportation and Drainage Systems Maintenance	90% of graffiti on public property was removed within three working days from date of notice, for a total of 178,684 square feet of removal.
Waterfront	Property Management	Renewed 98% of Waterfront Business Activity Permits within 30 days of expiration.
Waterfront	Harbor Patrol	Staff responded to 97% of in-harbor emergencies within five minutes.

9.) EXCELLENCE IN PUBLIC OUTREACH AND MARKETING		
Department	Program	Highlight
Airport	Administration	100% of issued news releases elicited media coverage.
Airport	Marketing and Communications	Implemented a Community Outreach plan for the Airline Terminal Project.
City Administrator's Office	Administration	Maintained frequent communication with community leaders via the City Administrator's Report and annual State of the City Report.
City Administration	City TV	Maintained a 99.75% Channel 18 broadcast system uptime.
City Administration	City TV	Televised 246 public meetings totaling 814 hours.
Community Development	City Arts Advisory Program	Implemented the Storefront Gallery Project pilot program. The program places temporary displays of artwork in vacant storefronts in collaboration with the Downtown Organization, property owners, RDA and the Arts Commission.
Community Development	CDBG/Rental Housing Mediation Task Force	Completed 13 outreach and educational presentations to tenants, landlords and community groups on rental housing rights and responsibilities.
Community Development	Long Range Planning and Special Studies	Plan Santa Barbara continued its public outreach efforts. Final Policy Workshops were held resulting in a Policy Preference Report.
Fire	Emergency Services and Public Education	Produced a series of disaster preparedness topical training videos that are available to the public via the City's website.
Fire	Wildland Fire Mitigation	Provided defensible space education and assistance programs to Wildland Fire Suppression Benefit District residents.
Library	Public Services Small Branches	Made contact with 68,252 youths through Library programs and outreach.

Fiscal Year 2009 Performance

9.) EXCELLENCE IN PUBLIC OUTREACH AND MARKETING (continued)		
Department	Program	Highlight
Parks and Recreation	Community Services	Mentored 162 youth and adults through the Job Apprenticeship Program.
Parks and Recreation	Creeks Restoration and Water Quality Improvement Program	Provided information at six community events regarding storm water impacts and clean water solutions.
Public Works	Water Supply Management	515 home water check-ups were conducted and 100% of reporting customers were satisfied with the services they received.

10.) INCREASED PARTICIPATION		
Department	Program	Highlight
Airport	Marketing and Communications	Captured 62.7% of the regional (tri-county) air service market share, a 7% increase from FY 2008.
Library	Public Service Program	650,256 visits to the Central and Eastside Libraries, a 5% increase from FY 2008.
Library	Public Service Program	Assisted 187 adult literacy learners to improve their reading, writing and spelling skills.
Parks and Recreation	Youth Activities	Provided summer drop-in recreation programs for 622 unduplicated participants, a 42% increase from FY 2008.
Parks and Recreation	Teen Programs	Provided 3,038 hours of community service opportunities to teens and adults in teen program activities, a 16% increase from FY 2008.
Parks and Recreation	Sports Program	Increased participation in youth sports by 16% from FY 2008 to a total of 1,534 participants.
Parks and Recreation	Sports Program	Increased the number of participants in adult sports programs by 35% to 1,152 participants.
Police	Community Services	Over 2,800 youths participated in the Police Activities League and Campership Alliance up from 1,500 in FY 2008.

11.) CUSTOMER SATISFACTION SURVEYS		
Department	Program	Highlight
Administrative Services	Information Systems	99.5% of employees reported that training improved their ability to use desktop applications.
Parks and Recreation	Youth Activities	99% of survey respondents rated youth camps and clinics as "good" to "excellent."
Parks and Recreation	Active Adults and Classes	96% of survey respondents rated contract classes as "good" to "excellent."
Parks and Recreation	Cultural Arts	100% of survey respondents rated rental facilities as "good" to "excellent."

Fiscal Year 2009 Performance

12.) TRAINING FOR EMPLOYEES TO IMPROVE PERFORMANCE		
Department	Program	Highlight
Airport	Airport Security	Developed and used a new Field Training Officer manual.
Community Development	Staff Hearing Officer, Environmental Review and Training	Conducted 39 training sessions for planning staff that included environmental review, application review, noticing procedures and internal processes.
Community Development	Building Inspection and Code Enforcement	42 hours of Built Green training were completed by staff.
Fire	Aircraft Rescue and Firefighting (ARFF)	100% of ARFF personnel received mandated training in compliance with FAA standards.
Fire	Emergency Services and Public Education	Conducted a Tsunami Exercise with 80 City employees participating.
Parks and Recreation	Park Operations	22 Parks Operation Staff received Certified Green Gardener training and 16 of those also received Advanced Green Gardener certification.
Waterfront	Harbor Patrol	Coordinated four joint Fire and Harbor Patrol emergency response drills in the Harbor.

13.) ENVIRONMENTAL LEADERSHIP		
Department	Program	Highlight
Airport	Business and Property Management	Negotiated with the rental car companies that 20% of their fleet will get 28 mile per gallon or better.
Community Development	Building Counter and Plan Review	Performed eleven expedited Green Building – Plan Check Reviews.
Fire	Wildland Fire Mitigation	Utilized 93% of chipped material from road clearance program.
Finance	Solid Waste	Negotiated with the City's contracted hauler to expand the operation of the Antifreeze, Battery, Oil and Paint (ABOP) facility to accept universal and electronic waste.
Parks and Recreation	Creeks Restoration and Water Quality Improvement Program	20 additional businesses were certified as Clean Water Businesses for a total of 68 businesses.
Parks and Recreation	Creeks Restoration and Water Quality	Inspected five facilities of 100,000 square feet or larger for water pollution prevention practices.
Parks and Recreation	Forestry	317 new trees were planted, exceeding the 2:1 ratio goal for replacing trees.
Public Works	Custodial	75% of cleaning agents used in city facilities for general cleaning are environmentally friendly.
Public Works	Wastewater Capital	Completed scoping and feasibility study for the El Estero Grease to Gas project.

Fiscal Year 2009 Performance

13.) ENVIRONMENTAL LEADERSHIP (continued)		
Department	Program	Highlight
Public Works	Water Capital	Completed Hydroelectric Plant Recommissioning Feasibility Study.
Public Works	Water Treatment	Installed variable frequency drives to the backwash pumps resulting in reduced energy consumption.
Waterfront	Facilities Maintenance	Installed 14 dual flush valves in restrooms in the Waterfront area.
Waterfront	Facilities Design and Capital Programs	Installed a solar thermal unit on laundry facilities resulting in reduced natural gas usage.

14.) ADHERENCE TO STATE/FEDERAL GUIDELINES		
Department	Program	Highlight
Airport	Air Operations Area Maintenance	100% compliance with Federal Aviation Regulations (FAR) Part 139 airfield maintenance requirements.
Community Development	CDBG and Human Services Administration	Submitted the required Consolidated Annual Performance Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development on-time.
Finance	Risk Management	Achieved 100% compliance with State and Federal mandates for employee safety.
Finance	Environmental Services	Completed 100% of required fuel site reports on schedule.
Fire	Operations	100% of Fire personnel received mandated training.
Fire	Prevention	Completed 100% of the Hazardous Materials Facility and State Mandated Licensed Facility inspections.
Parks and Recreation	Golf Course	100% of the monthly pesticide usage reports were submitted on-time to the County Agricultural Commissioner.
Police Department	Records	Administered required telecommunication system training to Records Bureau Team members.
Public Works	Motor Pool	Completed 100% of mandated inspections and certifications for aerial equipment, youth buses, and commercial vehicles.
Public Works	Wastewater Treatment	Achieved 99.9% compliance with wastewater discharge limits as listed in the National Pollutant Discharge Elimination System permit.

15.) USE OF TECHNOLOGY		
Department	Program	Highlight
Administrative Services	Information Systems	Implemented the printer/copier upgrade and consolidation project to reduce energy consumption.

Fiscal Year 2009 Performance

15.) USE OF TECHNOLOGY (continued)		
Department	Program	Highlight
Administrative Services	Information Systems	Implemented new server and storage technology for City Hall servers.
Finance	Payroll	Increased participation of employees opting out of receiving printed pay advices every payroll to 524 employees.
Police	Crime Lab	Submitted 98% of latent fingerprints to the Department of Justice within one working day, resulting in an average of 24% of the searches yielding positive identifications.
Police	Information Technology	Implemented new software for Police reports and statistical needs.

16.) SPECIAL PROJECTS COMPLETED		
Department	Program	Highlight
Airport	Administration	Successfully issued secured General Airport Revenue bonds to finance construction of the Airline Terminal and Consolidated Rental Car Facility.
Community Development	Redevelopment Agency	Completed the East Cabrillo Boulevard Sidewalk Improvement Project, the Spencer Adam Park Improvement Project, the Plaza Vera Cruz Park Improvement Project, the Jardin de las Granadas and the Historic Rail Car.
Finance	Administration	Provided assistance to the Infrastructure Financing Taskforce in the development of their report "Keeping Santa Barbara in Shape."
Finance	Billing	Completed the implementation of the new utility billing software and revised billing statements.
Fire	Prevention	Adopted a new Fire Sprinkler Ordinance for residential and commercial properties.
Parks and Recreation	Grounds and Facilities	Completed the Bohnett Park Expansion project on San Andres Street incorporating many unique design features.
Parks and Recreation	Project Management Team	Completed construction of Golf Course Maintenance Building expansion and restroom rehabilitation project.
Public Works	Building Maintenance	Installed solar photovoltaic panels at the corporate yard to provide a substantial portion of the energy for the facilities.
Public Works	Building Maintenance	Completed City's 2007 Greenhouse Gas Emissions Inventory.
Public Works	Engineering	Completed the installation of Carrillo Hill Sidewalk Improvement Project and Mission Street Class II Bike Lane and Sidewalk Improvements.
Public Works	Wastewater Capital	Completed the construction of the Sewer Main Rehabilitation Project.
Waterfront	Facilities Design and Capital Program	Completed the final phase of the Breakwater Cap Replacement project.

Fiscal Year 2009 Performance

Performance Objectives Not Met

DEPARTMENT	OBJECTIVE	COMMENTS
Administrative Services	<i>Complete 94% of Council/Redevelopment Agency minutes accurately within 5 working days.</i>	Due to staffing issues and workload related to the election process 76% of the minutes were completed within 5 days.
Airport	<i>Evaluate solar power provider proposals for development of a solar facility in the Airport long term parking lot and proceed with an agreement, if an acceptable proposal is received.</i>	Airport staff will continue to watch the credit market and identify opportunities for beneficial power purchase agreements.
City Administrator's Office	<i>Begin converting traditional tube based monitors to LCD based video monitors to reduce energy consumption and cooling requirements in control room.</i>	Deferred due to budget issues and funding.
Community Development	<i>Provide a Neighborhood Preservation Ordinance status report to City Council.</i>	Work has progressed throughout the year; report will be given in FY 2010.
Finance	<i>If determined to be a feasible project, develop a request for proposals in partnership with the County for the selection of a conversion technology project.</i>	Work continues on this project and an RFP is anticipated for release in November 2009.
Fire	<i>Update mutual aide agreements with adjacent fire service agencies, to include hazardous materials joint response and automatic-aid protocols.</i>	Agreement will be finalized in FY 2010.
Library	<i>Work on reorganization plan of Central Library concentrating on Technical Services work areas and a public computing work zone.</i>	Planning was delayed due to focus on budget and staffing issues.
Parks and Recreation	<i>Maintain community use of Carrillo Recreation Center and Carrillo Street Gym at 12,000 hours.</i>	Carrillo Gym rentals are strong but some Carrillo Recreation Center users have started using other facilities in preparation for the upcoming construction project.
Police	<i>Complete implementation of the Versaterm Records Management System/Mobile Report Entry systems.</i>	Installation of the last two modules will be done in FY 2010.
Public Works	<i>Convert one public restroom to recycled water.</i>	Dwight Murphy restrooms were chosen for this project. Installation of a water meter is required; will be completed in FY 2010.
Waterfront	<i>Construct Phase I of Marina 1 Replacement Project which includes main walkway, gangway and landside utilities.</i>	Project was delayed due to funding. Received bids in June and awarded contract in August with the receipt of loan documents from the Department of Boating and Waterways.

City of Santa Barbara
Comparative Indicators Report FY 2010

The Comparative Indicators report is a snapshot of information in six key areas. The indicators are related to City demographics, general fund revenues and expenditures, public safety, library, parks and public works services with ten other cities. The cities include Carlsbad, Oceanside, Santa Cruz, Ventura, Sunnyvale, Newport Beach, Huntington Beach, Berkeley, Redondo Beach, Santa Monica and Santa Barbara. The information was gathered from adopted and proposed FY 2010 budgets, on-line resources and reports and communication with staff.

While every city faces different challenges based on expectations of service levels, fiscal constraints, and community demographics, this information provides a starting point to gauge our effectiveness and efficiency relative to these other California communities.

General Demographics

The City of Santa Barbara is near the median in both population and land area and ranks third in density at 4,300 people per square mile. The City of Santa Monica has the greatest density at 11,618 people per square mile. According to the 2006 interim census information Santa Barbara median income per capita, \$35,286 is just slightly below the median of \$38,000. Median household income ranges from a low of \$50,000 (Santa Cruz) to a high of \$103,000 (Newport Beach) with Santa Barbara ranking the third lowest at \$54,476.

Financial

The financial information gathered and presented in this report, provides an overview of a city's expenses and financial resources. Since every city is structured and organized differently, this report does not include every department. Instead, this report reviews and evaluates key comparable areas.

When evaluating the General Fund revenue, Redondo Beach and Santa Monica are outliers on the chart -- \$67,161,079 and \$247,432,082; respectively. Santa Barbara is 16% below the median at \$105,022,627; yet when assessing the per capita information Santa Barbara is 11% above the median at \$1,163. The General Fund revenue per capita spectrum ranges from Oceanside at \$698 to Santa Monica with \$2,662. Three cities have budgeted expenses in excess of revenues emphasizing the current economic situation.

The policies and amounts allocated to Capital projects from the General Fund varied greatly. Carlsbad has a dedicated infrastructure fund that monies are allocated to every year. In FY 2010 many communities, in response to the current economic situation, either completely eliminated or greatly reduced General Fund dollars allocated to capital projects. Some communities, like Ventura, appear to have large capital programs but when you look at the Capital Program detail the funds are from grants or dedicated funds for specific projects.

The source of General Fund revenues vary from city to city, including special tax districts, grant funds and other dedicated revenue. Five key general fund revenue sources were identified: Sales, Property, Business License, Utility Users and Transient Occupancy taxes. Newport Beach, Carlsbad and Oceanside communities do not have a Utility Users Tax. These five key taxes represent 61% of Santa Barbara's General Fund revenue. Santa Barbara has the third lowest Property and Transfer Tax per capita at \$264, and Newport Beach has the highest at \$914 per capita. Santa Barbara has the third highest Transient Occupancy tax revenue per capita at \$133. The Transient Occupancy tax revenue per capita also illustrates the diversity of revenue receipts; Oceanside receives \$21 per capita and Santa Monica receives \$329 per capita.

Authorized Positions

The range for authorized positions per 1,000 population is 5.64 (Huntington Beach) to 21.7 (Santa Monica). Santa Barbara is near the median at 11.57 authorized positions per 1,000 residents. The difference from one city to the next may be due to more enterprise operations such as Airport, Waterfront, Water/Wastewater utilities and Downtown Parking or that the organization emphasizes a higher level of service. Additional information and comparison about individual programs and departments is needed to understand exactly where Santa Barbara varies from these other communities.

Public Safety

Police Department

Data was gathered for three standard indicators: percentage of General Fund expense, number of authorized positions per 1,000 residents and Part One Crimes per 1,000 residents. Using Part One Crimes as a ranking tool can be misleading and it is cautioned that this number needs to be examined in terms of all of the community variables.

The Police Department expenditure represents 31% of Santa Barbara's General Fund expense which is slightly below the median of this group. Redondo Beach expends 51% of General Fund revenue on Police while Carlsbad expends 25%. This variation in percentage may reflect the size of other City General Fund departments, specifically Parks and Recreation and Community Development.

The number of sworn authorized positions per 1,000 residents provides an understanding of staffing levels in a community. Santa Barbara is the median with 1.55 authorized police officers per 1,000 residents. The range is 1.11 (Carlsbad) to 2.36 (Santa Monica).

Part One Crimes are defined as homicide, burglary, robbery, rape, vehicle, theft, aggravated assault, larceny and arson. Each city Police Department submits this information to the Federal Bureau of Investigation (FBI), which in turn generates a national list. This data potentially has the greatest variance due to reporting policies, community practices and population characteristics. Santa Barbara is at the median for this group of communities at 34 crimes per 1,000 residents.

Fire Department

The Fire Departments of each city organization operate a variety of programs. Santa Barbara provides emergency medical response, fire fighting and public education as part of the department. Other communities include Marine Rescue (Santa Cruz), Lifeguards (Newport Beach) and paramedic services (Redondo Beach, Carlsbad and Huntington Beach). Some communities also receive funding from a FireMed program, where individuals pay an annual fee (\$46-\$60) to receive paramedic, emergency ambulance service, and other additional services.

Santa Barbara Fire Expenditures as a percentage of the General Fund are 19%, which exceeds the median of 17%. Santa Barbara has 1.02 sworn positions per 1,000 residents. Another measure utilized to better understand operations is the number of square miles covered per fire station. Each of Santa Barbara's fire stations cover approximately 3 square miles. (Fire Operations for the Santa Barbara Airport were excluded from the data as they are funded by the Airport and operate outside the downtown core.)

In conclusion Santa Barbara's Police and Fire services represent 49.1% of the General Fund expense.

Library

The Library Department also focuses on service for the community. The primary source of information was the California Public Library Survey of 2008. The size and organization of library systems vary greatly from one community to the next. Santa Barbara and Santa Cruz are unique agencies that provide Library services for both the County and City, making services available to a larger population (200,000+). Santa Barbara's Library Department operating budget in 2008 was \$6,433,590 and the per capita cost was \$28.40 per population served with the median at \$56.58 (Santa Cruz).

Parks

When looking at city parks and recreation programs the organizational structures varied significantly. Some combined the programs under Community Services while others included larger departments like Waterfront and Library. Developed park acreage was a common indicator across all communities. Santa Barbara has 582 acres of developed parks as well as 1200 acres of open space. The 6.44 acres per resident is more than double the median of 2.68 acres. Only Santa Cruz exceeds Santa Barbara's ratio with 9.21 acres per resident.

Public Works

Solid Waste Diversion Rate

The diversion rate in 2006 for Santa Barbara's 66% and is the third highest among the communities, which reflects Santa Barbara's commitment to creating a sustainable community. The current state diversion rate requirement is 50%.

Street Pavement Condition Index

The Pavement Condition Index (PCI) indicates the quality of the streets in each city. This information is established reported by cities every two years. As a result, some of the numbers presented are for various years and can vary depending on the rating system used. A PCI of 70 is good.

Lane Miles Maintained

Lane miles are an indicator of the amount of miles that the city has to maintain and is a companion indicator to PCI. Some cities report responsibility for the freeways that run through their communities where Santa Barbara reports only surface streets.

Conclusion

Review of the data collected indicates that Santa Barbara is at or near the median in most of the service areas. Those areas where Santa Barbara exceeds the median represents the City's ongoing commitment to public safety, open space and sustainability.

Note: The budget data for Berkeley, Newport Beach, Santa Cruz, Santa Monica and Sunnyvale came from their FY 2010 adopted budgets. The proposed budgets were used for Carlsbad, Huntington Beach, Oceanside, Redondo Beach and Santa Cruz. Additionally information was gathered from adopted, on-line resources, annual reports and communication with staff. In the communities where information was not available they have been omitted from the graphs.

**Comparative Indicators
FY 2010**

Attachment #3

Indicator	<u>Santa Barbara</u>	<u>Santa Cruz</u>	<u>Redondo Beach</u>	<u>Newport Beach</u>	<u>Santa Monica</u>	<u>Carlsbad</u>	<u>Berkeley</u>	<u>Ventura</u>	<u>Sunnyvale</u>	<u>Oceanside</u>	<u>Huntington</u>
	<u>Adopted Budget</u>	<u>Adopted Budget</u>	<u>Proposed Budget</u>	<u>Adopted Budget</u>	<u>Adopted Budget</u>	<u>Proposed Budget</u>	<u>Adopted Budget</u>	<u>Proposed</u>		<u>Adopted</u>	<u>Midyear</u>
	<u>FY 2010</u>	<u>FY 2010</u>	<u>FY 2010</u>	<u>FY 2010</u>	<u>FY 2010</u>	<u>FY 2010</u>	<u>FY 2010</u>	<u>Budget FY 2010</u>	<u>Budget FY 2010</u>	<u>2010</u>	<u>Budget FY 2010</u>
Population 2009 California State Finance Office	90,308	58,982	67,646	86,252	92,949	104,652	107,178	108,787	138,826	179,681	202,480
Land Area (square miles)	21	12	6.3	14	8	42	10.5	21	24	42	26
Population per square mile	4,300.38	4,915.17	10,737.46	6,160.86	11,618.63	2,491.71	10,207.43	5,180.33	5,784.42	4,278.12	7,787.69
Population characteristics											
19 and under	18%	22%	18%	21%	15%	27%	21%	24%	28%	27%	22%
Over 65	15%	8%	11%	20%	14%	11%	10%	12%	11%	13%	12%
Median Income per Capita	\$ 35,286	\$ 25,758	\$ 47,119	\$ 77,395	\$ 57,230	\$ 44,168	\$ 31,888	\$ 31,370	\$ 38,058	\$ 25,919	\$ 39,910
Median Household Income	\$ 54,476	\$ 50,605	\$ 82,744	\$ 103,068	\$ 61,423	\$ 83,737	\$ 51,256	\$ 61,925	\$ 79,926	\$ 58,995	\$ 75,896
Percent of Owner-Occupied Housing	42%	46.60%	49.50%	55.70%	29.80%	67.40%	42.70%	58.3%	48.90%	62.10%	60%
Financial Information											
General Fund Revenue	\$ 105,022,627	\$ 75,133,992	\$ 67,161,079	\$ 150,139,606	\$ 247,432,082	\$ 109,323,397	\$ 141,800,000	\$ 85,489,560	\$ 122,237,810	\$ 125,372,992	\$ 181,345,941
General Fund Revenue per Capita	\$ 1,163	\$ 1,274	\$ 993	\$ 1,741	\$ 2,662	\$ 1,045	\$ 1,323	\$ 786	\$ 881	\$ 698	\$ 896
General Fund Expense	\$ 105,022,627	\$ 81,618,296	\$ 66,446,176	\$ 151,210,359	\$ 262,300,000	\$ 109,110,932	\$ 141,800,000	\$ 85,093,014	\$ 129,844,946	\$ 125,327,685	\$ 181,345,981
General Fund Expense per Capita	\$ 1,163	\$ 1,384	\$ 982	\$ 1,753	\$ 2,822	\$ 1,043	\$ 1,323	\$ 782	\$ 935	\$ 698	\$ 896
Authorized positions per 1,000 population	11.57	13.81	6.81	8.12	21.70	6.56	15.27				5.64
General Fund Capital Improvement	\$ 857,670	\$ -	\$ -	\$ 3,120,000	\$ 23,200,000	\$ 6,500,000	\$ 6,100,000	\$ 8,608,333	\$ 55,272	\$ 3,059,631	\$ 1,000,000
General Fund Capital as % of Gen Fund Exp.	0.82%	0.00%	0.00%	2.06%	8.84%	5.96%	4.30%	10.12%	0.04%	2.44%	0.55%
Total Key Tax Revenues Per Capita	\$ 707	\$ 639	\$ 687	\$ 1,328	\$ 1,648	\$ 824	\$ 1,008	\$ 530	\$ 598	\$ 447	\$ 569
Sales Tax	\$ 18,476,524	\$ 12,822,200	\$ 8,508,000	\$ 20,263,438	\$ 27,136,000	\$ 23,028,000	\$ 14,416,706	\$ 15,141,449	\$ 27,100,000	\$ 20,061,700	\$ 19,575,000
Property and Property Transfer Tax	\$ 23,860,000	\$ 12,611,818	\$ 25,138,000	\$ 78,810,195	\$ 35,616,948	\$ 47,939,000	\$ 59,374,210	\$ 26,291,067	\$ 41,834,737	\$ 53,648,600	\$ 66,402,000
Business License Tax	\$ 2,273,300	\$ 762,000	\$ 1,300,000	\$ 3,800,000	\$ 26,630,000	\$ 3,170,000	\$ 13,418,529	\$ 3,601,634	\$ 1,166,990	\$ 2,783,700	\$ 2,200,000
UUT	\$ 7,242,000	\$ 8,688,000	\$ 8,000,000	\$ -	\$ 33,220,000	\$ -	\$ 15,838,522	\$ 8,940,846	\$ 7,175,823	\$ -	\$ 21,725,000
TOT	\$ 12,027,000	\$ 2,830,000	\$ 3,500,000	\$ 11,700,000	\$ 30,600,277	\$ 12,121,000	\$ 4,960,105	\$ 3,637,988	\$ 5,796,280	\$ 3,853,500	\$ 5,400,000
Total Tax Revenues	\$ 63,878,824	\$ 37,714,018	\$ 46,446,000	\$ 114,573,633	\$ 153,203,225.00	\$ 86,258,000	\$ 108,008,072	\$ 57,612,984	\$ 83,073,830	\$ 80,347,500	\$ 115,302,000
Percent generated from 5 taxes	61%	50%	69%	76%	62%	79%	76%	67%	68%	64%	64%

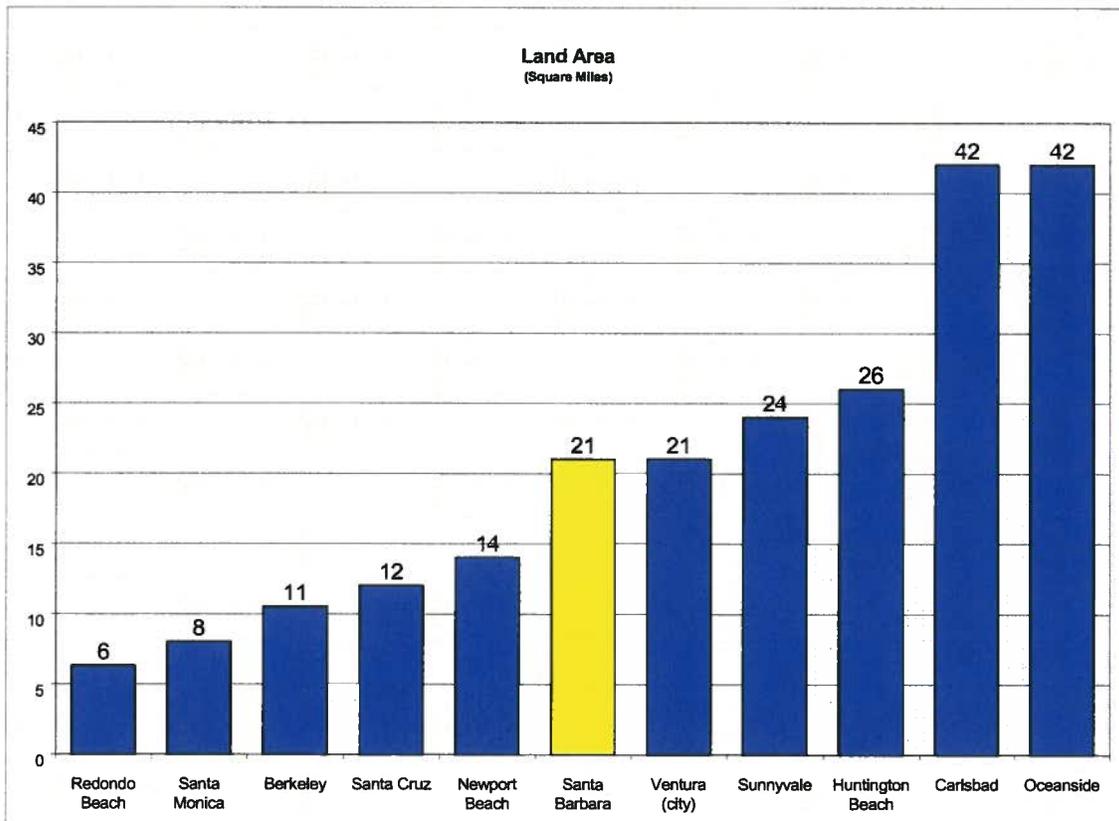
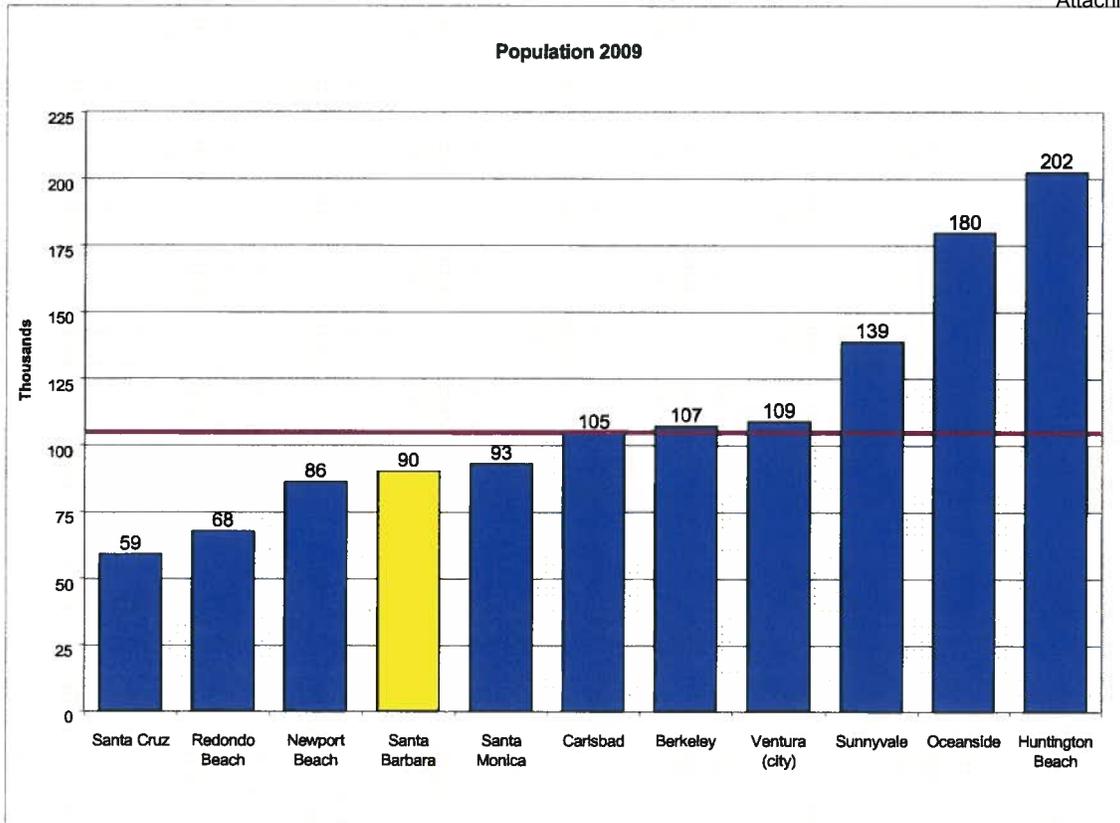
**Comparative Indicators
FY 2010**

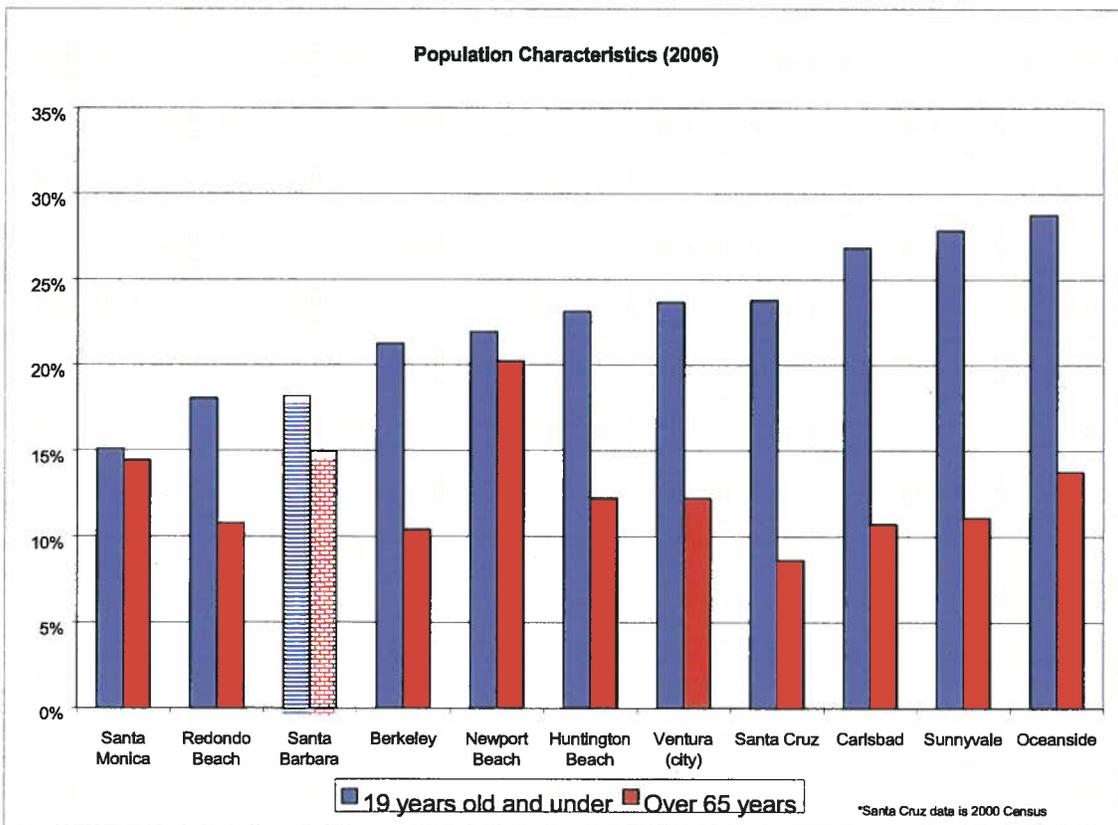
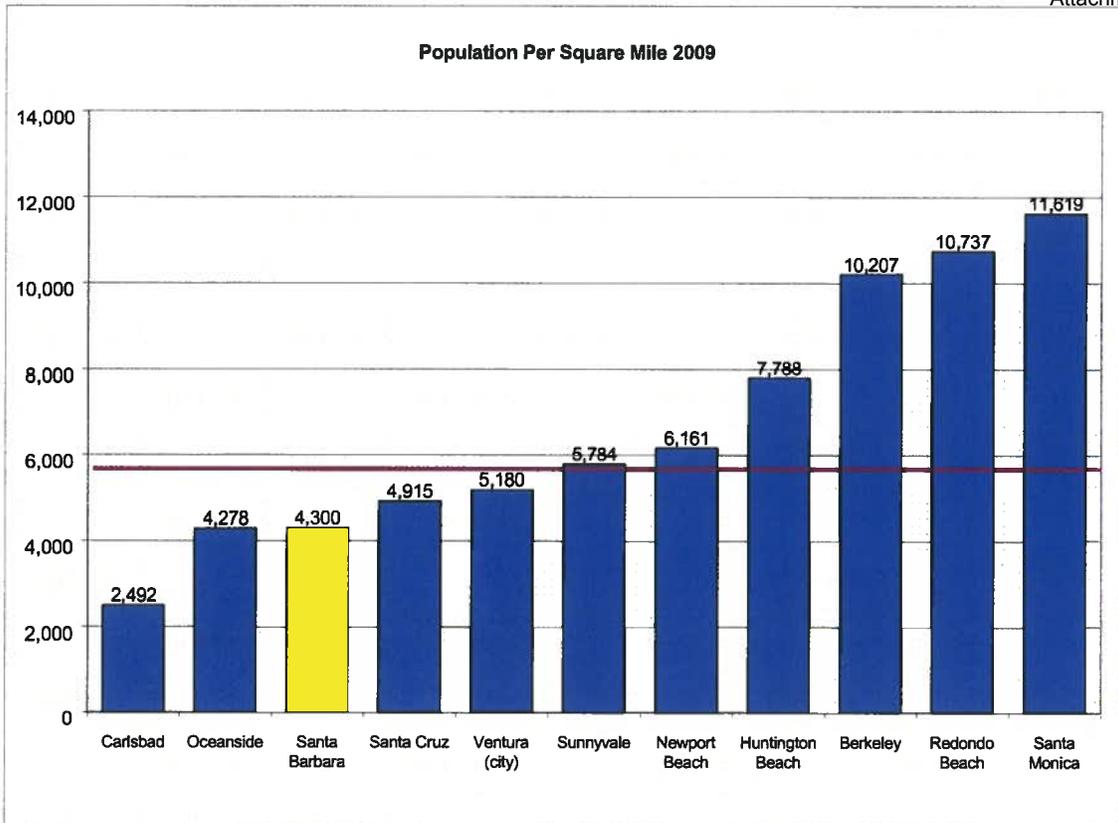
Attachment #3

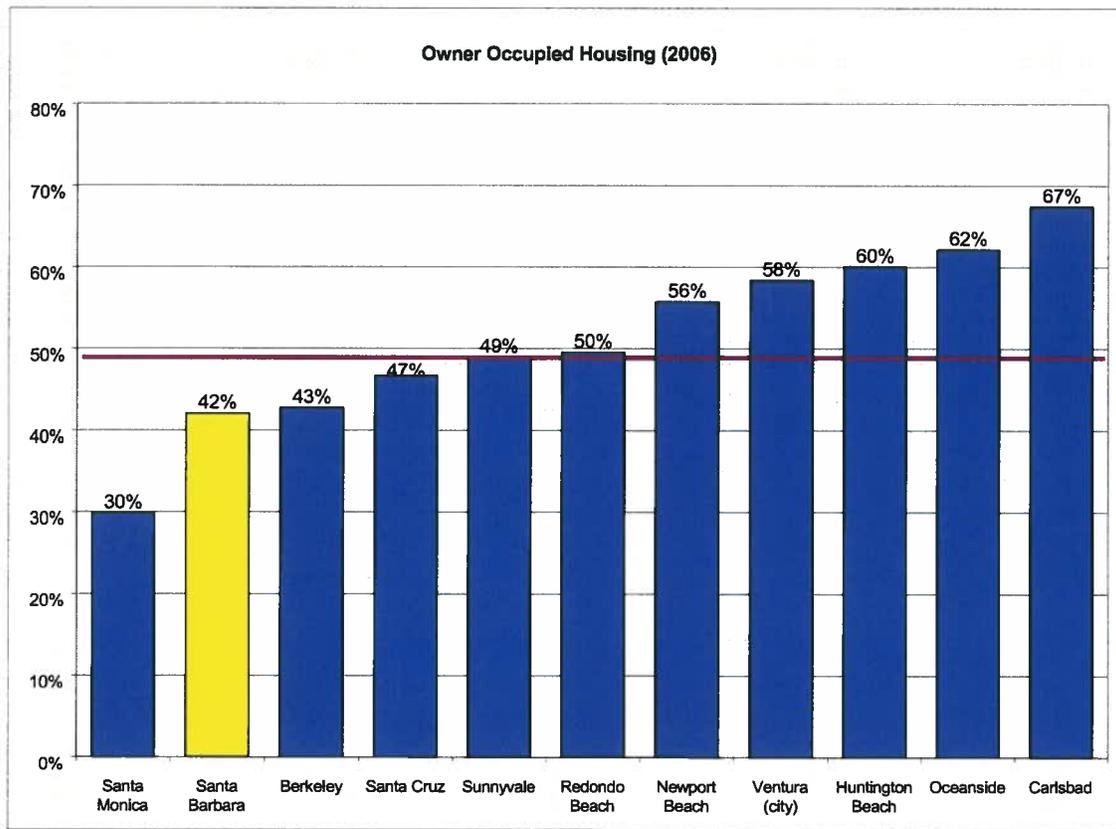
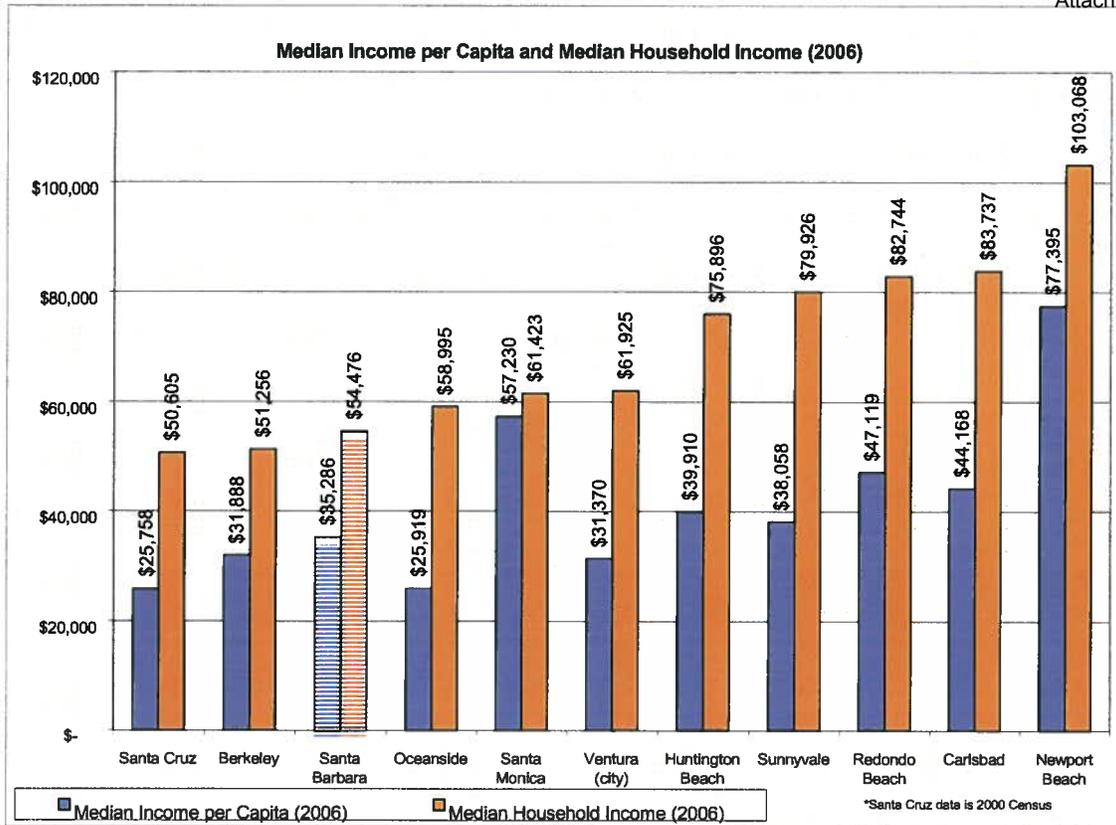
	Santa Barbara	Santa Cruz	Redondo Beach	Newport Beach	Santa Monica	Carlsbad	Berkeley	Ventura (city)	Sunnyvale	Oceanside	Huntington Beach
Public Safety											
Police Expenditures as % of Gen. Fund Exp.	31%	27%	51%	30%	26%	25%	36%	34%			33%
Sworn Police FTEs per 1,000 residents	1.55	1.66		1.62	2.32	1.10	1.73	1.20		1.16	1.10
Part 1 Crimes per 1,000	33.65	45.63		33.33	37.01	24.69	69.45	37.62	21.54	27.71	25.38
Fire Expenditure as % of Gen. Fund Exp.	19%	15%	26%	22%	11%	15%	17%	21%			18%
Sworn Fire personnel per 1,000 residents	1.02			1.44	1.29	0.75	1.19	0.66		0.58	0.65
Number of Stations	7	3	3	8	4	6	7	6	6	8	8
Square Miles covered by station	3.00	4.00	2.10	1.75	2.00	7.00	1.50	3.50	4.00	5.25	3.25
Number of fire calls	221	280	1,524	751	30	222	3,943	4,373			1,000
Number of medical emergency calls	4,767	4,759	3,594	6,808	9,147	6,003	8,944	7,235			10,500
Total Public Safety as % of Gen. Fund Exp.	49.1%	41.0%	76.9%	52.0%	36.3%	40.8%	53.5%	54.4%			50.9%
Parks											
Total Park Acreage (Developed Parks) per 1,000 residents	6.44	9.21	2.68	2.14	1.20	2.20	0.98	3.05	1.62	3.41	3.25
Library (2007-2008 California Public Library Survey)											
Population of Service Area	226,549	207,583	67,488	84,554	91,439	103,811	106,697	Run by Ventura County	137,538	178,806	201,993
Operating Income	\$ 6,312,404	\$ 12,665,825	\$ 3,933,360	\$ 6,416,520	\$ 10,318,751	\$ 10,106,673	\$ 13,922,881	\$ -	\$ 7,002,898	\$ 5,445,964	\$ 5,735,525
Library Circulation Rate per Capita	6.93	10.40	12.32	20.12	15.12	12.44	16.36	0.00	16.94	2.89	4.35
Number of libraries and branches	9.00	11.00	2.00	4.00	4.00	3.00	5.00	0.00	1.00	6.00	5.00
Operating Budget	\$ 6,433,590	\$ 11,744,411	\$ 4,161,960	\$ 6,459,101	\$ 10,318,751	\$ 9,375,725	\$ 14,371,503	\$ -	\$ 6,650,633	\$ 5,445,964	\$ 4,691,246
Expenditures Per Capita	\$ 28.40	\$ 56.58	\$ 58.28	\$ 76.39	\$ 112.85	\$ 90.32	\$ 134.69	\$ -	\$ 48.35	\$ 30.46	\$ 23.22
Public Works											
Pavement Condition Index	70	59	n/a	84	83	81	62	72	80	n/a	63
Lane miles maintained	280	136	127	525	155	254	453	650	515	384	1121
Diversion Rate (2006 uncertified)	66%	62%	n/a	60%	62%	49%	45%	68%	63%	59%	69%

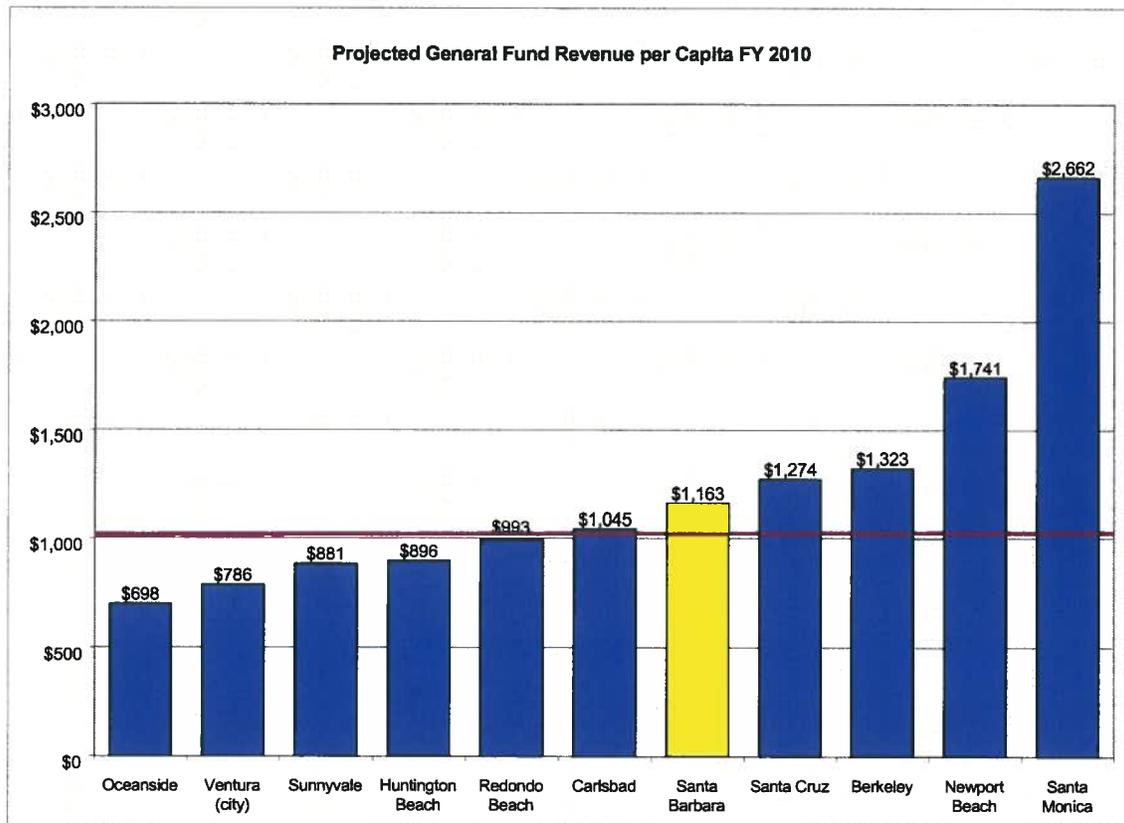
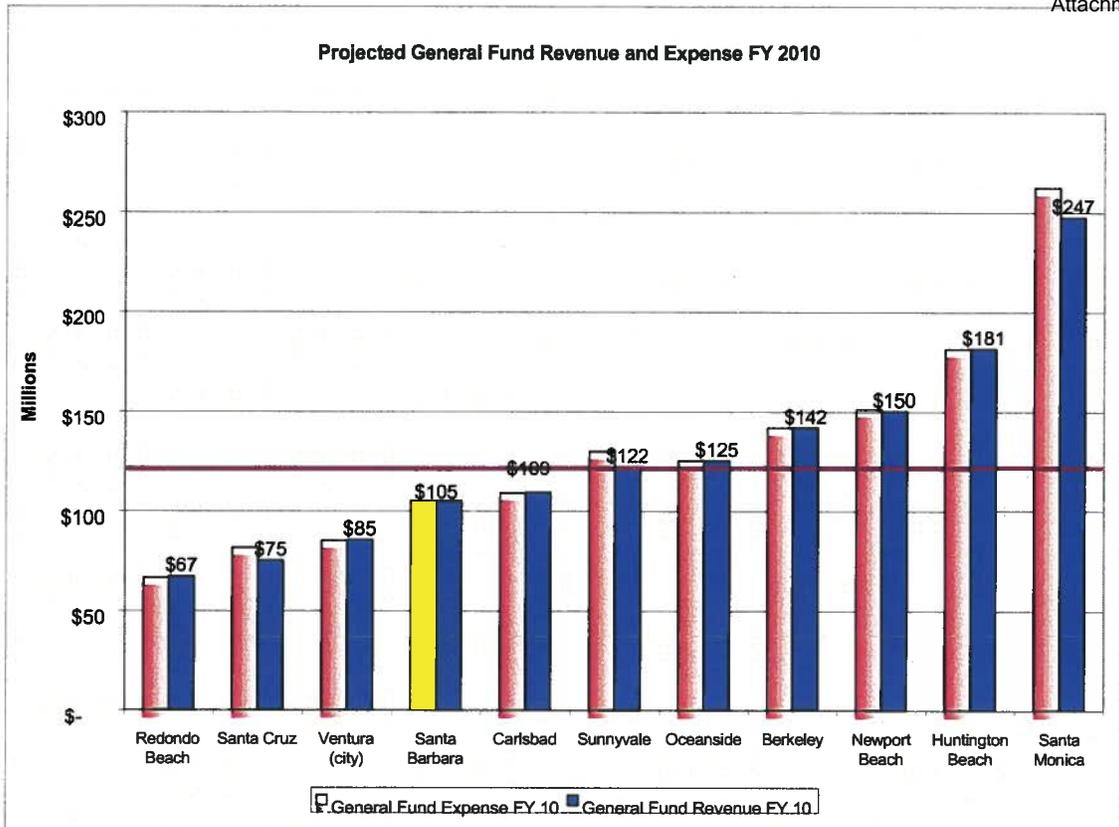
Public Safety Department Details

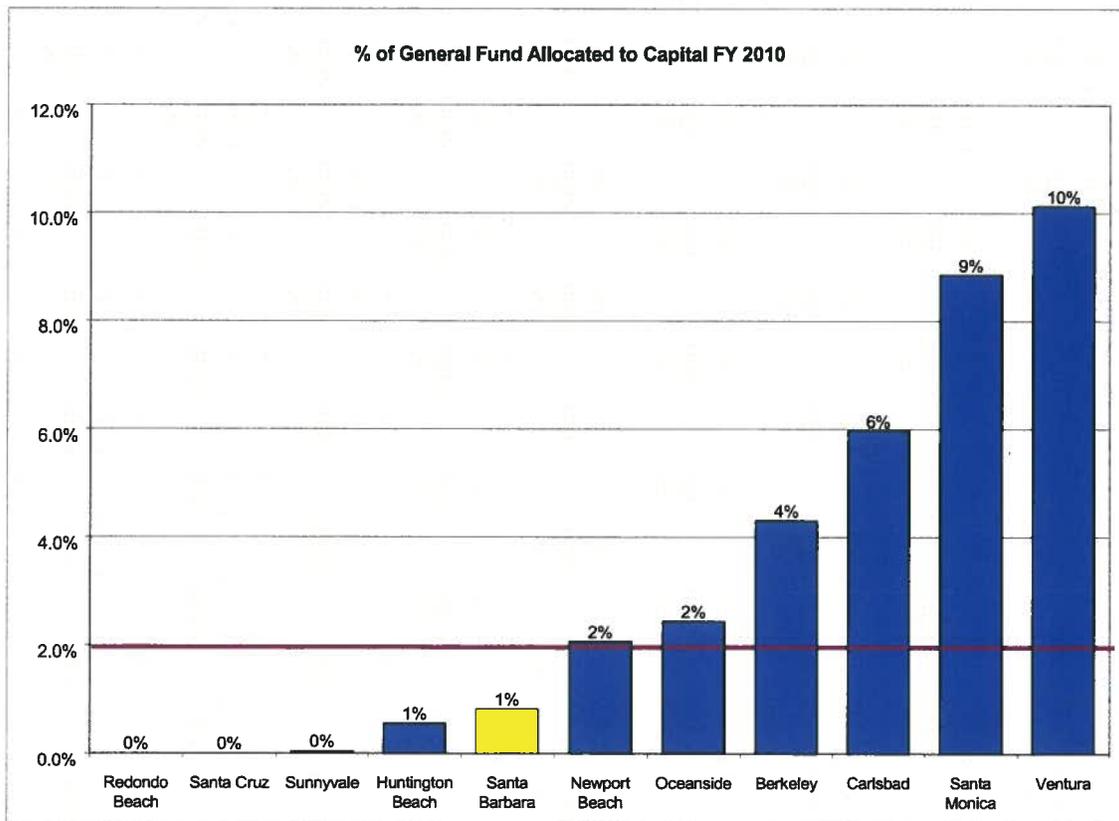
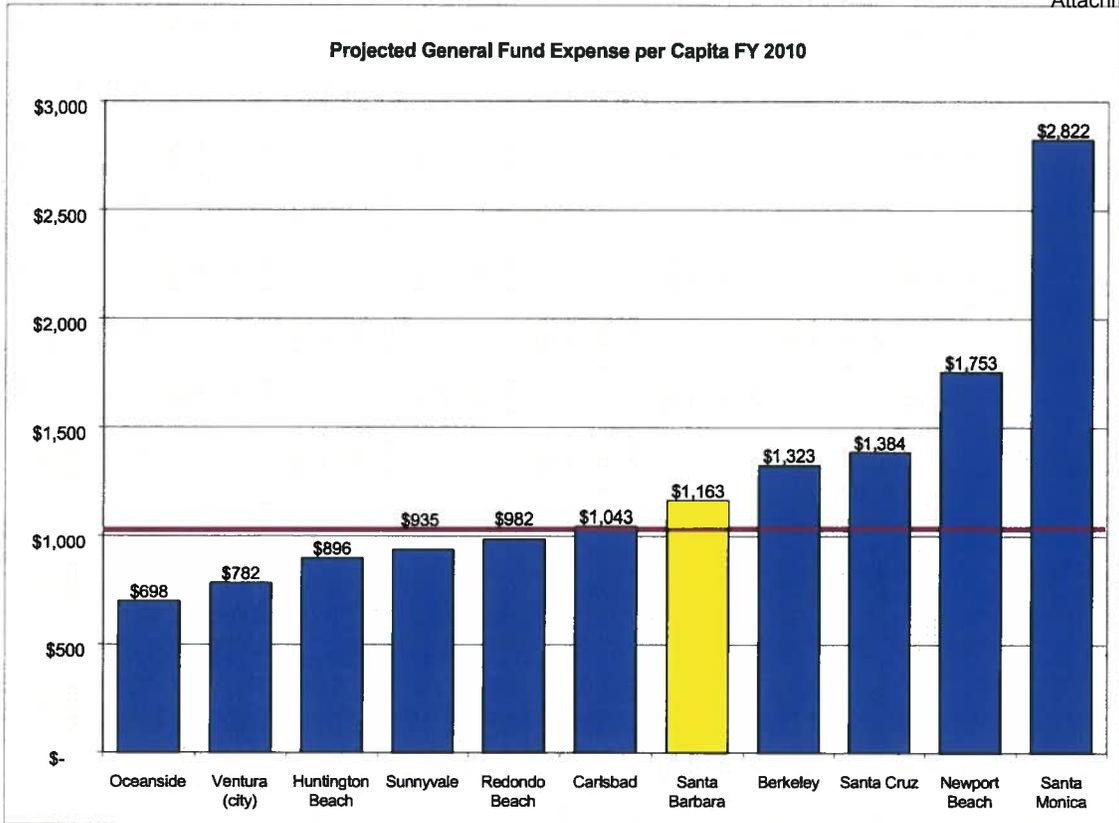
Santa Monica Police includes, Harbor, helicopter unit, jail, Police fleet services and Animal regulation/shelter
 Berkeley Police Service includes Marine Patrol and Jail services
 Huntington Beach has helicopter operations for traffic
 Santa Cruz includes EMS and Marine Services
 Redondo Beach includes EMT,paramedics and Harbor Patrol
 Newport Beach includes EMS, Ocean Lifeguards and Jr. Lifeguards
 Huntington Beach includes paramedic and ambulance service, fleet maintenance
 Berkeley includes paramedic/ambulance service
 Oceanside has a SWAT Medic Program, part of San Diego Urban Search and Rescue, paramedic and ambulance service
 Carlsbad provides paramedic and ambulance services

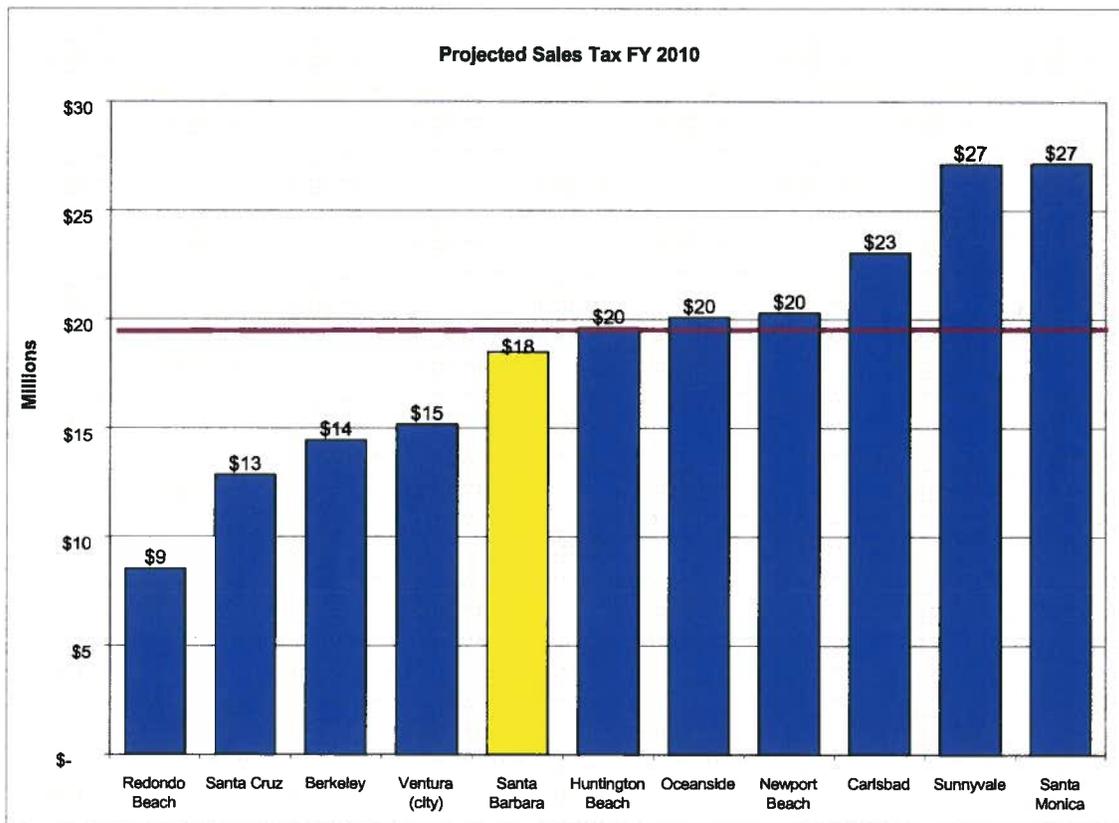
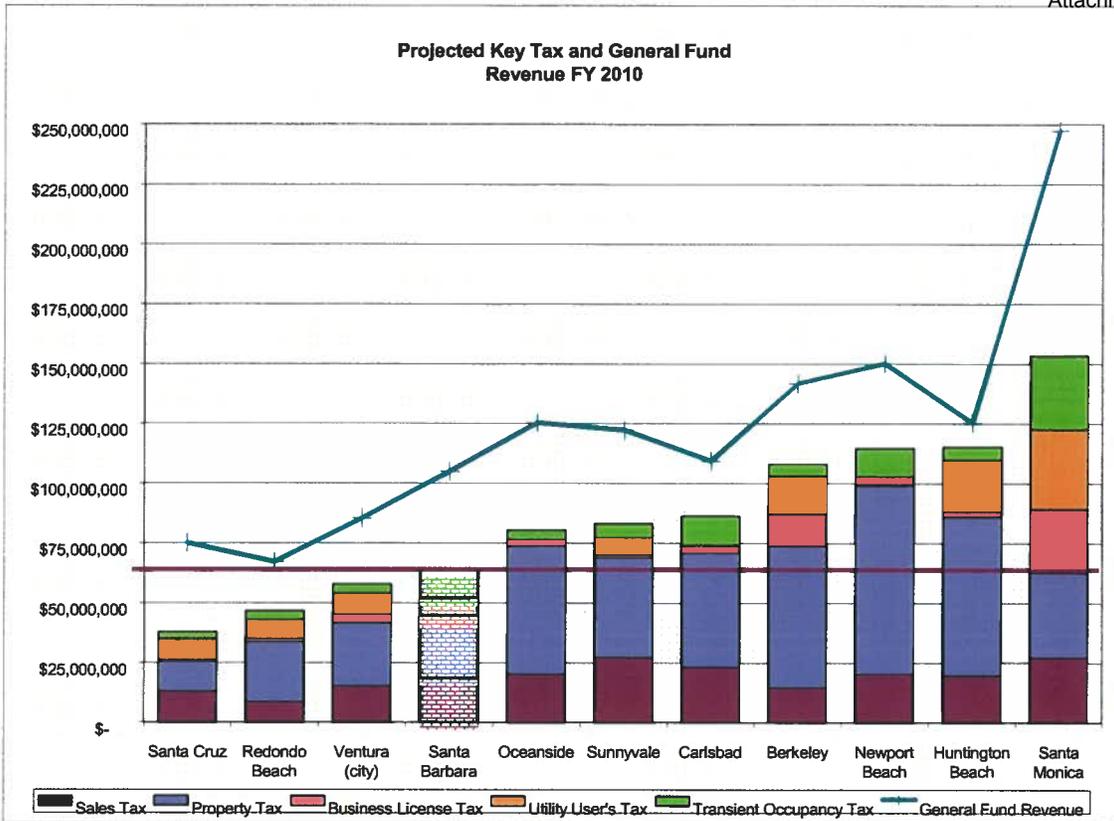


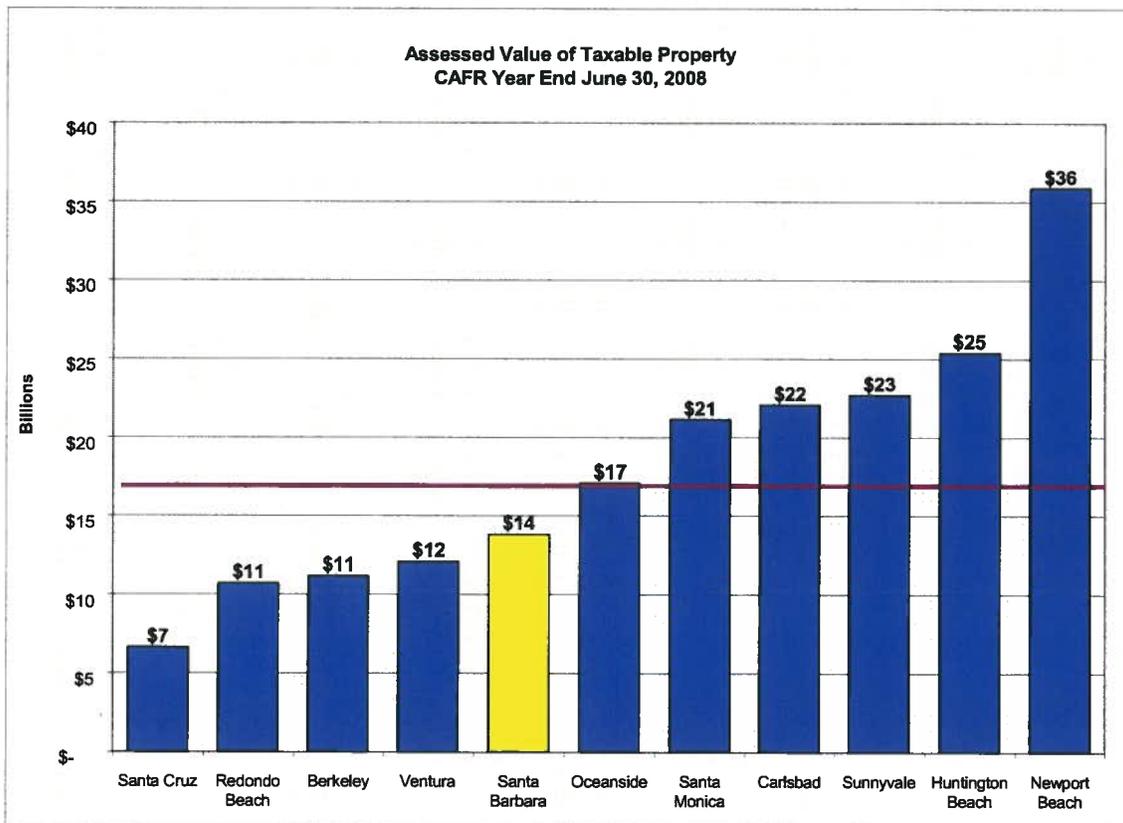
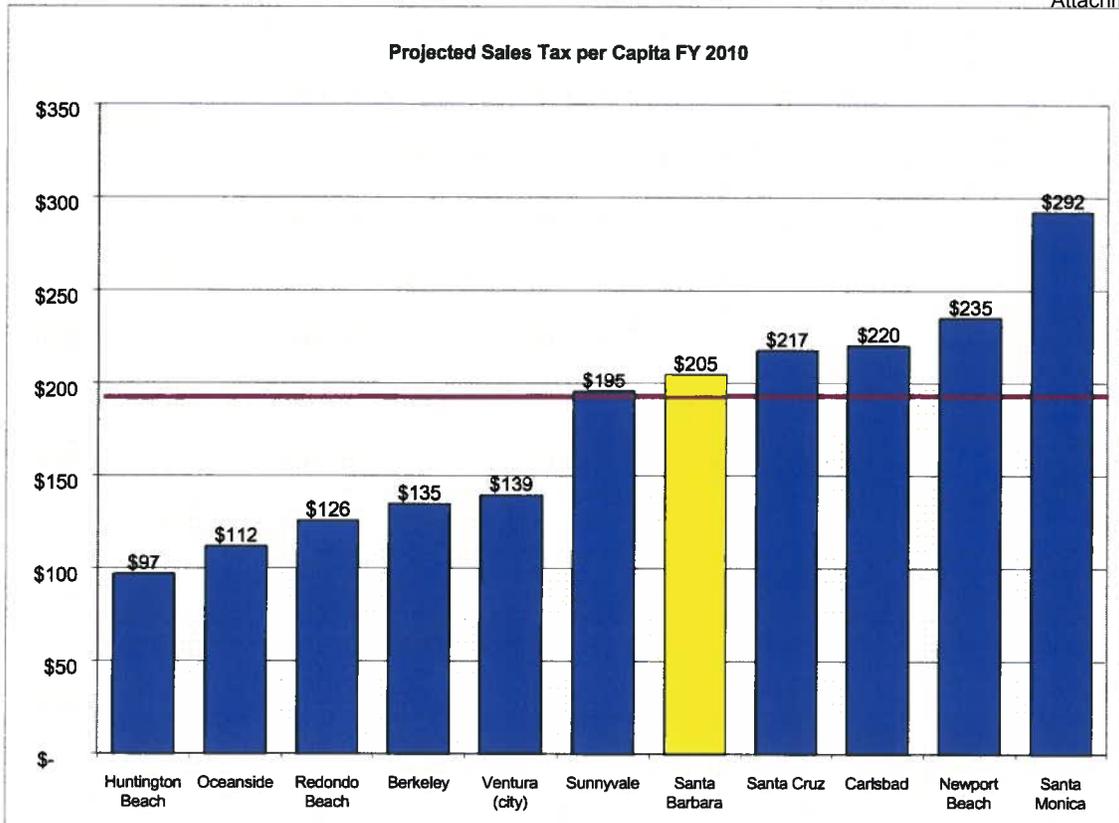


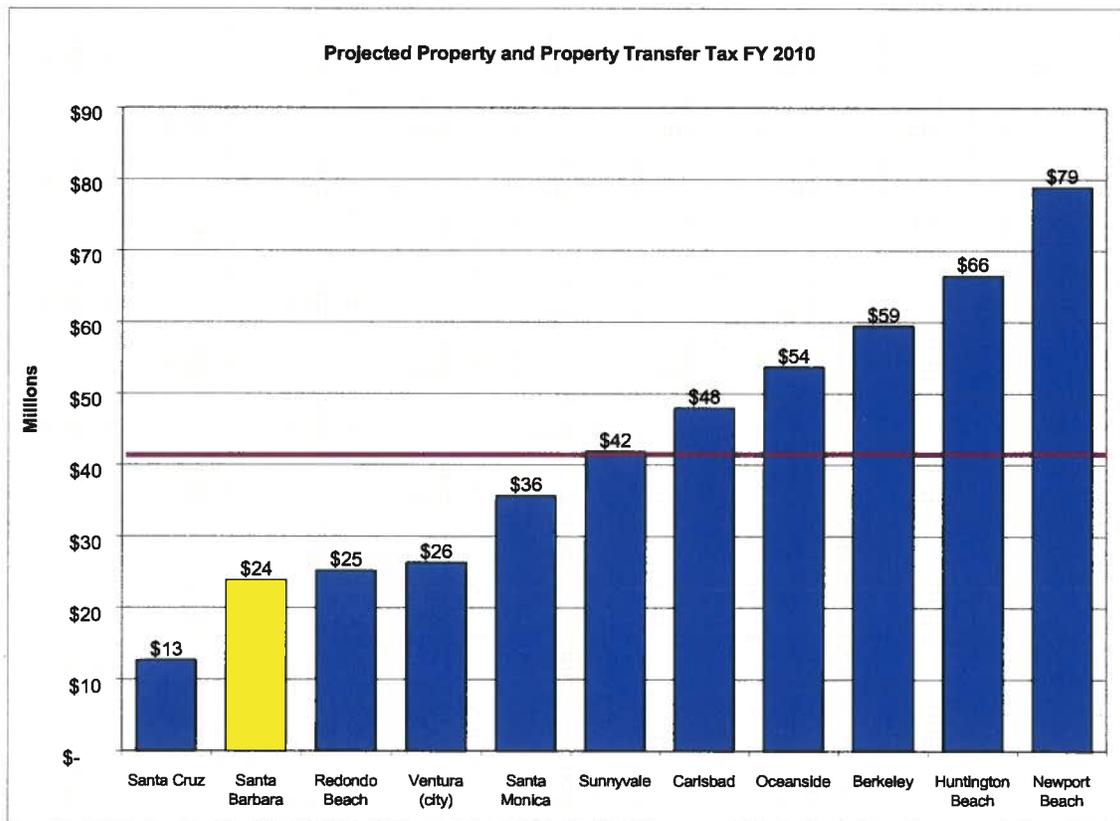
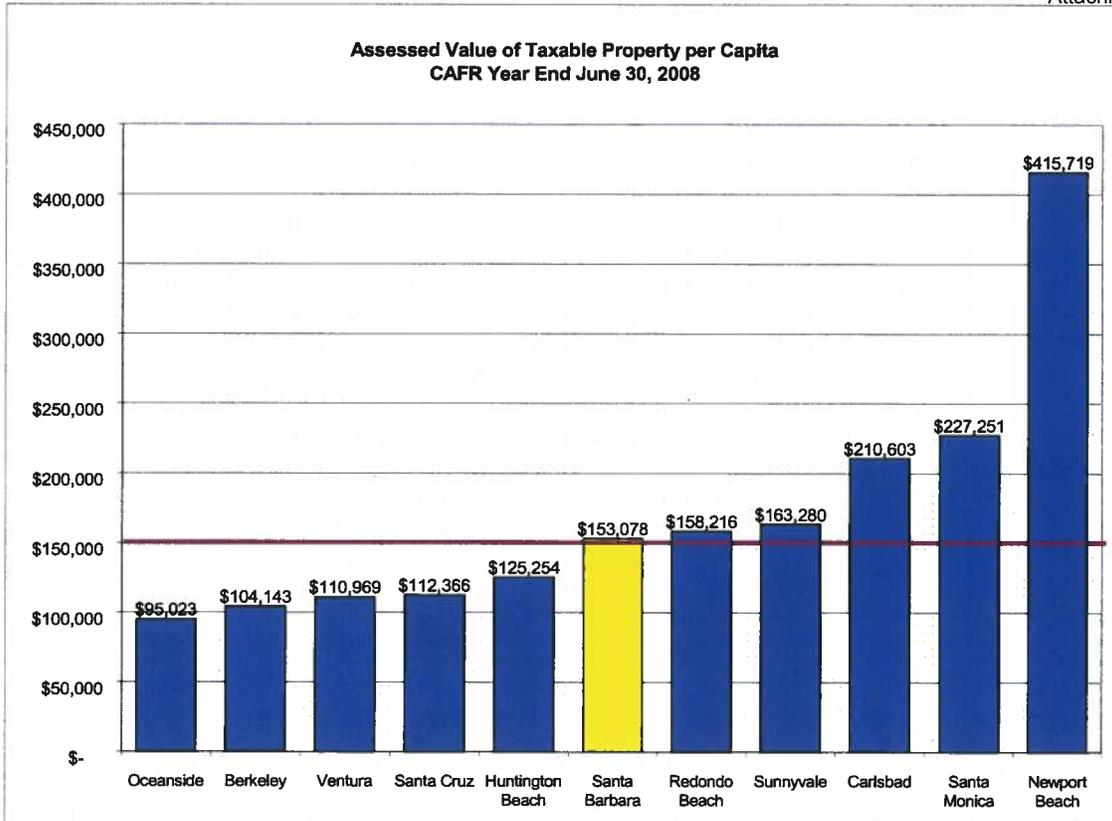


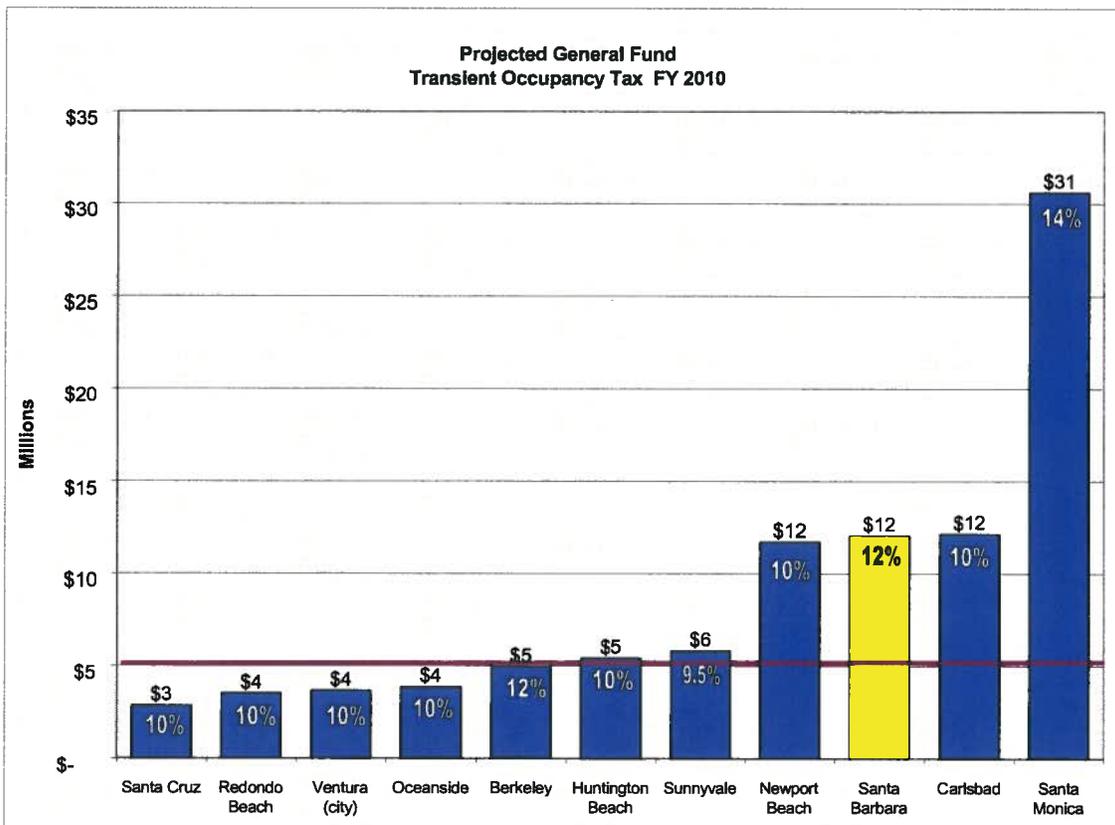
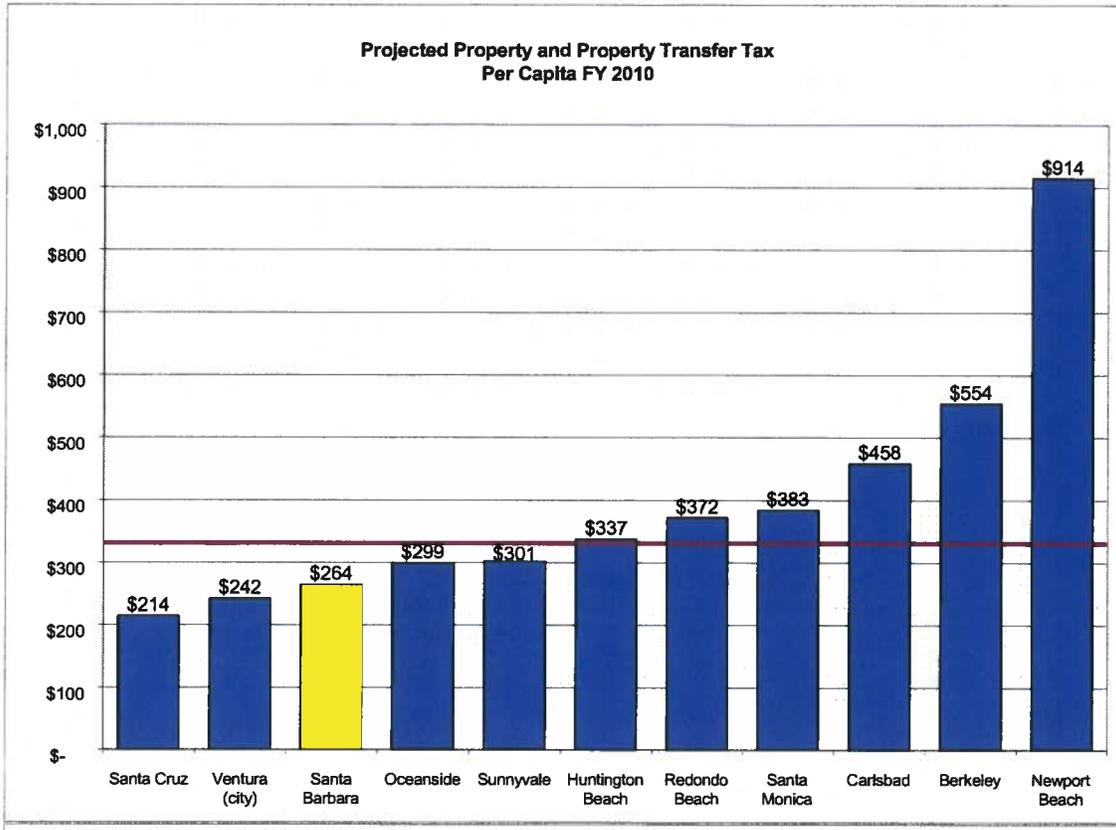


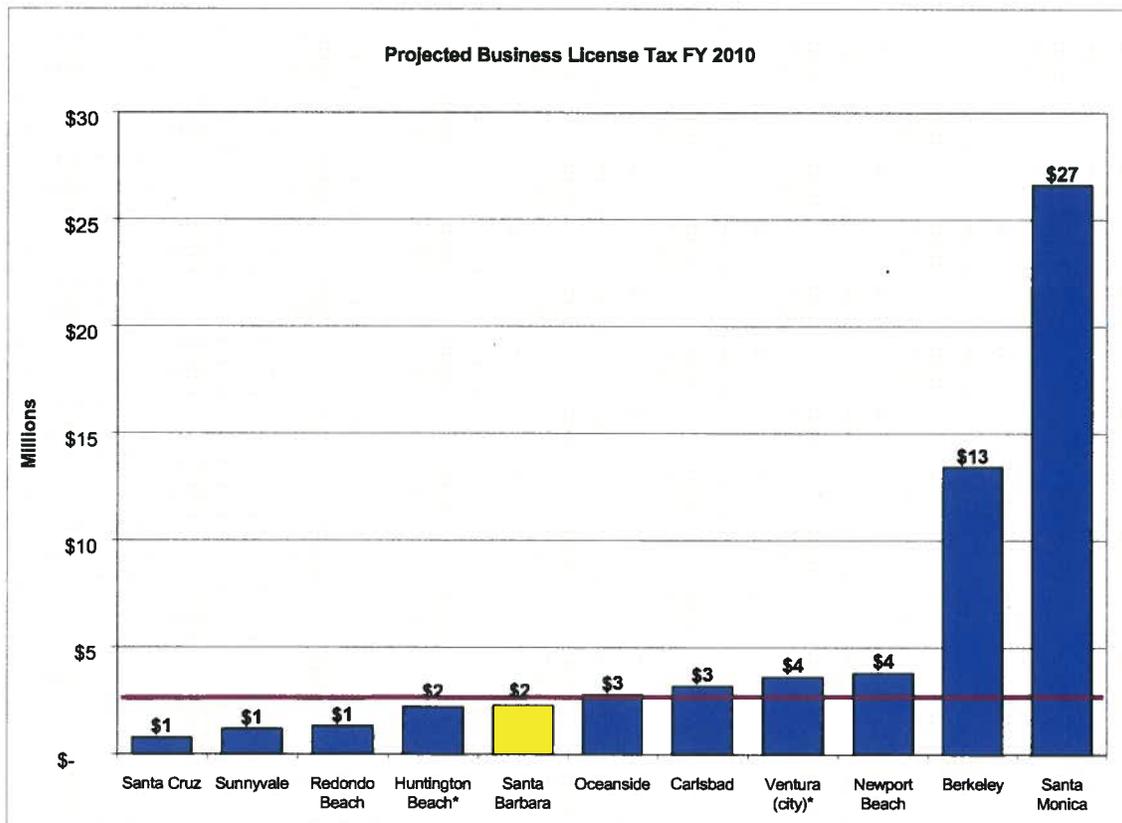
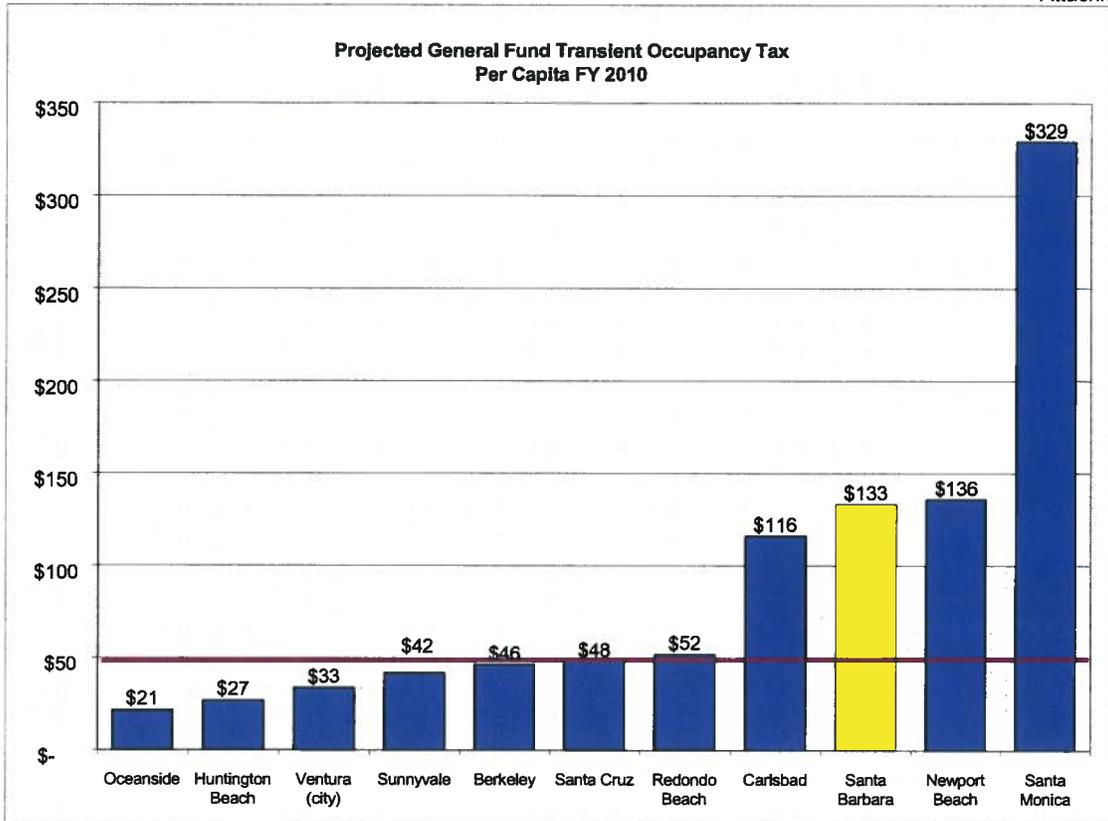


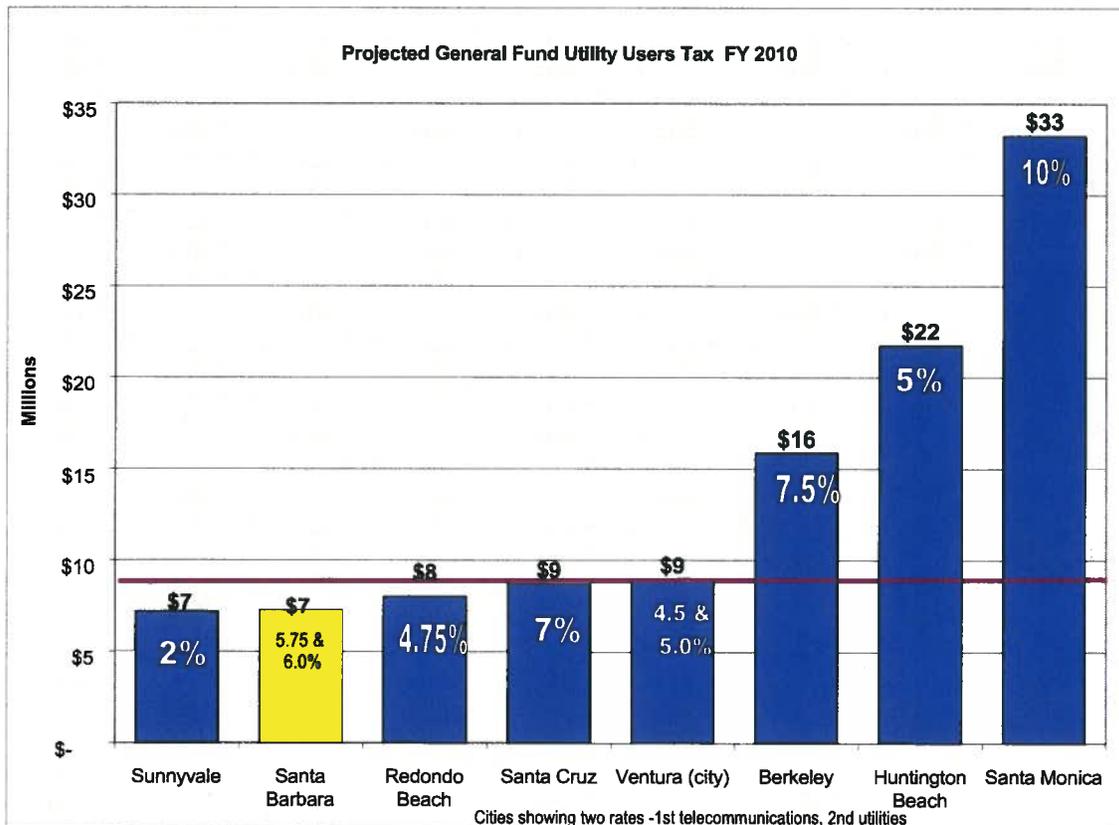
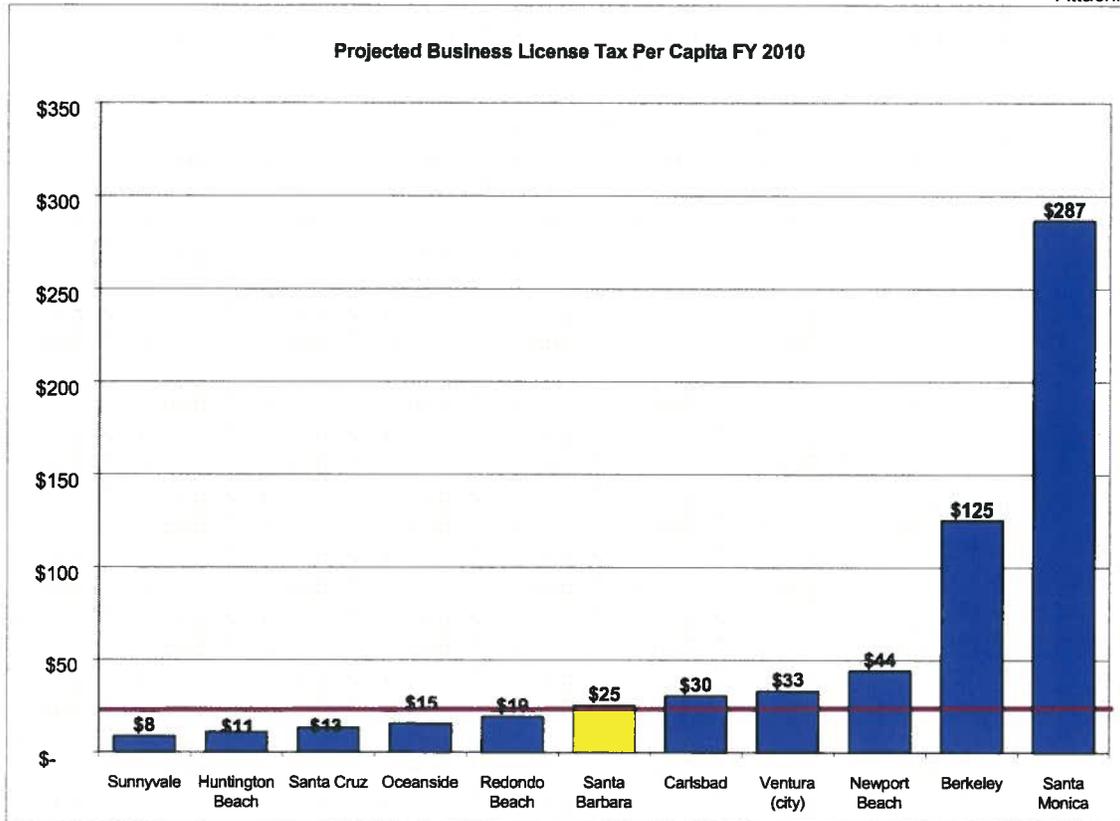


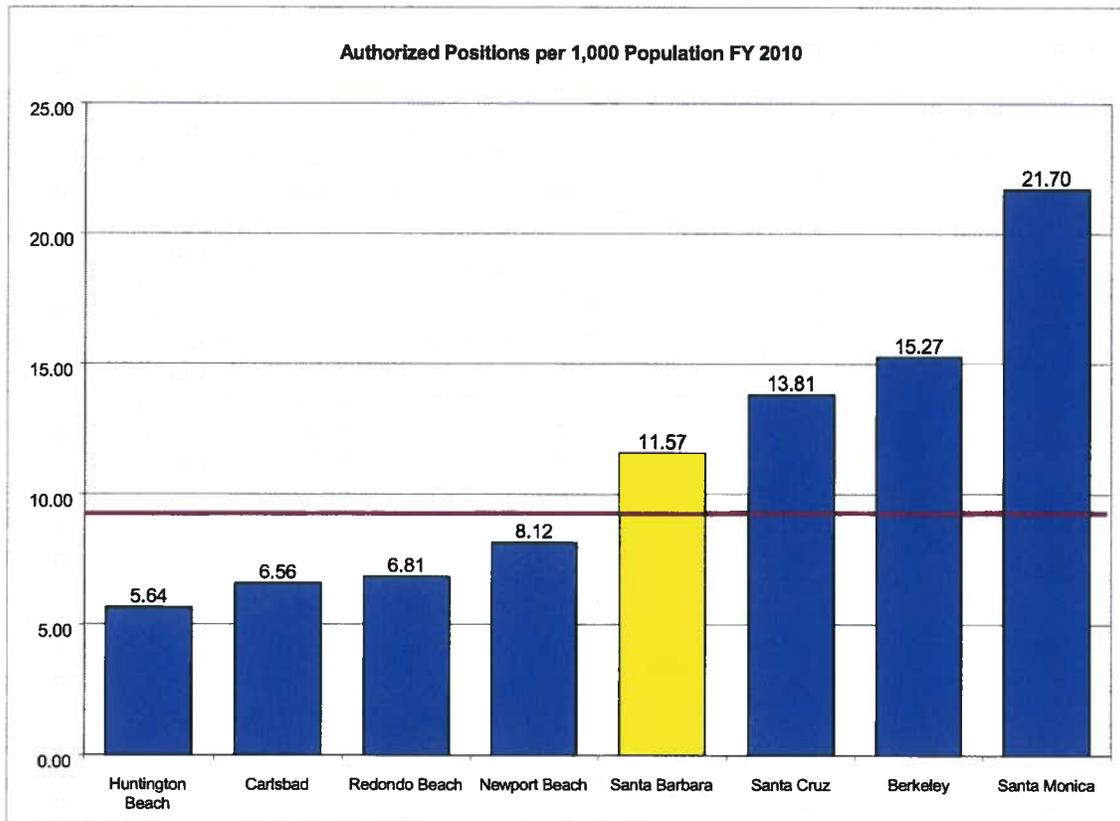
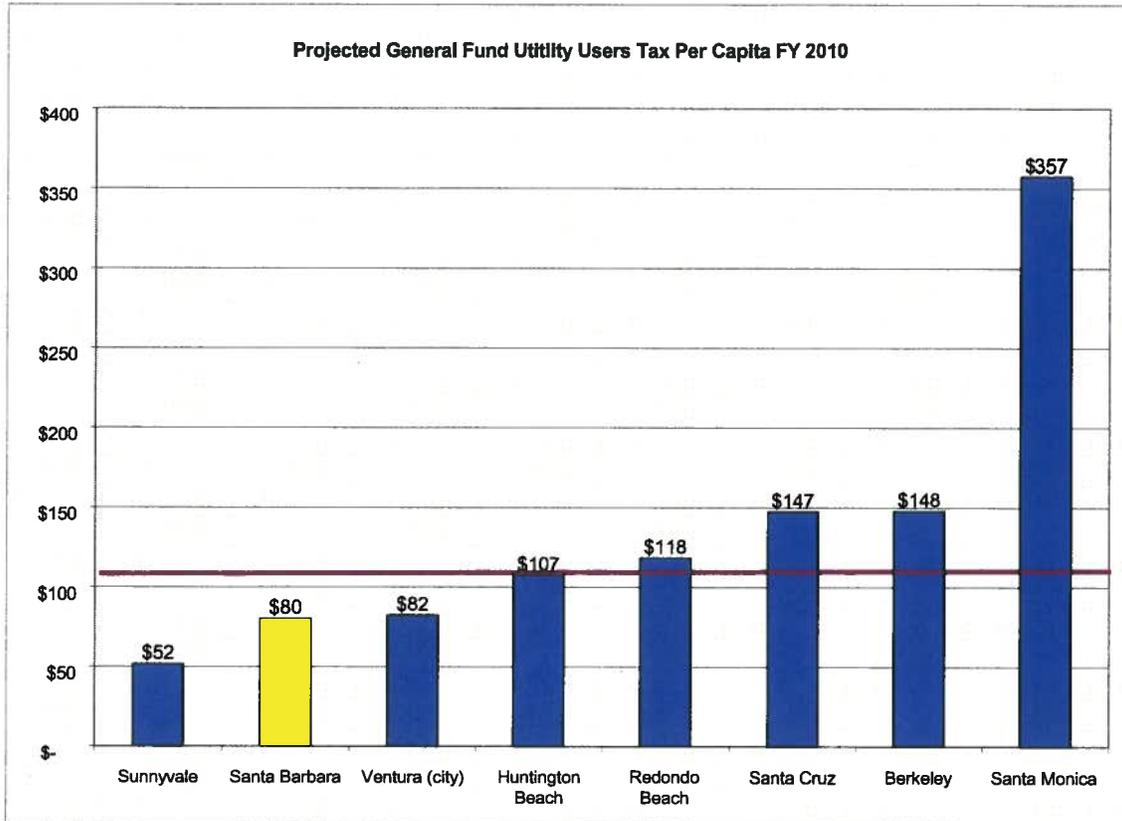


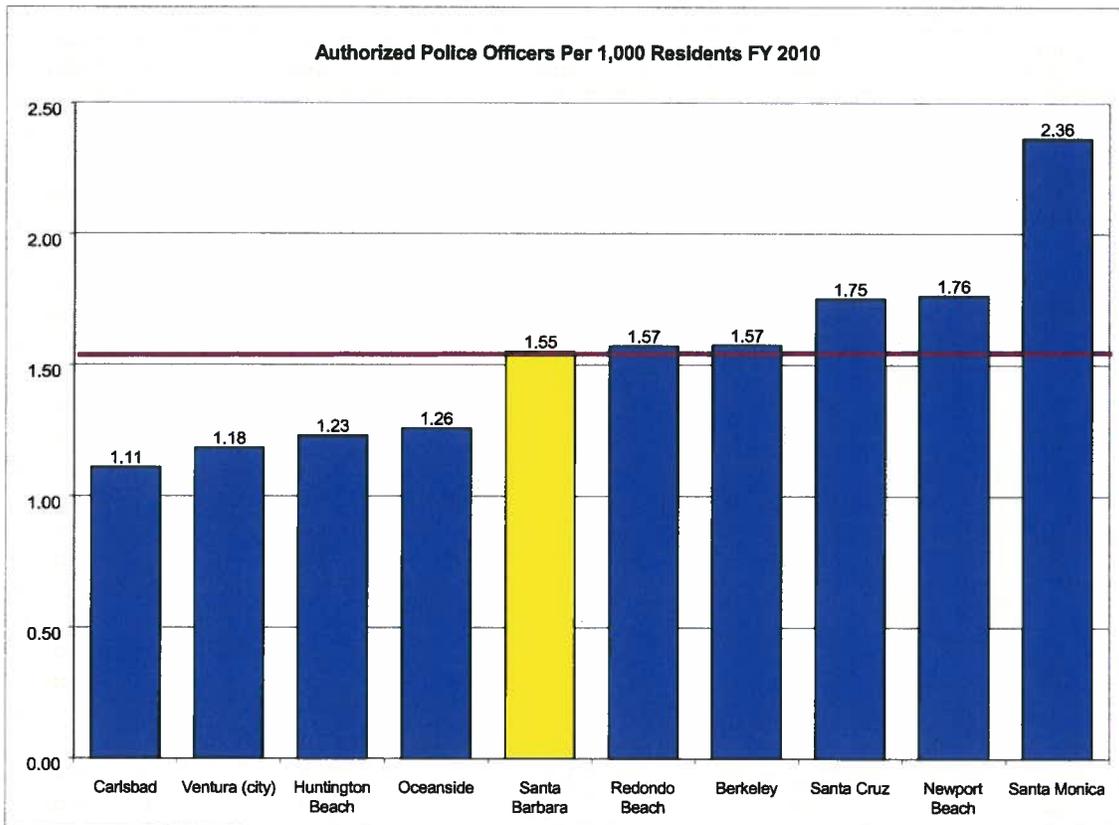
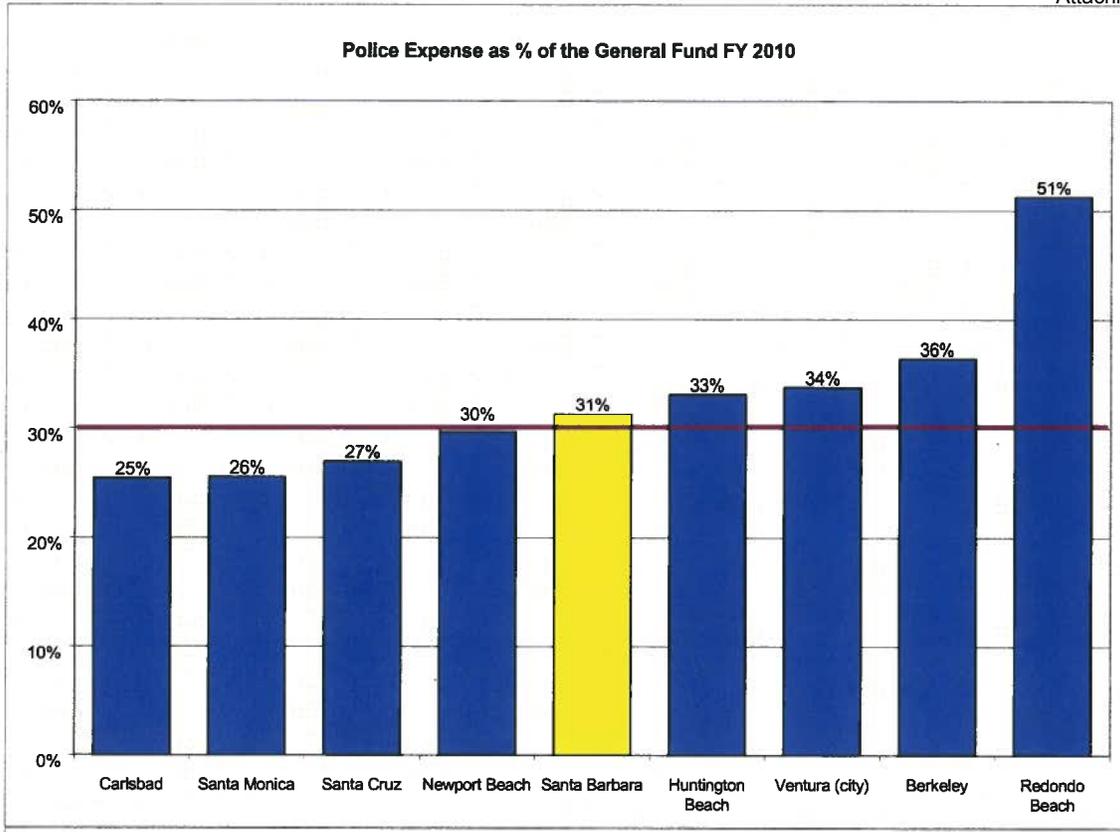


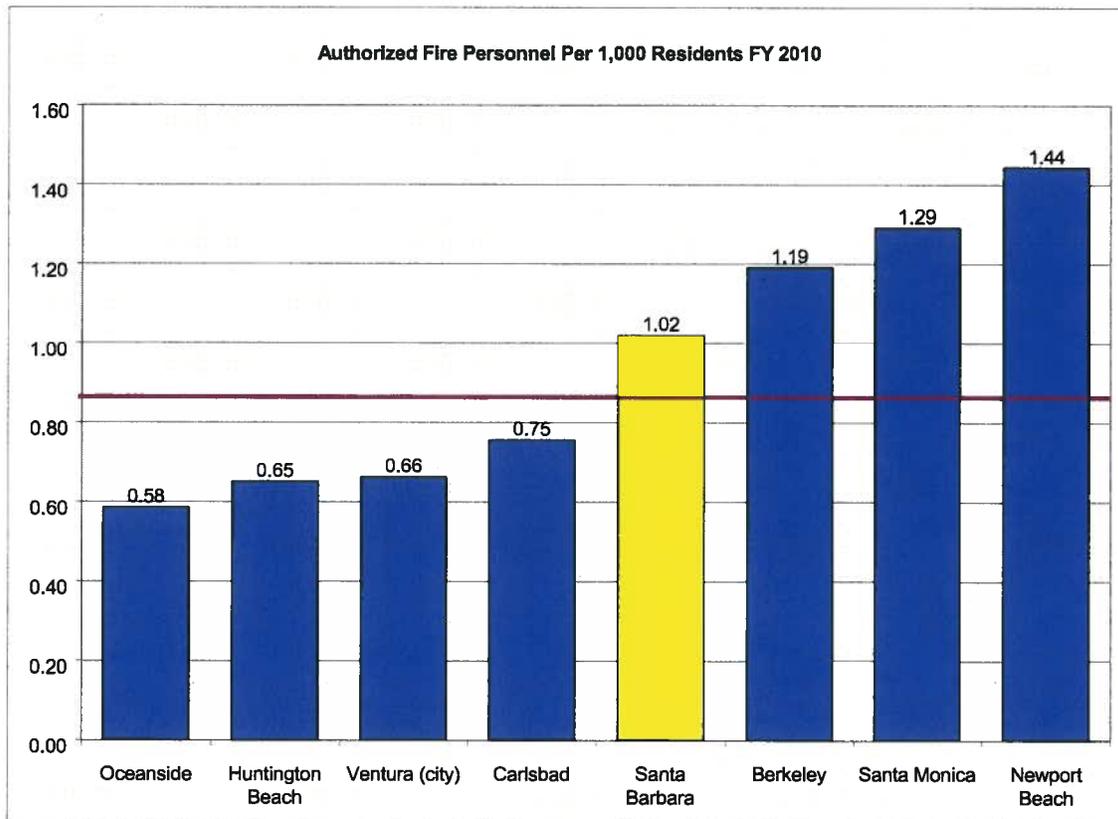
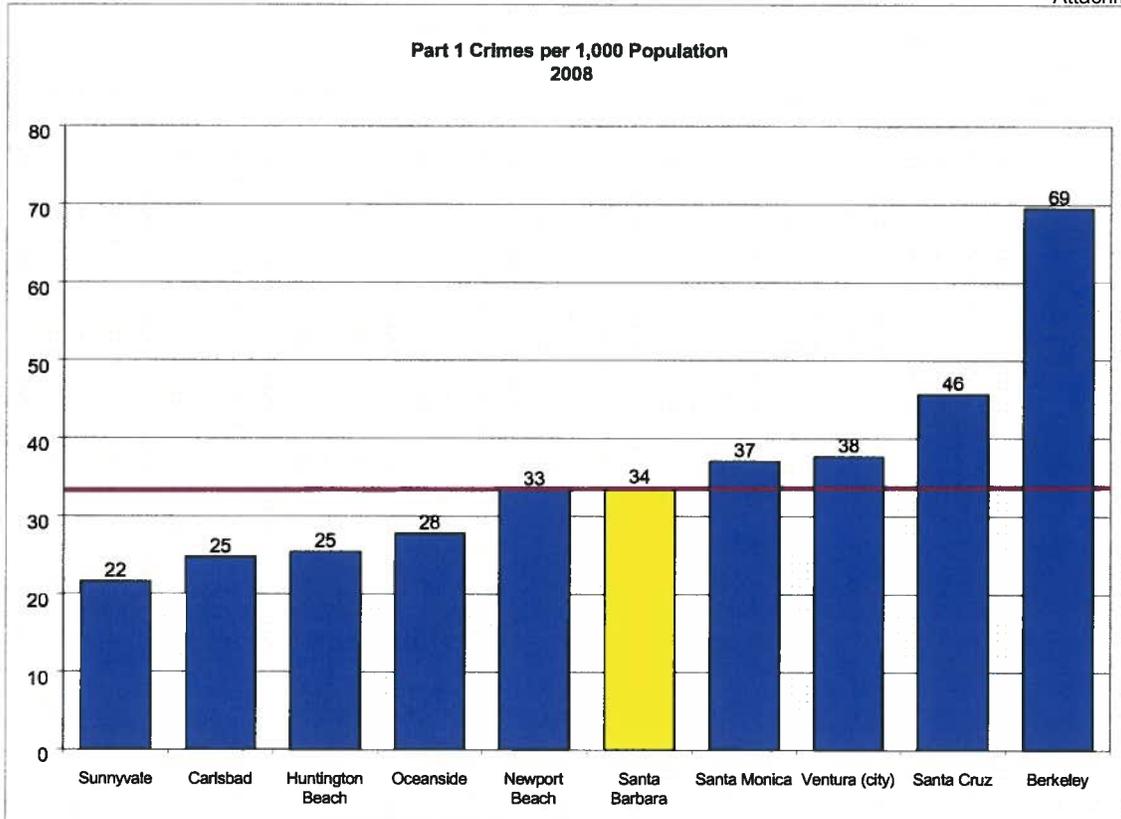


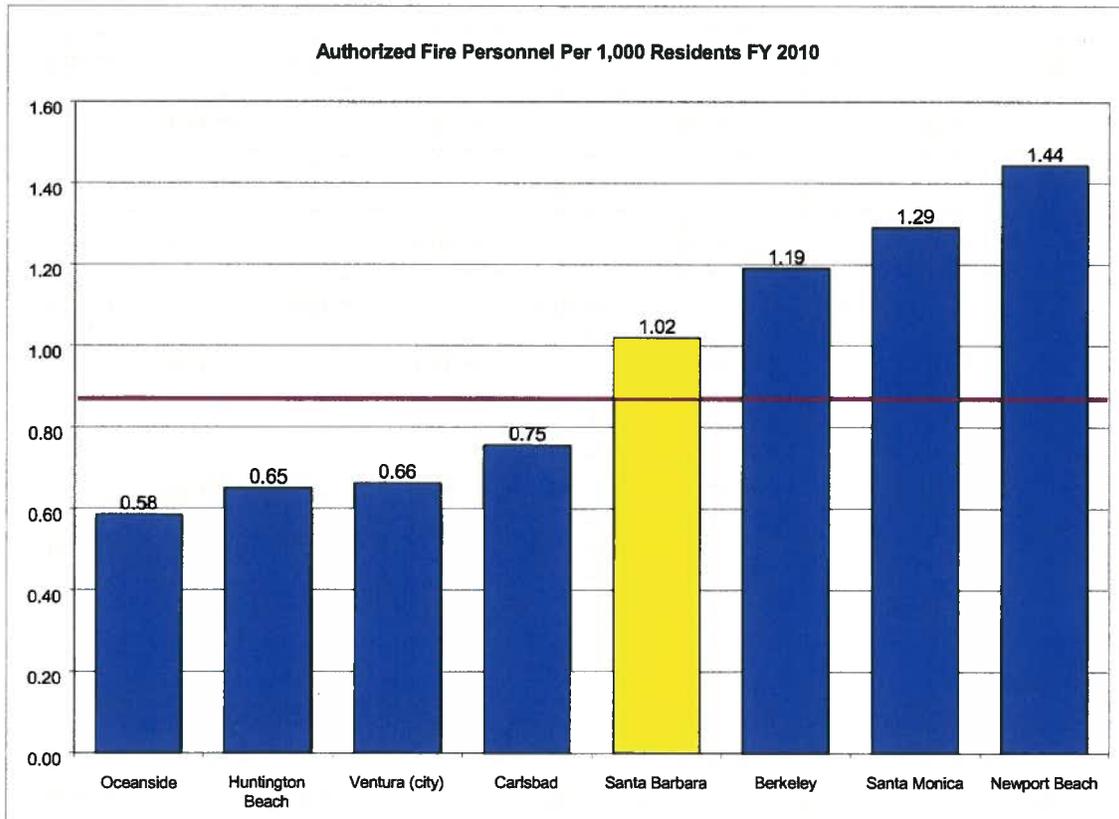
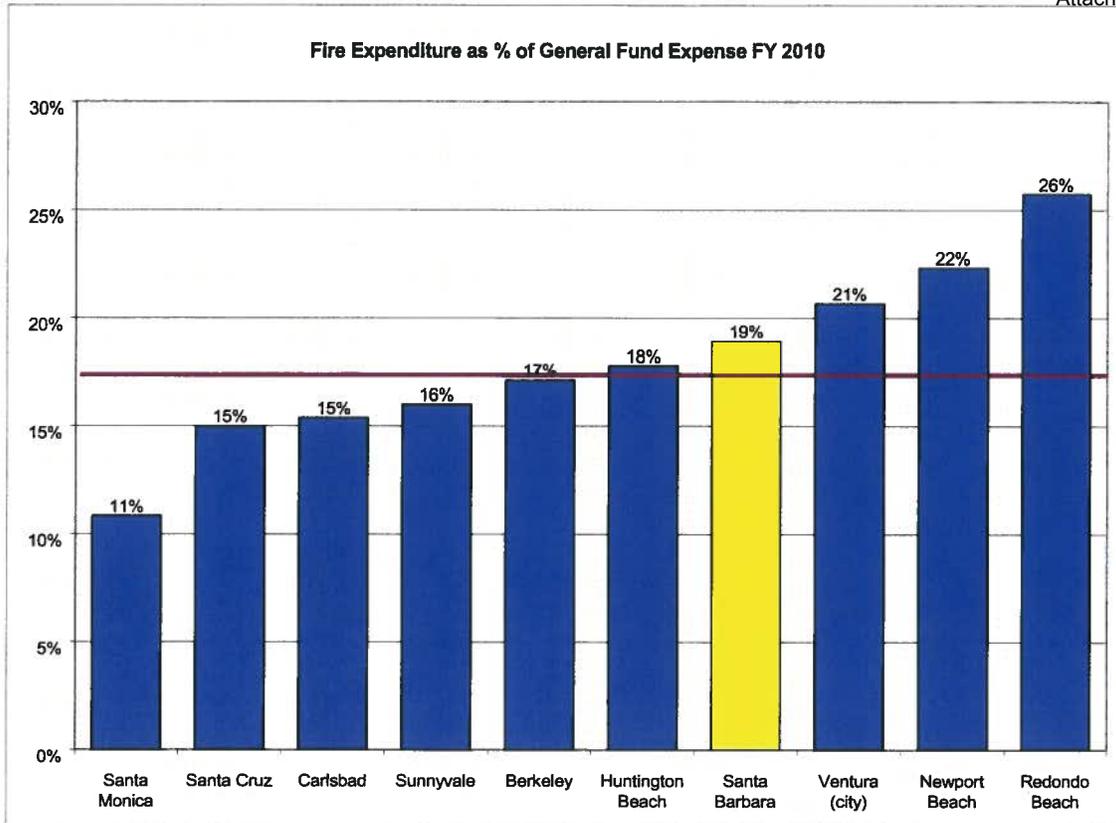


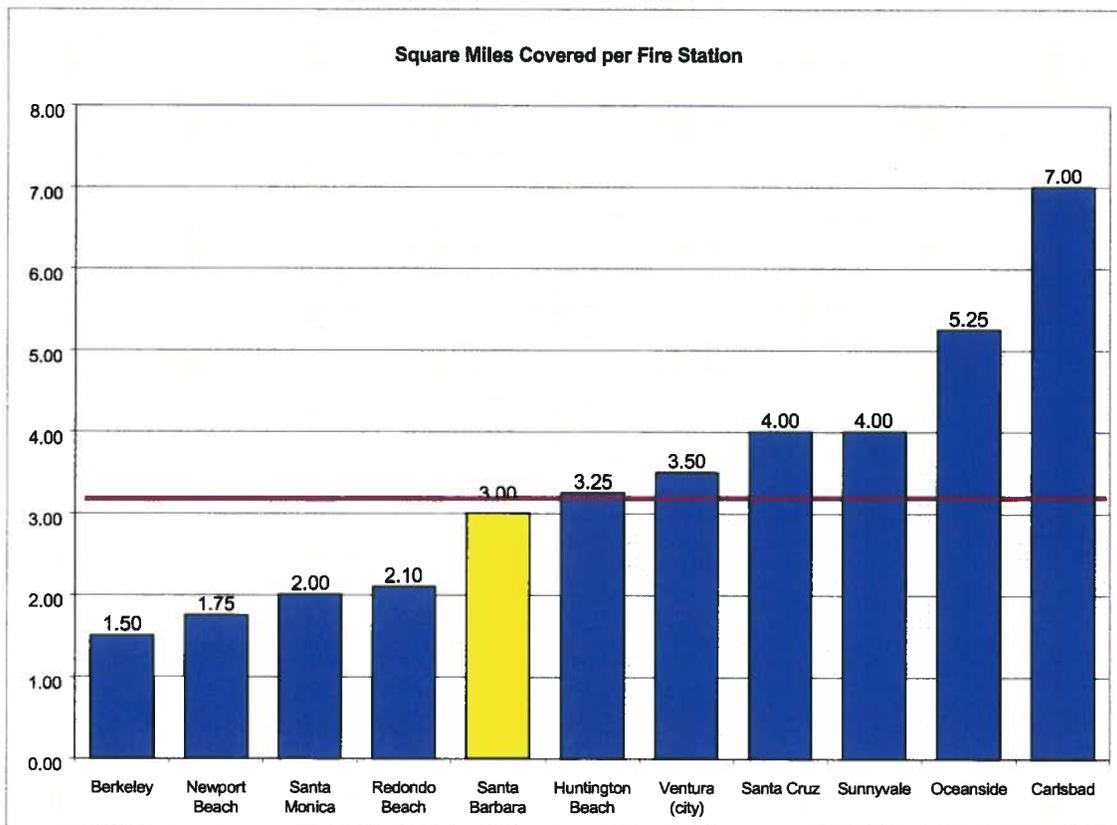
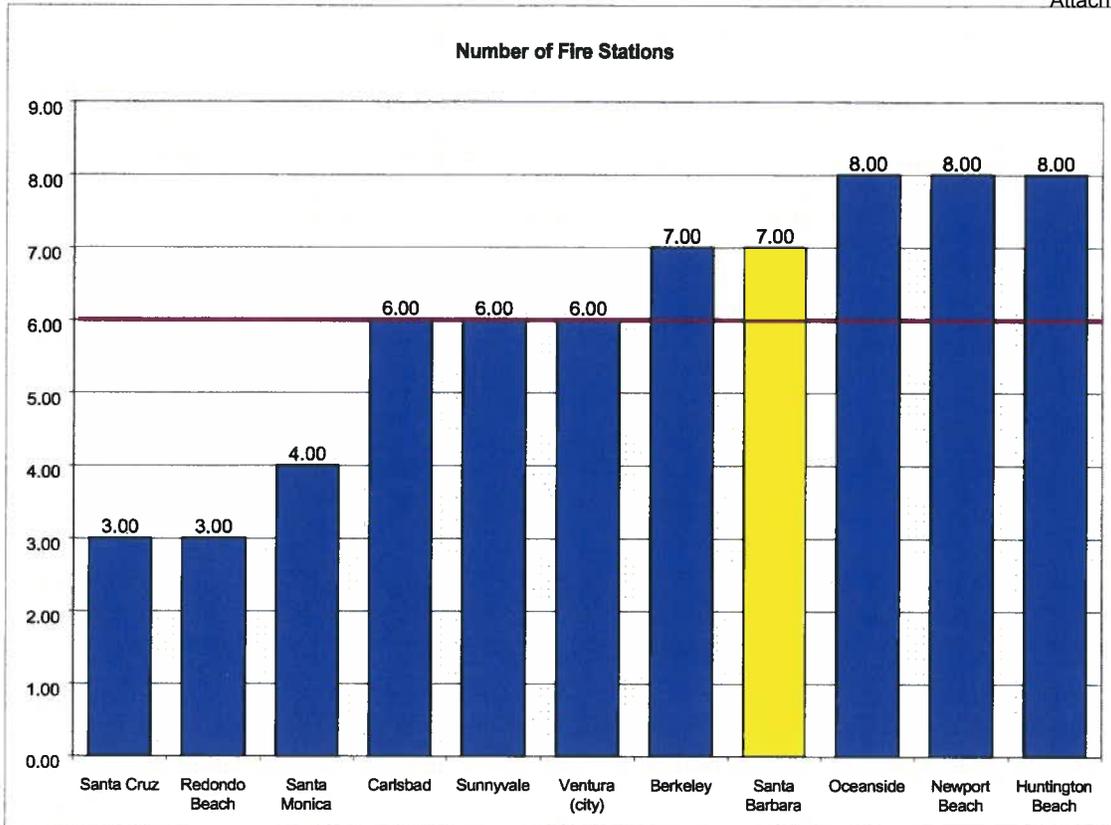


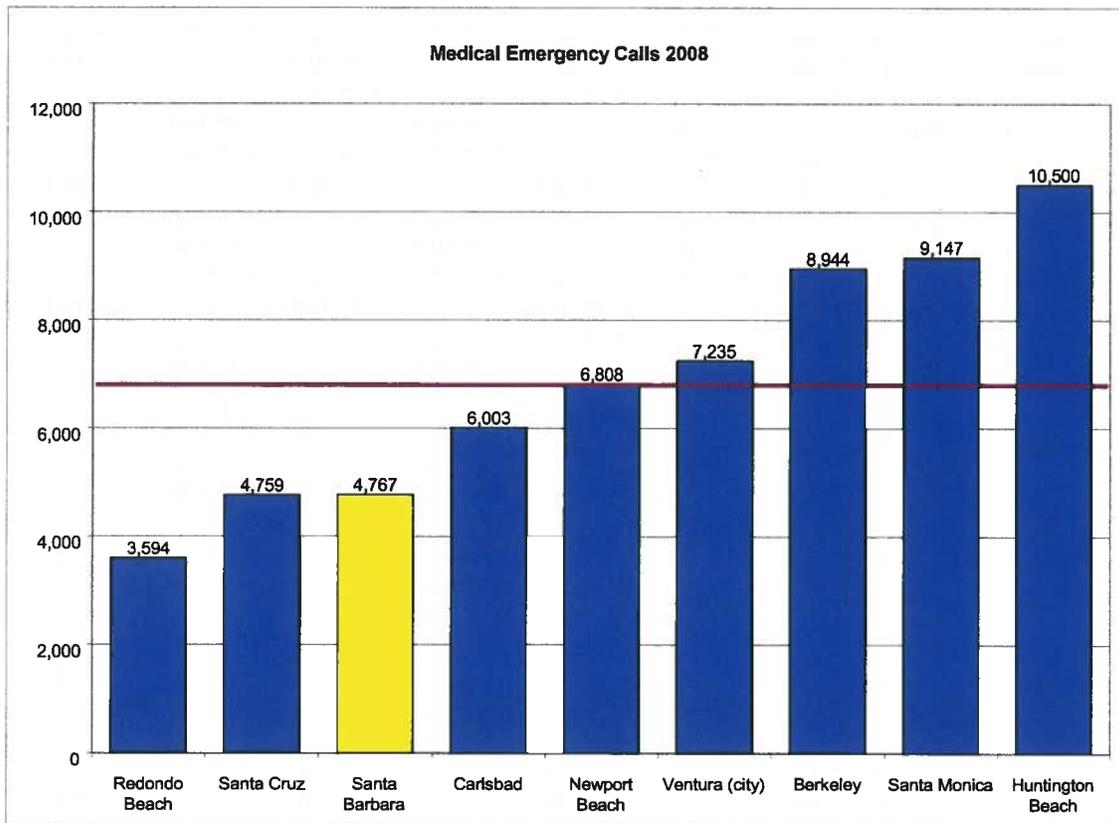
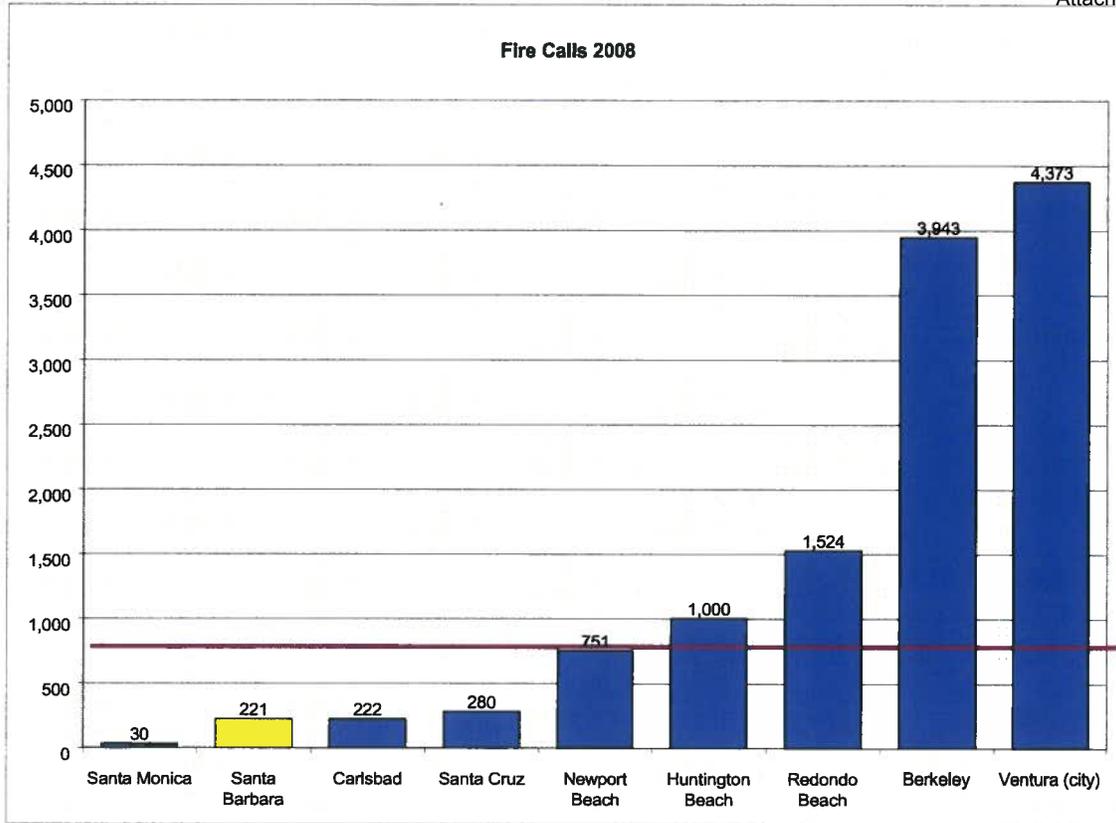


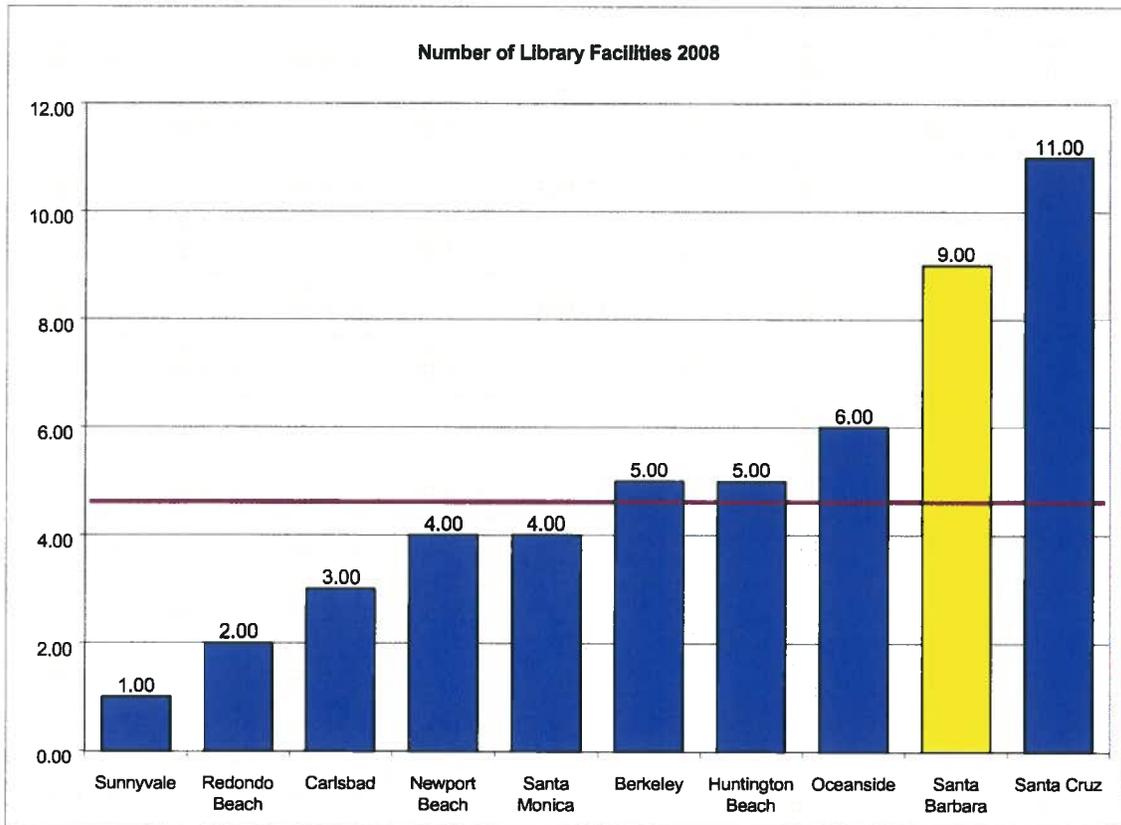
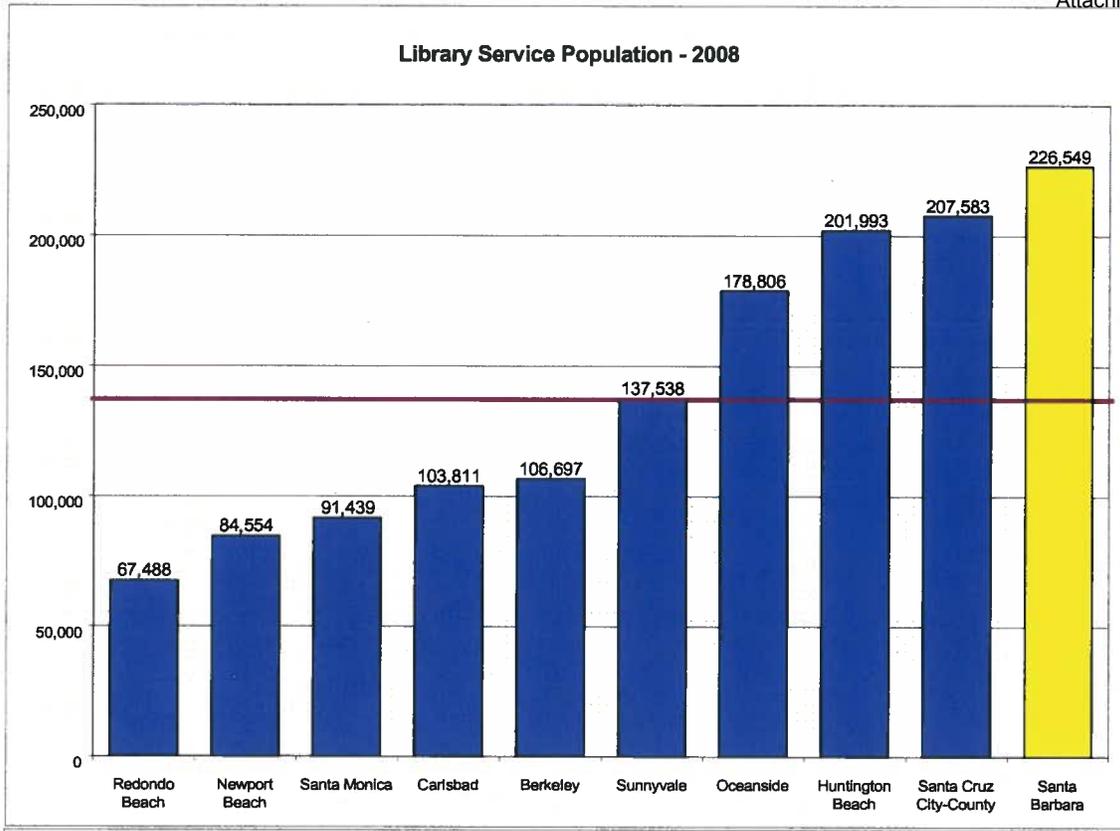


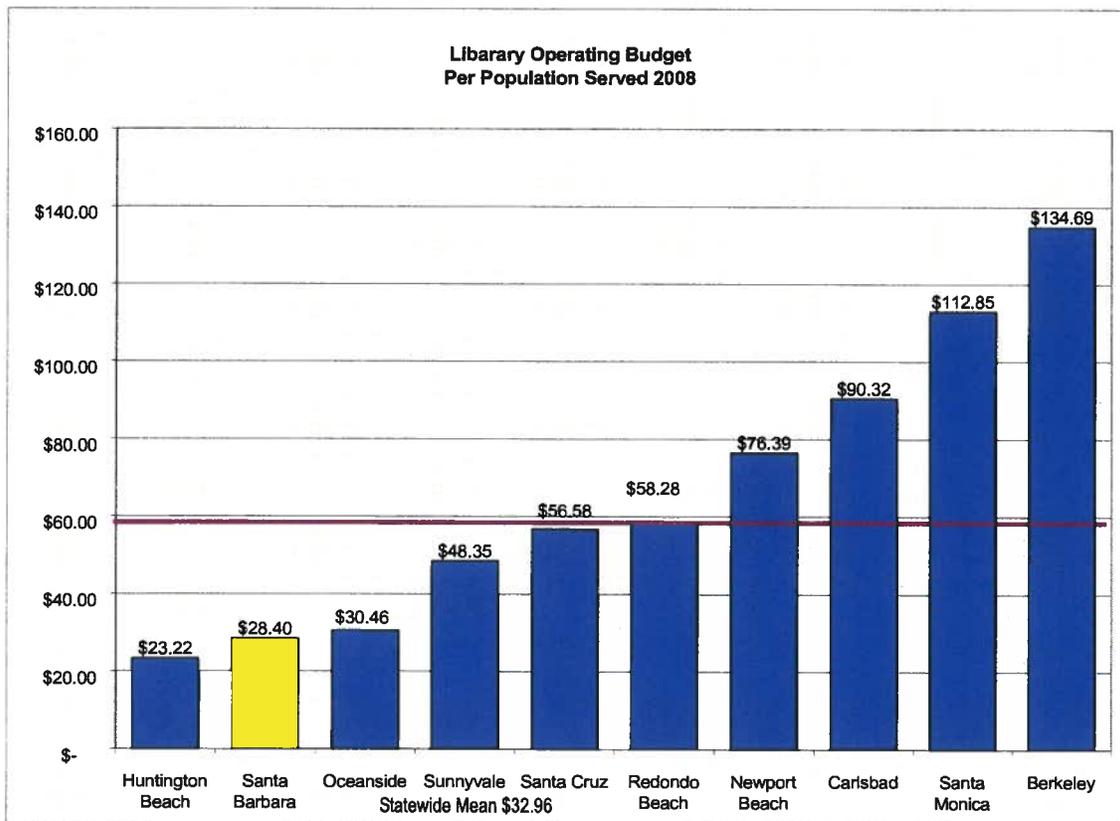
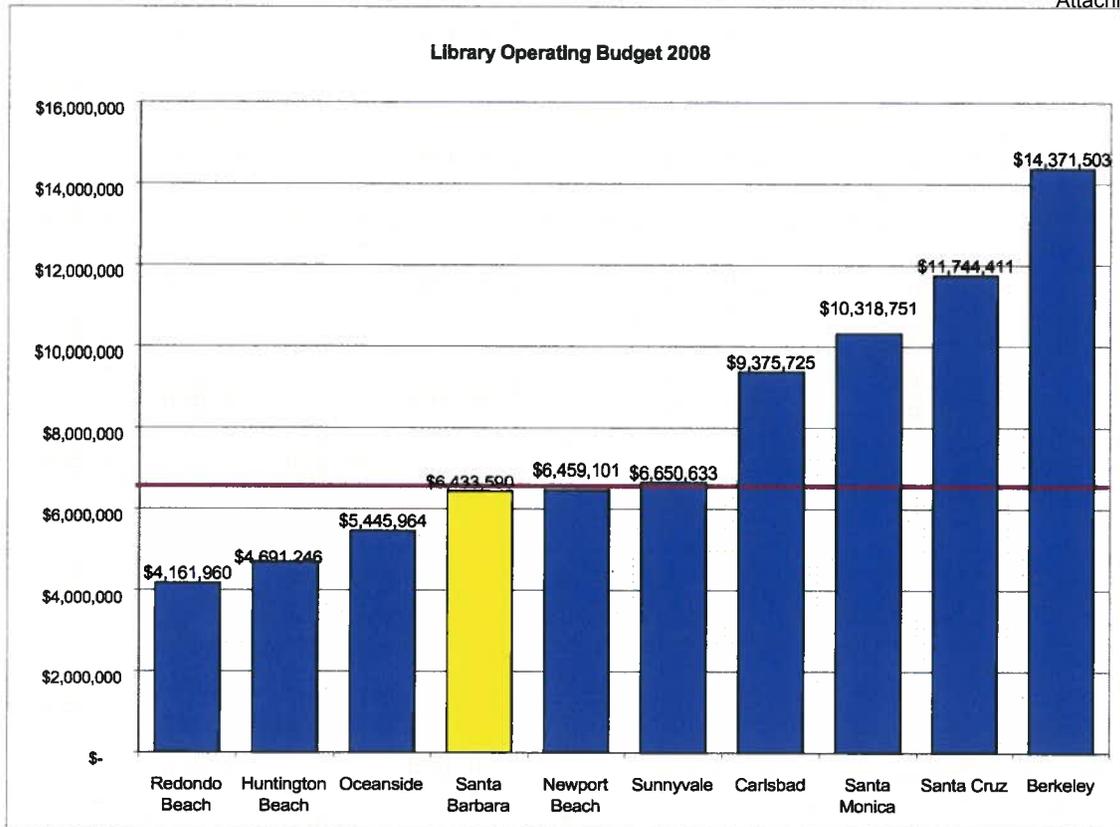


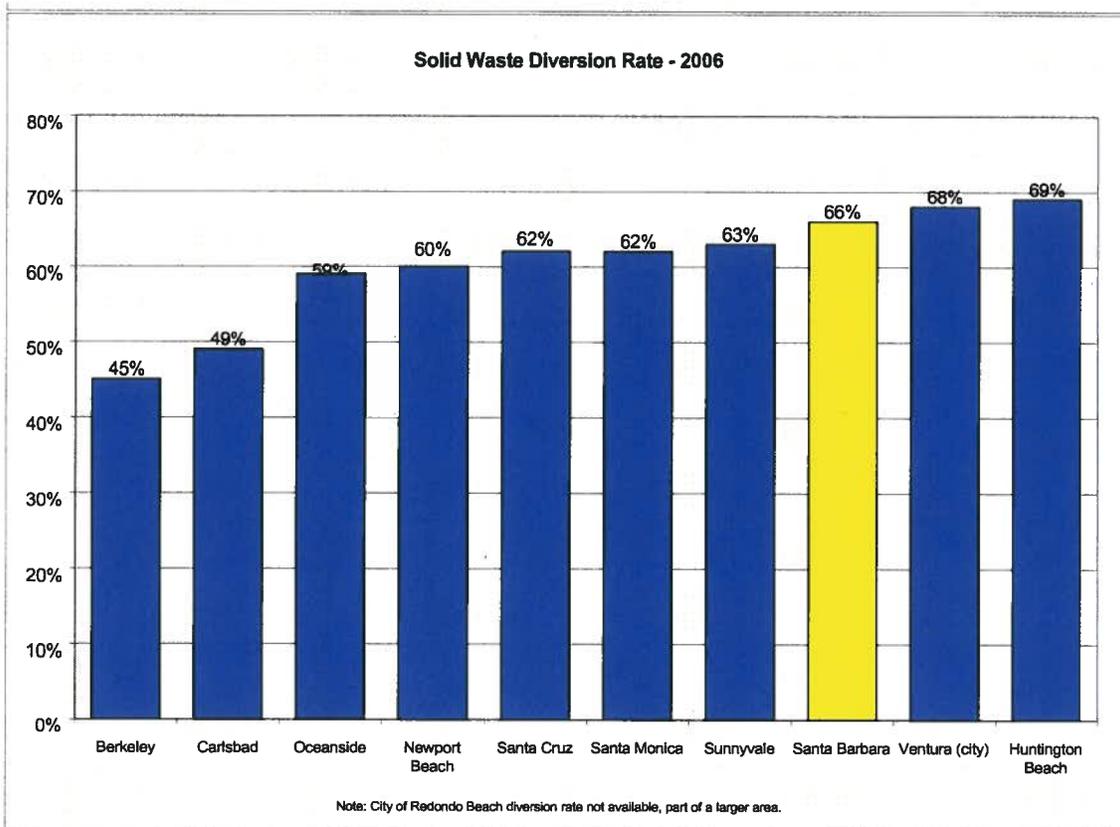
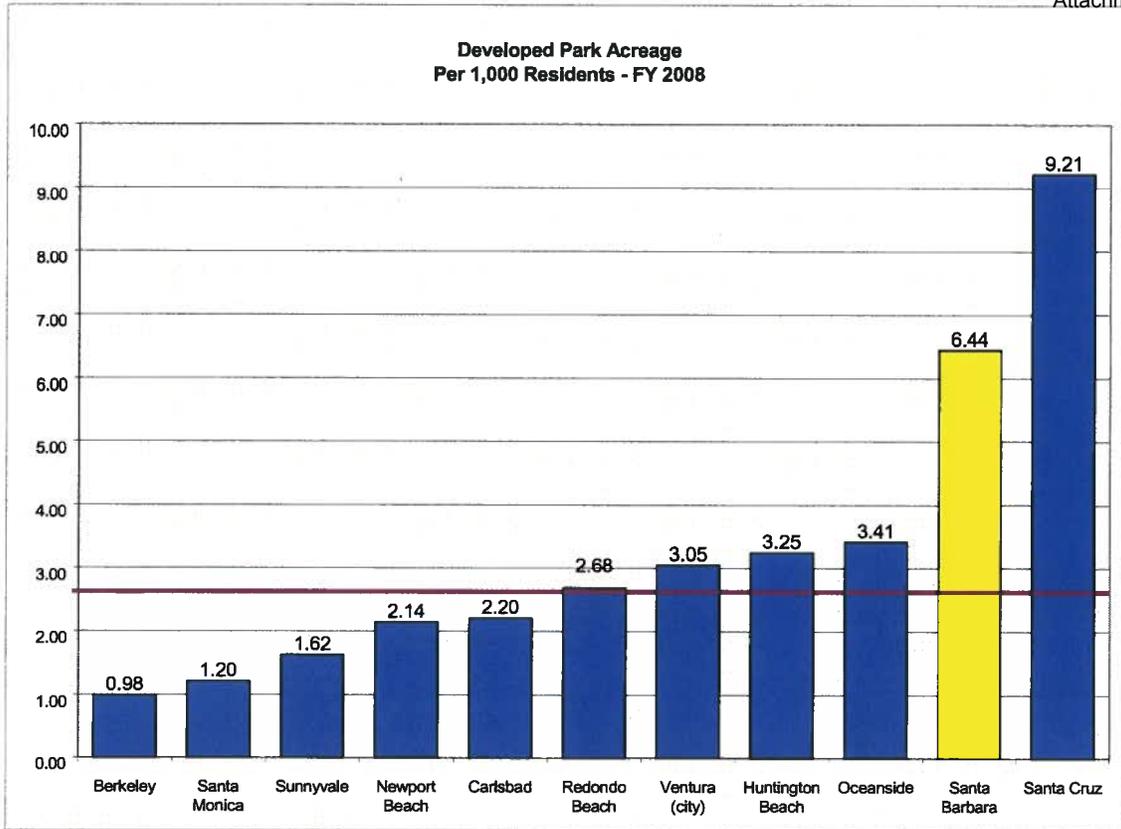


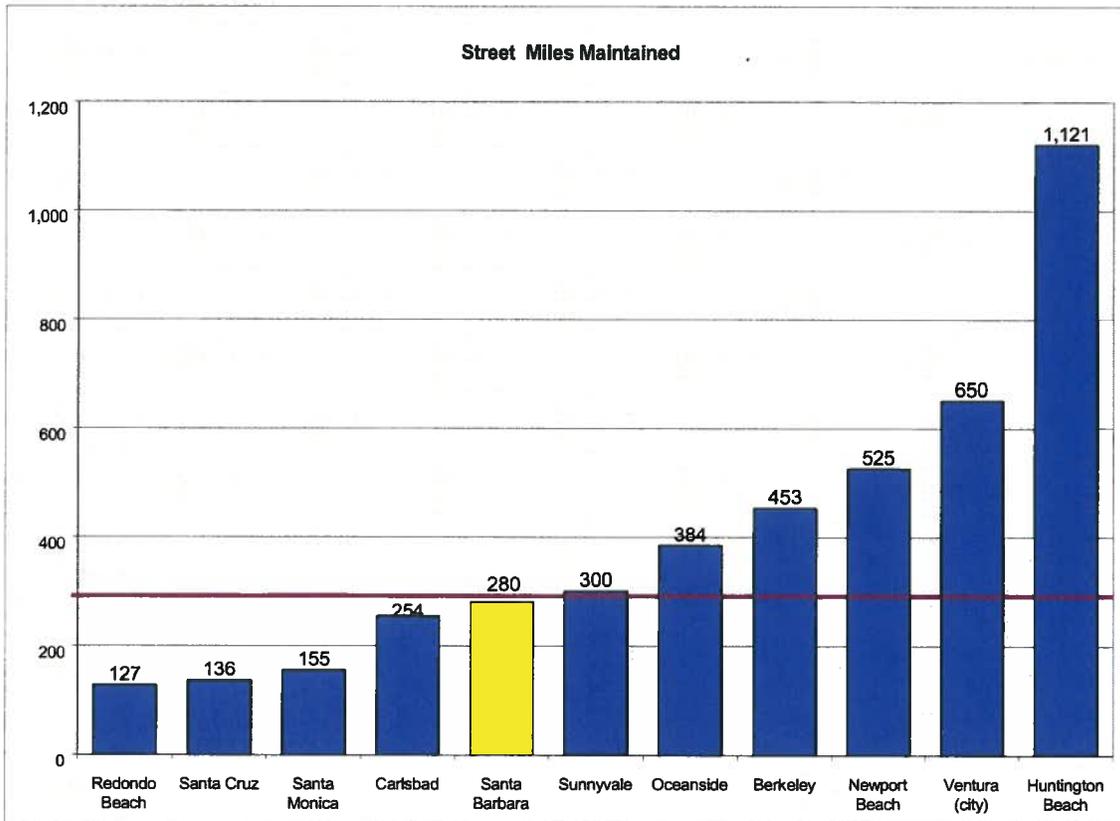
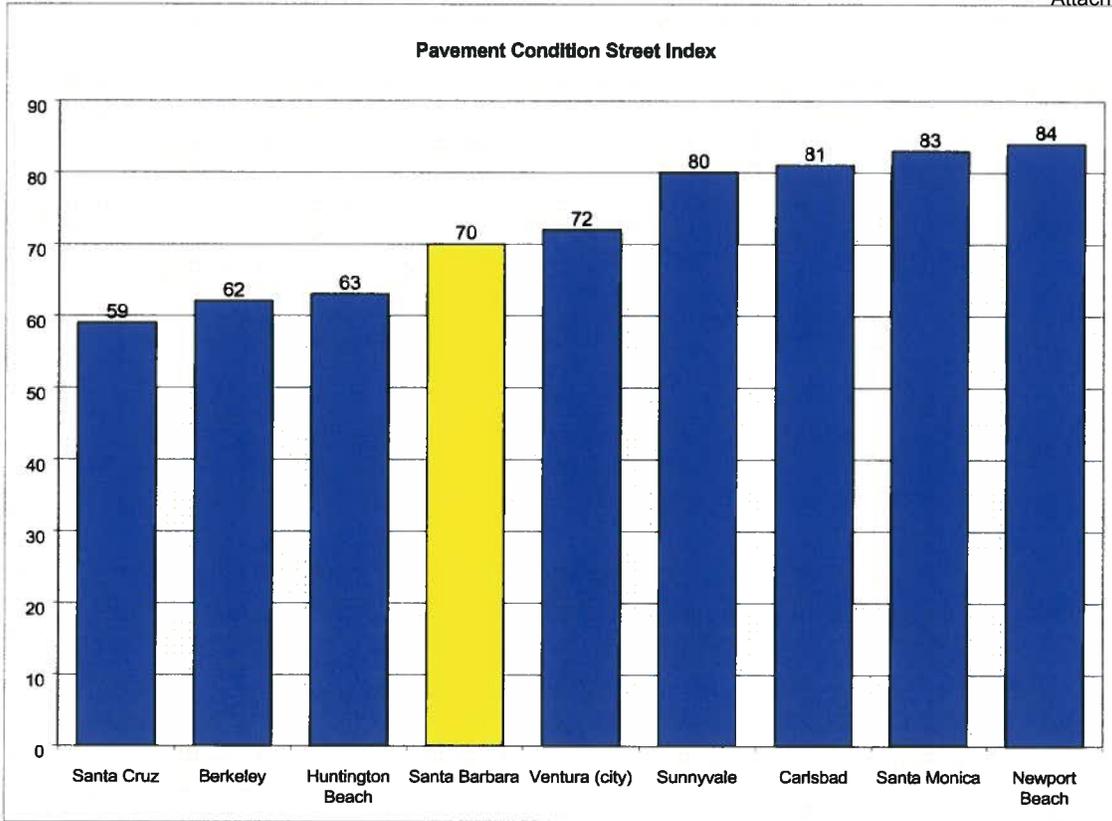














CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 6, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Authorization To Terminate The Green Mobile Home Park Encroachment Permit

RECOMMENDATION: That Council:

- A. Authorize and direct the Public Works Director to terminate a portion of the Encroachment Permit, Agreement No. 16,786, Ordinance No. 4788, for the Green Mobile Home Park (Park), from 120 feet south of Punta Gorda Street to Highway 101, effective September 1, 2010, in accordance with the terms of the Agreement; and
- B. Authorize the Public Works Director to terminate the remainder of the Encroachment Permit effective September 1, 2011.

BACKGROUND:

Caltrans is now constructing the Highway 101 Widening Project from Milpas Street to Hot Springs Road, which includes a new bridge that approximately triples the flood carrying capacity of Sycamore Creek under Highway 101. In order to fully utilize the increased capacity, Sycamore Creek must be widened. City staff has been working on a plan to reduce neighborhood flooding, like that experienced in 1995, by incrementally widening Sycamore Creek just upstream from Highway 101. This is especially important given the expected potentially large increase in runoff due to the effects of the Tea Fire in the Sycamore Canyon watershed.

Prior to 1989, Green Mobilehome Park was a privately owned park which rented mobilehome spaces to low income mobilehome owners. At that time, the SB Community Housing Corporation took the lead in working with the tenants and in approaching the park owner and arranging a sale of the Park to its tenants using an acquisition loan through from the State Housing and Community Development Department. This loan, along with a loan from the City Redevelopment Agency, allowed the low-income tenants in the Park to purchase and rehabilitate the Park so they could run the Park as a owner co-operative.

In 1992, SBCHC wanted to lower their debt service on several of the affordable rental properties which it had acquired and financed as part of its original tax exempt financing bonds. SBCHC had retained a security interest in Green MHP and had pledged Green MHP as one of the real properties used as security for the bonds. At a later date SBCHC had Green MHP removed as collateral used to secure the bonds and arranged for the Park's ownership to be transferred to a non-profit corporation incorporated by CHC called Cypress Tree Apartments.

As part of this refinancing, the City also granted Green MHP a 30-foot wide Revocable Encroachment Permit (Agreement No. 16,786) to accommodate seven mobilehome sites that encroach into the City's 60-foot Soledad Street right-of-way (Attachment 1). [The remaining 30 feet of Soledad Street right of way is occupied by Sycamore Creek.] The issuance of the encroachment permit by the City apparently was related to a demand from the title company which handled the refinance transaction after it discovered that the City right-of-way for Soledad Street went through the Park and caused the encroachment of several mobilehomes within this right-of-way. Apparently, this encroachment had been overlooked at the time of the original 1989-90 purchase by SBCHC.

On January 13, 2009, Council authorized a contract with Penfield & Smith to perform a study and conceptual design options for Lower Sycamore Creek Drainage Improvements (Study). The Study showed the necessity of using the entire 60-foot Soledad Street right of way for widening Sycamore Creek in order to increase its flood carrying capacity. Currently, Sycamore Creek Channel is approximately 27 feet wide at the top of the existing bank. In consultation with both the Creeks and Planning Divisions, Option A from the Study (Attachment 2) was selected as the typical Channel cross section. It is an earthen cross section with a rock slope that will be 60-feet wide at the top of bank.

In order to proceed with widening Sycamore Creek, staff needs Council's authorization to proceed to terminate the Encroachment Permit between the City and the successor owner, now Cypress Tree. Paragraph 6 of this Encroachment Permit states:

“REVOCATION UPON NOTICE: City may revoke this Encroachment Permit or a part hereof, at the sole discretion of the City, by giving written notice to Permittee at least 365 days prior written notice to Permittee of termination. In such event, Permittee shall, at Permittee's sole expense, remove any Encroachment or part thereof, and restore the area as shall be required by City.”

DISCUSSION:

The Park consists of 50 mobile home spaces adjacent to the Soledad Street right of way between Highway 101 and Punta Gorda Street (Attachment 3). There are seven spaces (Numbers 1, 2, 3, 4, 28, 48, and 51) that encroach into the City's Soledad Street

right of way at the southerly end (starting 120 feet south of Punta Gorda Street to the new Highway 101 Bridge). In addition, the driveway entrance from Punta Gorda Street encroaches into the City's Soledad Street right of way at the northerly end (the first 120 feet of Sycamore Creek downstream from Punta Gorda Street).

Staff proposes to partially terminate the Encroachment Permit, starting 120 feet downstream and south of Punta Gorda Street to the new Highway 101 Bridge, so that the first phase of creek widening can occur at the southerly end. This partial termination will directly impact the seven mobile home spaces that currently encroach into the Soledad Street right of way. The driveway entrance from Punta Gorda can continue to encroach until the City can finance the next phase of construction that will widen Sycamore Creek at the northerly end and replace the Punta Gorda Street Bridge.

Generally, creek widening construction should proceed from downstream to upstream in order to get the maximum hydraulic benefit. Caltrans is currently widening the Highway 101 Bridge. Further downstream is the Union Pacific Railroad Bridge (UPRB) that also needs widening. However, it has been determined that, in this instance, widening of the UPRB can occur and provide benefits at any time. Therefore, staff proposes widening the southerly (downstream) portion of the Soledad Street right of way first and requests authorization to terminate that portion of the existing Encroachment Permit, effective September 1, 2010.

Staff is working to find funding to replace the old existing Punta Gorda Street Bridge, thus allowing the City to widen the remaining northerly portion of the Sycamore Creek between the new Highway 101 Bridge and Punta Gorda Street. By delaying the termination of the remaining encroachment by one year, the Park will have additional time to prepare plans to eliminate this driveway and to reconfigure its layout to meet fire and safety requirements.

The President of the Board of Directors of Cypress Tree has been cooperating with staff by attempting to obtain information from residents who would be displaced by the proposed Sycamore Creek widening project and developing strategies to minimize any relocation inconveniences to the occupants. The City is not legally required to pay relocation costs to displaced residents; however, the Housing Authority has advised the City they will move any qualified displaced residents' names to the top of the eligibility list for Section 8 Housing because they are being displaced by government action. This is irrespective of the City's right under the Encroachment Permit to require removal of the Park's encroachments by giving written notice. It is currently unknown whether or not any of residents qualify for Section 8 Housing.

In addition, one of the seven mobile home sites that encroaches into the City's Soledad Street right of way is currently vacant. Staff is investigating renting this space until Channel construction starts. This way, the space will remain vacant, thereby reducing the number of residents that will be displaced by the proposed Sycamore Creek widening project, and the Park will continue to receive rent for that space.

Upon direction from Council to proceed with the termination of the Encroachment Permit, staff will move forward with completing final design to widen the Sycamore Creek Channel to accommodate the Caltrans bridge widening.

Public Outreach

On August 12, 2009, City staff met with approximately 15 Park residents to discuss the very clear public necessity for the Sycamore Creek Widening Project, including the unavoidable need to terminate the Encroachment Permit. A Spanish translator was provided. The meeting generally went well and Park residents appeared to understand the need to widen the creek and terminate the Encroachment Permit. Park residents and the Board of Directors of Cypress Tree were also notified of this Council Meeting.

BUDGET/FINANCIAL INFORMATION:

Currently, there are sufficient funds in the Streets Capital Program Fund to widen Sycamore Creek from 120 feet south of Punta Gorda Street to Highway 101. Staff will return to Council for construction contract authorization.

- ATTACHMENTS:**
1. Vicinity Map
 2. Option A - Typical Section Trapezoidal Channel
 3. Santa Barbara Green Mobile Home Park

PREPARED BY: Pat Kelly, Assistant Public Works Director/City Engineer/LA/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

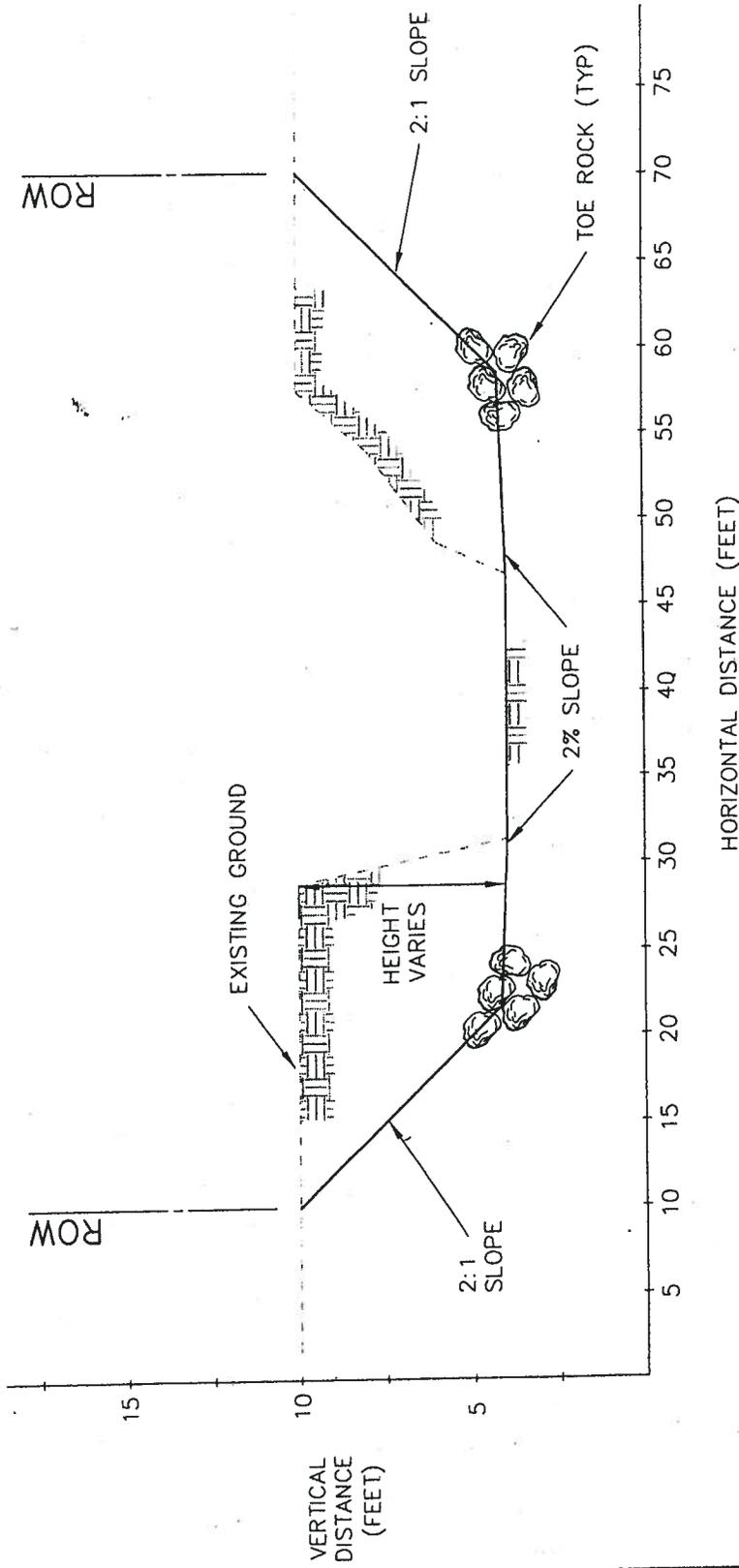
APPROVED BY: City Administrator's Office



VICINITY MAP



ATTACHMENT 2



**OPTION A - TYPICAL SECTION
TRAPEZOIDAL CHANNEL**

SOLEDAD RIGHT OF WAY CLEARANCE REPORT



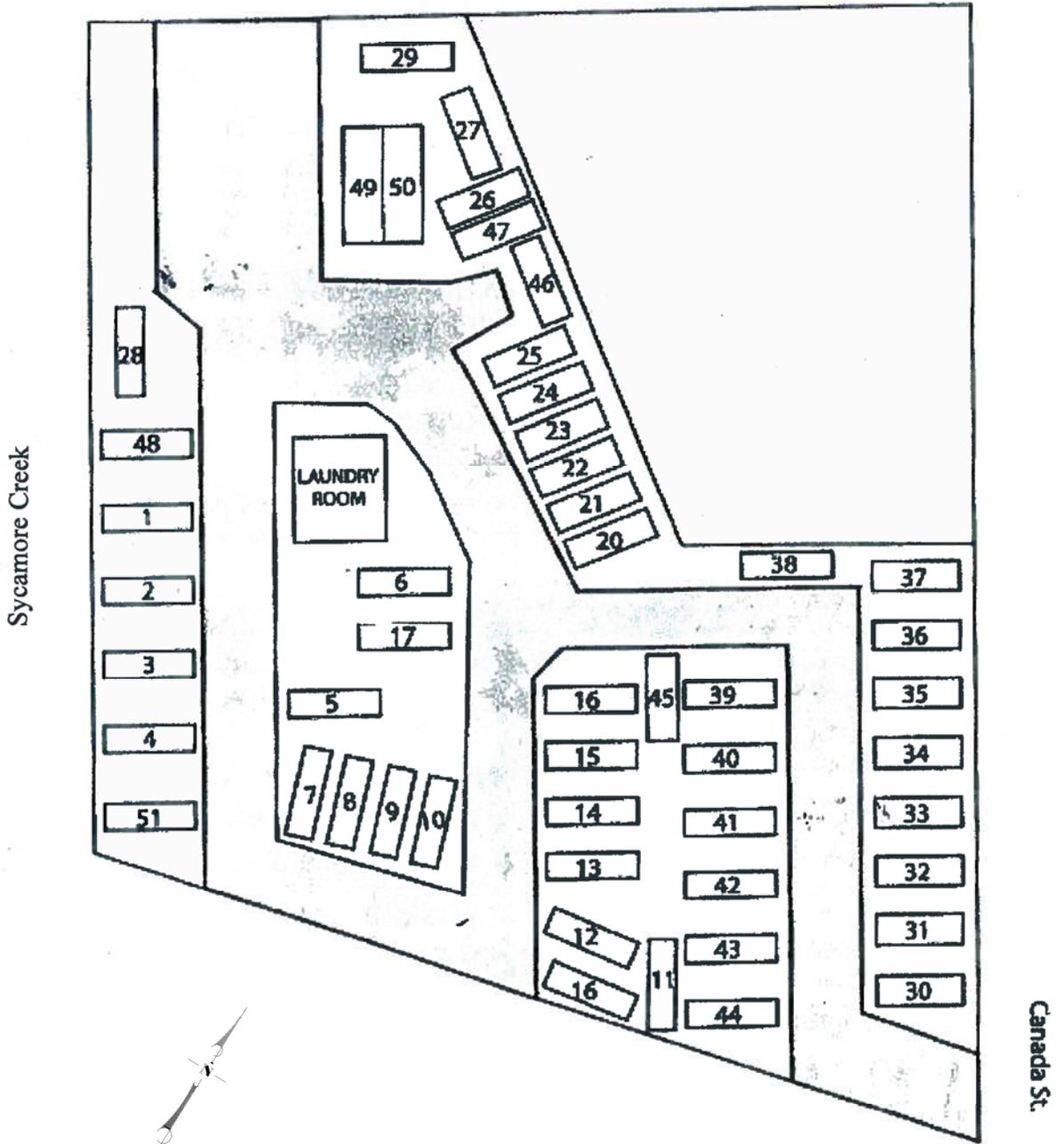
Penfield & Smith
Engineering · Surveying · Planning
· Construction Management ·

18767.01 HORIZ. 1"=10' / VERT. 1"=5'

SANTA BARBARA GREEN MOBILE HOME PARK

Not to scale

Punta Gorda St.





CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 6, 2009
TO: Mayor and Councilmembers
FROM: Planning Division, Community Development Department
SUBJECT: Appeal Of The Single Family Design Board Approval For 2105 Anacapa Street

RECOMMENDATION:

That Council deny the appeal of Tony Fischer on behalf of the Friends of Upper-Anacapa Street, and uphold the Single Family Design Board (SFDB) Preliminary Approval of the application of Barbara E. Matthews for the proposed demolition of an existing single-family residence and detached garage and construction of a two-story single-family residence and attached garage.

DISCUSSION:

Project Description

The 9,372 square foot project site is located in the Upper East neighborhood and the Mission Area Special Design District at the northwestern corner of Anacapa Street and East Padre Street (Attachment 1). The project involves the demolition of the existing 1,752 square foot single-family residence and detached 340 square foot garage and construction of a new 4,183 square foot three-story single-family residence and attached 410 square foot two-car garage. The proposed house would maintain the encroachment into two front setbacks in the footprint of the existing house to be demolished. It would no longer encroach into the interior setback on the north side where the existing house encroaches. The proposed attached garage would maintain the encroachment of the existing detached garage into an interior setback. Zoning modifications were approved to allow alterations to two facades of the house that are proposed to be replaced within two front yard setbacks. The floor to lot area ratio (FAR) calculation includes a 100% deduction for the 783 square foot full basement and a 50% deduction for the 870 square foot partial basement/garage. The FAR total of 3,375 square feet is 95% of the maximum floor to lot area ratio.

Background

On July 20, 2009, the SFDB granted Preliminary Approval for the proposed project. On July 30, 2009, an appeal of the SFDB preliminary approval was filed by Tony Fischer on behalf of the Friends of Upper-Anacapa Street. The appellant requests that Council deny

the project (Attachment 2), asserting that the proposed project should not have been approved.

Project History

The Single Family Design Board (SFDB) initially reviewed a larger project on January 5, 2009. In that meeting, some SFDB members suggested alterations to the project to reduce its size, bulk, and scale. The owner responded that she would be unwilling to alter the project because it was in compliance with floor to lot area limits and would rather have the project denied and take an appeal to City Council. Because of that refusal to revise the project, the SFDB continued it to the Staff Hearing Officer for review of the modification request with a 3/3 vote of support and mixed comments.

On March 25, 2009, the Staff Hearing Officer approved the requested modifications to allow alterations to two facades of the house that are proposed to be replaced within two front yard setbacks. On June 4, 2009, the Planning Commission denied an appeal by Tony Fischer and the Friends of Outer State Street and upheld this approval. Although it was not within the purview of the modification review, the Staff Hearing Officer expressed concerns about the project's size, as did the Planning Commission. The Planning Commissioners unanimously expressed concerns about achieving a deduction of basement square footage by placing fill against the exterior of the building and they gave direction to the SFDB to consider the method used to achieve the 50% deduction for a portion of the FAR square footage, and to study reducing the massing for compatibility with the lot size and with the neighborhood (Attachment 3). The Planning Commission decision was not appealed to the City Council.

After approval of the modifications the project was revised based on comments from the initial SFDB meeting, design concerns expressed by both the Staff Hearing Officer and Planning Commission, and returned to the SFDB on July 20, 2009. The changes to the project included reducing square footage from 3,549 (nearly 100% of maximum FAR) to 3,375 (95% of maximum FAR). The length of the main level was reduced from 99 feet to 85 feet by moving a bedroom from main level above the garage to the partial basement. An elevator was shifted toward the east, and porches were altered. The quantity of grading was reduced considerably. The SFDB considered the project design changes and the Planning Commission direction. The Board majority supported the revised design and determined that its reduced upper story massing, smaller size and appearance, and its superior architectural design would be compatible with the neighborhood. On a 4/2 vote the SFDB granted Preliminary Approval making the required Neighborhood Preservation Ordinance (NPO) findings. The dissenting members felt that the project still appeared too large.

Appeal Issues

The appellant is concerned about protecting this neighborhood from overdevelopment and believes that this project is too large for the site and too large to be compatible with the neighborhood. He is concerned that the design does not follow or step down with the natural slope of the lot and thus appears even larger. The Appellant believes that the applicant inappropriately manipulated the grade with fill at the exterior walls to create an

artificial basement condition that allows a deduction of square footage in the calculation of the FAR, thus allowing a larger house that circumvents the intent of the FAR limitations.

The appellant is also concerned that negative comments of Planning Commissioners in the modification appeal hearing were not accurately communicated to the SFDB that a large house that does not conform to the two front setbacks is inappropriate for the small lot and will be too close to the streets; that the SFDB approved the project without drawings showing their required changes; and that the SFDB did not make adequate findings in granting the approval.

Staff's Position

It is Staff's position that the SFDB carefully considered the appropriateness of the project's large size on a relatively small corner lot, and its compatibility with the neighborhood. As a submittal requirement, the applicant prepared a study of the FARs of the 20 closest lots. This study revealed that this is a diverse neighborhood. Square footages vary from 1,499 to 4,610. Lot sizes vary from 6,098 to 18,730 square feet. Among these, the proposed project ranks fifth in terms of FAR, and third in terms of square footage (Attachment 4). As the study of 20 closest FARs shows, house sizes, lot sizes, and resulting FARs vary greatly in the project's immediate neighborhood. The project's location within the Mission Area Special Design District means that high quality is assured through design review. Within this context of variety and high quality, the SFDB found that the project's size is compatible, and that the quality and beauty of the architectural design would not only be appropriate, but would be an asset and an improvement to the neighborhood.

The garage, partial basement, and full basement were designed to work with the grade of the site which slopes down about 10 feet from the east end at Anacapa Street toward the west along East Padre Street. The floor level of the garage is proposed to be one foot lower than the existing garage to fit under the main level of the house. An adjoining bedroom, bathroom, laundry room, and elevator at the garage level are dug in to the slope, forming a partial basement. A separate full basement is located below the living room. A major design goal was for the project to be wheelchair accessible and this prevents it from stepping down with the slope. The proposal includes an elevator, and it was important that each floor be on a single level without steps. The main floor level at the front of the house facing Anacapa Street is approximately six inches above existing grade and this floor level is carried through the house. There is a third floor of about 60 feet in length resulting in much more mass than existed before, although the maximum height does not exceed 25 feet. The visual bulk is reduced through façade articulation which also adds visual interest.

In calculating deductions for below-grade square footage, the Zoning Ordinance uses a measurement at the exterior of a building from grade to interior ceiling height. It does not specify that the measurement be taken from the existing or natural grade. While not the intent of the Ordinance, it does allow this measurement to be taken from fill grading placed against a building. In some cases placing fill around a building is an acceptable design technique used to soften the building's appearance or reduce its visual bulk. Staff agrees that there was a clear grading design plan to take advantage of current NPO rules that allow FAR deductions. The applicant used these rules in designing a project that would

achieve a 50% deduction of partial basement square footage in the FAR calculation. At the south side of the house the grade was raised to create an accessible terrace at the main floor level that serves as the open yard area.

The SFDB was aware and took into consideration the fact that the project encroaches into the current front setbacks. The pattern of development in the neighborhood shows that buildings are various distances from the street and many structures encroach into front setbacks. The Zoning modifications for two front setback encroachments that were approved by the Staff Hearing Officer and upheld on appeal by the Planning Commission are not within the scope of this appeal.

In the July 20, 2009 SFDB hearing, Staff did read the Planning Commission's comments to the SFDB as expressed in their motion to deny the appeal of the Staff Hearing Officer's approval of modifications. It is not normal practice for Staff to report to design review bodies the individual Planning Commissioners' comments from their meeting minutes, but Staff does make clear the direction and conditions given in resolutions. In this case, before the SFDB made their deliberations Staff quoted the specific direction given in Resolution 021-09 that the Board was to consider the fill grading around the basement and to study the massing to make it more compatible with the neighborhood and with the lot size.

The SFDB granted Preliminary Approval with specific direction to lower the second-story patio roof by one foot and reduce the pitch of this hip roof to 2:12. It is the rule rather than the exception that Preliminary Approvals are granted by the SFDB with conditions or comments for the project to return with minor alterations for Final Approval. In this instance, the changes were clear and specific and plans showing these two changes were not needed before granting this approval (Attachment 5).

The SFDB in making the motion for Preliminary Approval included the required NPO findings. The Board did not elaborate on them in the motion, but it is clear in their deliberations and individual members' comments that the NPO findings were carefully considered.

RECOMMENDATION:

The main issue is the question of whether the project is compatible with the neighborhood and appropriate for the site in terms of size, bulk, and scale. Staff believes that the SFDB fully considered this issue and that the applicant responded to comments in revising the project to appear less massive. The SFDB found the proposed project to be consistent with all applicable good neighbor policies and Design Guidelines and made the appropriate Neighborhood Preservation Ordinance (NPO) findings required to approve the project. Staff recommends that Council deny the appeal, uphold the SFDB approval and make the following NPO findings.

Neighborhood Preservation Ordinance Findings (SBMC §22.69.050)

1. **Consistency and Appearance.** The proposed development is consistent with the scenic character of the City and will enhance the appearance of the neighborhood by proposing an architectural style consistent with the area and the City.
2. **Compatibility.** The proposed development is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood. The Upper East neighborhood has a variety of architectural styles, house sizes, and lot sizes. The size is partially concealed below grade. The proposed high-quality materials and colors are appropriate for the neighborhood.
3. **Quality Architecture and Materials.** The proposed building is designed with quality architectural details and quality materials. The architectural design is of high quality.
4. **Trees.** The proposed project does not include the removal of or significantly impact any designated Specimen Tree, Historic Tree or Landmark Tree, or any other trees.
5. **Health, Safety, and Welfare.** The public health, safety, and welfare are appropriately protected and preserved.
6. **Good Neighbor Guidelines.** The project generally complies with the Good Neighbor Guidelines regarding privacy, landscaping, noise and lighting.
7. **Public Views.** The development, including proposed structures and grading, is below 25 feet in height and does not affect any existing significant public scenic views of and from the hillside.

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

ATTACHMENTS:

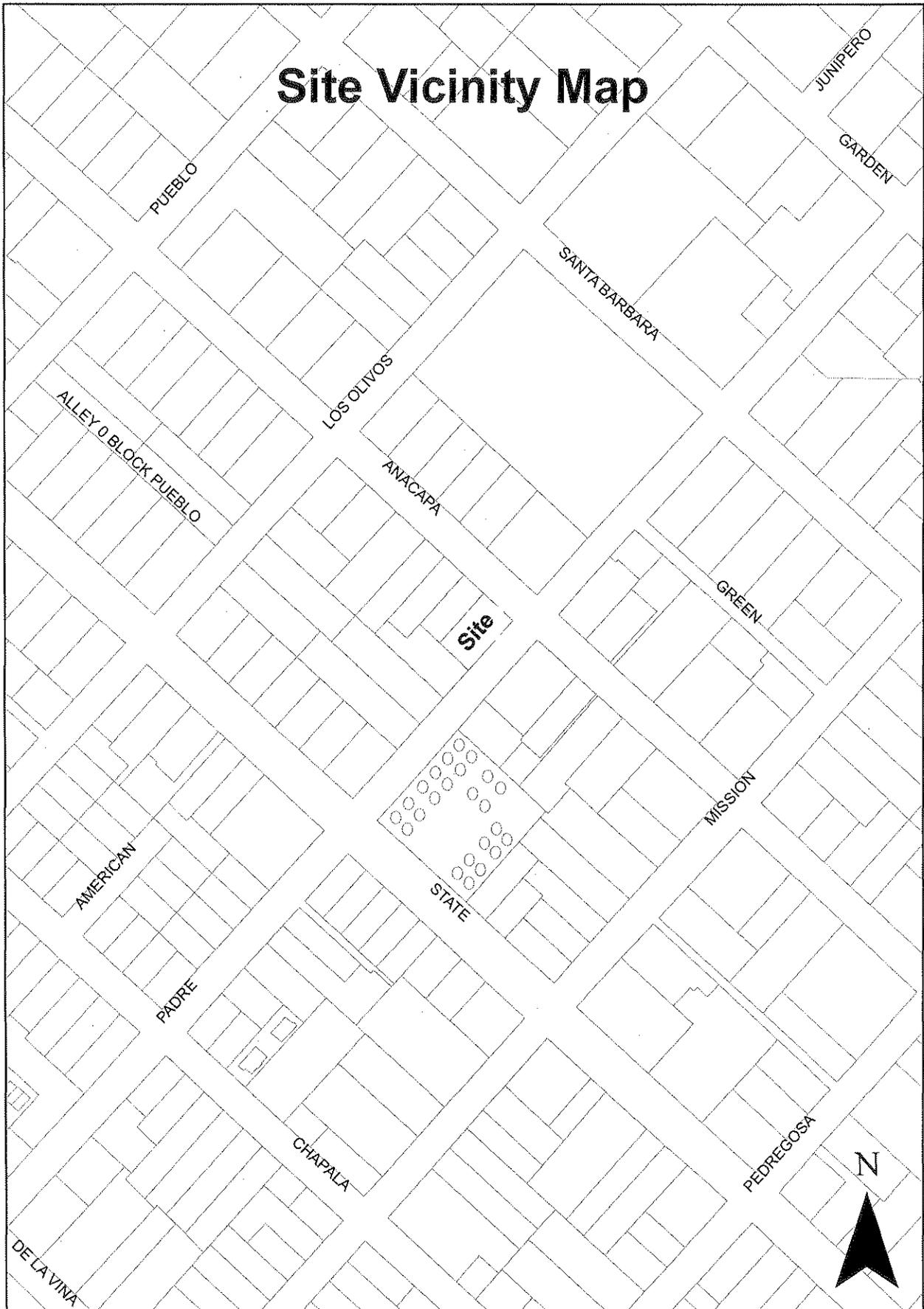
1. Site Vicinity Map
2. Appellants' letter dated July 30, 2009
3. Staff Hearing Officer Minutes dated March 25, 2009 and Planning Commission Minutes dated June 4, 2009
4. 20 closest lots FAR study
5. Single Family Design Board Minutes from January 5, 2009 and July 20, 2009

PREPARED BY: Tony Boughman, Planning Technician II

SUBMITTED BY: Paul Casey, Community Development Director.

APPROVED BY: City Administrator's Office

Site Vicinity Map



RECEIVED

Tony Fischer
Attorney at Law
2208 Anacapa St.
Santa Barbara CA 93105
Tel: 805 563 6784
fischlaw@cox.net

JUL 30 2009
4:25 pm BA
CITY CLERK'S OFFICE
SANTA BARBARA, CA

July 30, 2009

Mayor Marty Blum and Members of the City Council
City of Santa Barbara
City Hall
Santa Barbara, CA 93101

Re: 2105 Anacapa Street--Appeal of Preliminary Vote of Approval by
Single Family Design Board on July 20, 2009

Dear Mayor Blum and Members of the City Council:

The undersigned hereby files this appeal on behalf of Friends of Upper-Anacapa of the approval granted by the SFDB on July 20, 2009. The proposed demolition and construction of this very large house with attached garage results in a structure extremely out of scale with the neighborhood. One comparison is the size of the adjacent small house to the north on Anacapa Street. The proposed new house is too large for the lot and located too close to the streets. There is no logical reason for the violation of the zoning setbacks in this zone. The project has a very high FAR and its excessive size does not honor or reflect the natural slope of the lot. It is not appropriate to the neighborhood. The proposed development is too large and uses artificial fill to attempt to escape the limits intended in the zoning ordinance and the SFDB Guidelines. If built, it will be a permanent and negative change to the neighborhood. The appeal is filed to protect the neighborhood.

The motion as passed by the 4-2 vote of the SFDB called for some changes to the drawings which were not viewed by the SFDB. One member recused himself. At this sensitive corner, approval without an actual drawing for the public to review is not appropriate. Although the minutes reflect that some changes would return in two weeks to the SFDB, the actual motion apparently did not have that condition.

The Applicant is using fill dirt to create an "artificial" basement above natural grade. The concept of placing fill against a wall to create a basement is not consistent with the goals and purposes of the design guidelines drafted to prevent over-building of lots in single-family zones.

This use of the existing footprint of the removed buildings as the footprint of new larger building is not consistent with the intent and wording of the zoning ordinance. The building, as proposed, would violate the zoning ordinance.

The existing house and the existing garage (two separate buildings) are on grade. The proposed long one level house ignores the fact that there is an existing natural slope.

A large home which violates the zoning setbacks established for the zone on a small lot is not consistent with the neighborhood. This building would set an unfortunate precedent for the neighborhood. This is a corner lot and it needs to respect both streets.

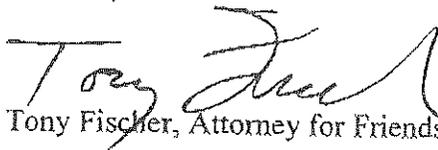
The SFDB did not make adequate findings as required by the zoning ordinance or by CEQA. The findings which were merely references to code requirements are not supported by the evidence in the record. The conditions of the preliminary approval as voted 4-2 by the SFDB are not clear and not consistent with the wording of the draft minutes of the meeting.

The negative comments of the Members of the Planning Commission which voted to express serious concerns with the size, bulk and scale of the project, were not accurately communicated to the SFDB at the July 20 hearing. The minimal changes do not mitigate the excessive size, bulk and scale.

Please contact the undersigned regarding appropriate dates for the appeal hearing in order that interested persons may attend.

Enclosed is a check in the amount of the appeal fee.

Sincerely,


Tony Fischer, Attorney for Friends of Upper Anacapa Street

cc: Charles A. Maunz

Present: Jules Zimmer, Agent.

Roxanne Milazzo, Associate Planner gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:17 a.m.
A letter from Paula Westbury expressing concern for the project was acknowledged.
The Public Hearing was closed.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood.

ACTION: **Assigned Resolution No. 023-09**
Approved the project making the finding that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on the lot. The benches which will be attached to an existing wall will provide a spot for relaxation, visiting, or a seat while waiting to be picked up, are an improvement that provides a much needed amenity, without adding floor area within a required setback. They area appropriately designed and match the architecture on site, and do not effect the site distance at the corner of Santa Barbara and Arrellaga Streets.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

ACTUAL TIME: 9:20 A.M.

C. APPLICATION OF BRITT JEWETT FOR BARBARA MATHEWS, 2105 ANACAPA STREET, APN 025-242-011, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2008-00311)

The 9,448 square foot project site is located on the corner of Anacapa and Padre Streets. Current development on site consists of a single family residence and detached garage. The proposed project involves demolition of the existing structures and the construction of a 3,339 square foot single family residence and attached 420 square foot garage. The discretionary applications required for this project are Modifications to allow construction within both thirty-foot front setbacks and the required 1,250 square foot Open Yard Area. (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305.

Present: Britt Jewett, Applicant.

Roxanne Milazzo, Associate Planner gave the Staff presentation and recommendation. Ms. Milazzo clarified that a revised site plan was submitted eliminating a modification for encroachment into the required open yard.

Ms. Reardon questioned the height above grade of the rear deck and within the required open yard. Ms. Reardon clarified that a raised deck located in the setback would require a modification. Ms. Milazzo explained that raised decks in the interior setbacks adjacent to other uses are not typically supported by staff. Mr. Jewett responded that it is possible to drop down to grade so use of a deck is not needed.

Ms. Reardon commented that recent Zoning Ordinance amendments now allow sites with two front yards to have the secondary front yard used as the required open yard.

The Public Hearing was opened at 9:29 a.m.

1. Chuck Maunz, opposed: concerned about a modification which would allow the house to be close to Anacapa Street.
2. Tony Fischer, opposed: addressed noticing issues and staff report project description. Addressed discrepancy in lot size, FAR, slope, misinterpretation of Zoning Ordinance regarding rebuilding of nonconforming structures.

A letter from Paula Westbury expressing concern for the project was acknowledged. The Public Hearing was closed.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood. Mr. Reardon clarified that the modification request before the Staff Hearing Officer is to allow window, door and architectural changes to the portions of the residence within the front setback and are appropriate improvements. Ms. Reardon expressed concern with the project size in relation to neighborhood, but reiterated that for the modification request before the Staff Hearing Officer, size is not in the Staff Hearing Officer purview.

ACTION:

Assigned Resolution No. 024-09

Approved the project making the finding that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed window, door and architectural alterations to the one-story portion of the re-built structure will not provide additional floor area within the setbacks. The proposed architectural changes will upgrade and enhance the structure without impacts to the neighborhood.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

III. ADJOURNMENT

The meeting was adjourned at 9:45 a.m.

Submitted by,

Gloria Shafer, Staff Hearing Officer Secretary

Date

**BARBARA MATHEWS, 2105 ANACAPA STREET, APN 025-242-011, E-1
ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3
UNITS PER ACRE (MST2008-00311)**

The 9,448 square foot project site is located on the corner of Anacapa and Padre Streets. Current development on site consists of a single family residence and detached garage. The proposed project involves demolition of the existing structures and the construction of a 3,339 square foot single family residence and attached 420 square foot garage. The discretionary applications required for this project are Modifications to allow construction within both thirty-foot front setbacks (SBMC §28.15.060). On March 25, 2009, the Staff Hearing Officer made the required findings and approved the request. This is an appeal of that action.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 & 15305.

Case Planner: Roxanne Milazzo, Associate Planner

Email: RMilazzo@SantaBarbaraCA.gov

Roxanne Milazzo, Associate Planner, gave the Staff presentation.

Tony Fischer, gave the appellant presentation.

Britt Jewett, Architect, gave the applicant presentation, joined by Richard Monk, Attorney for the applicant.

Staff stated that the height of the project was not a part of Staff's analysis in the modification request but was considered as the height from the existing grade, and responded to the raised terraces on the Padre Street side and north side terrace elevated above grade as not being considered structures.

Mr. Jewitt acknowledged for the Commission that the plans in the presentation were not consistent with the plans submitted in the Staff Report and explained the first floor plate heights as being 9'6", the garage as 8' and the second level as having an 8' plate height on the inside of the walls with the eaves being lower than 8'.

Chair Thompson opened the public hearing at 3:22 P.M.

Chuck Maunz, neighbor, supported the appellant, citing the mass, bulk, and scale as being out of character with the neighborhood.

Mina Goena Welch, a neighbor, spoke in favor of the project and welcomes the additions to the neighborhood.

With no one else wishing to speak, the public hearing was closed at 3:52 P.M.

In response to changes in the exterior characteristics, Staff stated that they are allowed per the City's code and read the allowable criteria.

The Commissioners made the following comments:

1. Commissioners White and Bartlett and Jostes remained concerned about the basement adding 200 additional square feet; and the Single Family Design Board's (SFDB) 3/3 split vote on the project. Liked the design and cooperation with neighborhood and felt that this is a real upgrade. Thinks the ordinance should have variable setbacks. Commissioner Bartlett would like to see the revised plans be submitted to the SFDB. Collectively supported the modification request and denial of the appeal.
2. Commissioner Jostes agreed with the Mr. Fischer's position on the basement issue and felt loop-holed by the technicality. Does not feel that the 50 per cent credit should be applied in this case and that the applicant stretched to meet the definition for the credit.
3. Commissioner Lodge also shared concerns on how the fill was brought in to make a basement. Liked the project, but felt it is too large for the lot. Would like to see the SFDB reduce the size, bulk, and scale of the project.
4. Commissioner Thompson feels that Mr. Fischer raises some good concerns, but felt that the concerns should be dealt with on a policy level and not by singling out projects. The project is aggressive and would like to see SFDB reduce the massing. The basement issue raises another policy issue.

Regarding the basement issue, Mr. Vincent stated that definition of the FAR calculation and the redesigned definition of grade came out of Neighborhood Preservation Ordinance (NPO). The FAR calculation uses the term grade, defined in the zoning ordinance as the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or within 5' of the building. In this case the finished surface following the addition of fill is the measurement.

MOTION: White/Lodge

Assigned Resolution No. 021-09

Denied the appeal making the findings as outlined in the Staff Report, and upheld the decision of the Staff Hearing Officer, and referred back to the Single Family Design Board with 1) Concern with fill used to transform non-conforming garage into a basement; and 2) Direction to study reduction of the massing to make more compatible with neighborhood and lot size.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Larson, Jacobs)

Chair Thompson announced the ten calendar day appeal period.

20 Closest Lots Data Ranked by FAR
for: 2105 Anacapa Street

Address (Optional)	Data Source (Ex: Co. Assessor's Office)	APN	Lot Size in net sq. ft.	Floors	House	Garage /Carport	Total	FAR	FAR Rank
2028 Anacapa St	Co. Assessor's Office	025-321-003	7,405	2	2,984	506	3,490	0.47	1 Largest
116 E Padre St	Co. Assessor's Office	025-321-002	4,356	2	1,564	242	1,806	0.41	2
32 E Padre St	City Street File	025-312-045	7,900	2	2,669	480	3,149	0.40	3
2109 Anacapa St	Co. Assessor's Office	025-242-010	6,098	1	1,874	400	2,274	0.37	4
2105 Anacapa St	MST Project Proposed	025-242-011	9,372	2	2,940	424	3,364	0.36	5
2030 Anacapa St	Co. Assessor's Office	025-321-009	7,840	2	2,303	200	2,503	0.32	6
2120 Anacapa St	Co. Assessor's Office	025-251-009	8,712	1	2,196	480	2,676	0.31	7
2025 Anacapa St	Co. Assessor's Office	025-312-003	7,840	1	1,796	480	2,276	0.29	8
104 E Padre St	Co. Assessor's Office	025-321-001	10,890	1	2,395	654	3,049	0.28	9
2126 Anacapa St	Co. Assessor's Office	025-251-008	8,712	1	1,922	437	2,359	0.27	10
23 E Padre St	Co. Assessor's Office	025-242-012	10,455	2	2,401	396	2,797	0.27	11
2100 Anacapa St	Co. Assessor's Office	025-251-010	18,730	2	4,249	361	4,610	0.25	12
34 E. Padre St	Co. Assessor's Office	025-312-044	15,246	2	2,553	648	3,201	0.21	13
2121 Anacapa St	Co. Assessor's Office	025-242-007	14,625	2	2,604	400	3,004	0.21	14
15 E. Padre St	City Street File	025-242-013	14,625	2	2,315	624	2,939	0.20	15
2115 Anacapa St	Co. Assessor's Office	025-242-008	9,750	1	1,655	288	1,943	0.20	16
2111 Anacapa St	Co. Assessor's Office	025-242-009	7,840	1	1,176	323	1,499	0.19	17
2116 Anacapa St	Co. Assessor's Office	025-251-011	10,019	1	1,353	288	1,641	0.16	18
2021 Anacapa St	Co. Assessor's Office	025-312-015	14,375	1	1,426	484	1,910	0.13	19
									20
									21 Smallest

Average/Mean Total of House + Garage Size (including project proposal): 2,657
Average/Mean FAR (including project proposal): 0.28

**20 Closest Lots Data Ranked by Size
for: 2105 Anacapa Street**

Address (Optional)	Data Source (Ex: Co. Assessor's Office)	APN	Lot Size	Floors	House	Garage /Carport	Total	Rank
2100 Anacapa St	Co. Assessor's Office	025-251-010	18,730	2	4,249	361	4,610	1 Largest
2028 Anacapa St	Co. Assessor's Office	025-321-003	7,405	2	2,984	506	3,490	2
2105 Anacapa St	MST Project Proposed	025-242-011	9,372	2	2,940	424	3,364	3
34 E. Padre St	Co. Assessor's Office	025-312-044	15,246	2	2,553	648	3,201	4
32 E Padre St	City Street File	025-312-045	7,900	2	2,669	480	3,149	5
104 E Padre St	Co. Assessor's Office	025-321-001	10,890	1	2,395	654	3,049	6
2121 Anacapa St	Co. Assessor's Office	025-242-007	14,625	2	2,604	400	3,004	7
15 E. Padre St	City Street File	025-242-013	14,625	2	2,315	624	2,939	8
23 E Padre St	Co. Assessor's Office	025-242-012	10,455	2	2,401	396	2,797	9
2120 Anacapa St	Co. Assessor's Office	025-251-009	8,712	1	2,196	480	2,676	10
2030 Anacapa St	Co. Assessor's Office	025-321-009	7,840	2	2,303	200	2,503	11
2126 Anacapa St	Co. Assessor's Office	025-251-008	8,712	1	1,922	437	2,359	12
2025 Anacapa St	Co. Assessor's Office	025-312-003	7,840	1	1,796	480	2,276	13
2109 Anacapa St	Co. Assessor's Office	025-242-010	6,098	1	1,874	400	2,274	14
2115 Anacapa St	Co. Assessor's Office	025-242-008	9,750	1	1,655	288	1,943	15
2021 Anacapa St	Co. Assessor's Office	025-312-015	14,375	1	1,426	484	1,910	16
116 E Padre St	Co. Assessor's Office	025-321-002	4,356	2	1,564	242	1,806	17
2116 Anacapa St	Co. Assessor's Office	025-251-011	10,019	1	1,353	288	1,641	18
2111 Anacapa St	Co. Assessor's Office	025-242-009	7,840	1	1,176	323	1,499	19
								20
								21 Smallest

Average/Mean House Size (including project proposal): 2,657

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**4. 2105 ANACAPA ST****E-1 Zone****(4:55)**

Assessor's Parcel Number: 025-242-011
 Application Number: MST2008-00311
 Owner: Barbara E. Mathews Revocable Trust
 Architect: Britt Jewett

(Proposal to demolish an existing 2,274 square foot single-family residence and detached 340 square foot garage and construct a new 3,729 square foot two-story single-family residence including attached 420 square foot two-car garage. The project is located on a 9,448 square foot lot in the Mission Area Special Design District. Staff Hearing Officer approvals of Modifications are requested for alterations in the front setbacks and for terraced patios to be located in the open yard area. The proposed total of 3,549 square feet includes a 210 square foot reduction for the garage being partially below grade, and is a few square feet less than 100% of the maximum FAR.)

(Comments only; project requires environmental assessment and Staff Hearing Officer approvals of Modifications.)

Actual time: 5:08

Present: Britt Jewett, Architect; Barbara Mathews and Michael Zirolli, Owners.

Public comment opened at 5:15 p.m.

A letter in opposition from Paula Westbury was acknowledged.

Mr. Jewett submitted a petition in support of the project signed by 26 neighbors.

Public comment was closed.

Straw vote: how many can support a recommendation to the Staff Hearing Officer to grant the modifications. 3/3/0.

Motion: Continued to the Staff Hearing Officer with the following comments:

- 1) Some Board members do not support the modification request or the current design because the existing structure in the 30 foot setback is too close to the corner, other structures on Anacapa Street are set back. The project appears too linear. The length along the street has the appearance of being excessive in length and mass and should be reduced in size.
- 2) Some Board members do support the modification request and the current design because the existing single-story house which is already in the setback will be retained in the new design, alterations within the setbacks are reasonable, and the whole Board agrees the design is very nice.

Action: Mosel/Deisler, 6/0/0. Motion carried. (Zink stepped down.)

SFDB-CONCEPT REVIEW (CONT.)**8. 2105 ANACAPA ST****E-1 Zone****(7:10)**

Assessor's Parcel Number: 025-242-011
 Application Number: MST2008-00311
 Owner: Barbara E. Mathews Trust
 Architect: Britt Jewett

(Project has been revised and reduced by 364 square feet and is 95% of the maximum FAR. Proposal to demolish an existing 2,274 square foot single-family residence and detached 340 square foot garage and construct a new 3,729 square foot two-story single-family residence including attached 420 square foot two-car garage. The project is located on a 9,448 square foot lot in the Mission Area Special Design District. Staff Hearing Officer approval of modifications are requested for alterations in the front setbacks and for terraced patios to be located in the open yard area. The proposed total of 3,549 square feet includes a 210 square foot reduction for the garage being partially below grade, and is a few square feet less than 100% of the maximum floor to lot area ratio.)

(Action may be taken if sufficient information is provided. Project requires compliance with Staff Hearing Officer Resolution No. 024-09.)

Actual time: 8:10

Present: Britt Jewett, Architect.

Public comment opened at 8:22 p.m.

Chuck Maunz, opposed: proposal is too massive and the scale is out of proportion for the corner lot.

Public comment closed at 8:25 p.m.

Withdrawn

Motion: Preliminary Approval Continued two weeks to the Full Board with the following comments:

- 1) Provide preliminary drawings and a landscape plan.
- 2) Provide landscape plan.
- 3) Provide an alternative to the second level patio roof with a trellis or other design feature that can not be enclosed.

Action: Bernstein withdrew the motion.

Revised

Motion Preliminary Approval as basis for working drawings of the project with the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code and continued two weeks to the Full Board with the comments:

- 1) In discussion the applicant agreed to lower the second-story patio roof one foot and reduce the pitch of the hipped roof to 2:12.
- 2) The project is compatible in appearance; neighborhood compatibility, quality architecture, size, bulk, and scale are appropriate to the neighborhood.

Action: Carroll/Woolery. 4/2/0. (Bernstein and Mosel opposed due to size.)

HOLLISTER & BRACE

A PROFESSIONAL CORPORATION

JOHN S. POUCHER
RICHARD C. MONK
STEVEN EVANS KIRBY
BRADFORD F. GINDER
PAUL A. ROBERTS
JOHN G. BUSBY
SUSAN H. McCOLLUM
ROBERT L. BRACE
MARCUS S. BIRD
PETER L. CANDY
MICHAEL P. DENVER
KEVIN R. NIMMONS

JOHN B. GALVIN
Of Counsel

ATTORNEYS AT LAW

SANTA BARBARA OFFICE
1126 SANTA BARBARA STREET
P.O. Box 630
SANTA BARBARA, CA 93102

805.963.6711
FAX: 805.965.0329

SANTA YNEZ VALLEY OFFICE
2933 SAN MARCOS AVENUE
SUITE 201
P.O. Box 206
LOS OLIVOS, CA 93441

805.688.6711
FAX: 805.688.3587

www.hbsb.com

September 23, 2009

RECEIVED

SEP 23 2009

CITY CLERK'S OFFICE
SANTA BARBARA, CA

Via Hand Delivery

The Honorable Mayor Marty Blum
And Honorable City Council Members
City of Santa Barbara
City Hall
735 Anacapa Street
Santa Barbara, California 93101

**Re: 2105 Anacapa Street
APN 02-242-011
MST2008-00311
Hearing Date: October 6, 2009**

Dear Honorable Mayor Blum and Honorable City Council Members:

This office represents Barbara Mathews, M.D. (the "Applicant") regarding the above-referenced project (the "Project").

I. FACTUAL BACKGROUND.

A. Project Description

The Project site is a 9,372 square foot lot located at 2105 Anacapa Street at the corner of Anacapa and Padre Streets in the City of Santa Barbara. There is currently situated on the lot an existing 1,752 square foot single family residence and a 340 square foot detached garage which is partially below grade. The house currently encroaches into the front yard setback on the east and the secondary front yard setback to the south. The house also encroaches into the side yard setback to the north. The existing garage encroaches into the side yard setback on the west.

The Project consists of the demolition of the nonconforming house and garage and the construction of a new house with a first floor footprint that has a portion rebuilt on the existing house footprint located in the front yard setbacks to the south and east.

The portion of the existing house that is inside the north side yard setback will be rebuilt at the required setback. The wall and roof heights proposed for the new structure are less than or equal to the existing conditions.

The 9,372 square-foot lot is significantly smaller than the required 15,000 square feet requirement for a new lot created in the E-1 Zone District. Also, given its location on the corner, the site is subject to two thirty-foot setbacks, further reducing the developable area of the lot. The proposed design respects the existing site conditions.

Modifications were required to permit window, door and architectural changes within the front setback along Padre and Anacapa Streets. The proposed window, door and architectural alterations to the one-story portion of the re-built structure will not provide additional floor area within the setbacks. The proposed window, door and architectural changes will upgrade and enhance the structure without impacts to the neighborhood.

The Project's new design steps with the existing sloped lot and preserves existing trees, stone walls and driveway location. The rooms of the proposed design follow the general location of the existing plan and use portions of the existing footprint. The existing partial basement plan is rebuilt closer to the west property line. The Project's lower level includes a 701 square foot basement and a new 845 square foot partial basement that consists of the garage, laundry room, elevator, a secondary bedroom and bath. The ground level plan is 1958 square feet and contains the primary living spaces. A second level plan totaling 982 square feet is comprised of the master suite and a loft.

On March 25, 2009, the City's Staff Hearing Officer made the required findings and approved the Modifications. Attorney Tony Fischer appealed the Staff Hearing Officer's decision to the City Planning Commission, which appeal was heard on June 4, 2009 and denied. No appeal was taken from the Planning Commission's decision on the Modifications allowing construction within both thirty-foot front setbacks. Thus, the Planning Commission's decision on the Modification is final and not an issue before the City Council on this Appeal. The issues before the Council on this Appeal are confined to the Project's size, bulk and scale and the appropriateness of the Project for the subject lot and neighborhood.

The Project, as redesigned, was reviewed by the Single Family Design Board ("SFDB") on July 20, 2009. The SFDB determined that the Project's proposed design is compatible with the existing neighborhood size, bulk, scale and architectural character and approved the Project by a vote of 4-2.

B. The Appeal

On July 30, 2009, Attorney Tony Fischer appealed the SFDB's approval of the Project on behalf of Friends of Upper-Anacapa Street. The issues raised in the Appeal are summarized as follows:

1. Whether the existing house and garage are constructed on grade?
2. Whether the Project's proposed structures are out of scale with the surrounding neighborhood and exceed the maximum FAR?
3. Whether the use of the existing footprint of the removed building as a footprint of the new larger building violates the zoning ordinance?
4. Whether the Project ignores the fact that there is an existing natural slope?
5. Whether the Project's proposed garage/basement is consistent with the goals and purposes of the SFDB Guidelines?

Some of the issues raised in the Appeal are an attempt to reopen issues decided by the Planning Commission on the requested Modifications. As discussed in Section A above, because no appeal was taken from the Planning Commission's decision on the Modifications allowing construction within both thirty-foot setbacks, the Planning Commission's decision on the Modifications is final and not an issue before the Council on this Appeal.

II. LEGAL ANALYSIS AND DISCUSSION.

A. The Proposed Project Will Be Closer to Grade Than the Existing Residence.

Appellant contends that the existing house and garage are on grade. The existing residence is not constructed on grade. The site survey indicates that the finished floor of the existing house is two feet above grade and rises five feet out of existing grade at the southwest corner of the structure. The existing garage is below grade on three sides and the finished floor of the garage is over two feet below grade at the northeast corner. **Exhibits "A" & "B"**. The proposed Project lowers the garage floor elevation by one foot and lowers the house by two feet. Thus, the proposed design is closer to grade than the existing residence.

B. The Proposed Project is Compatible with the FARs and the Size, Bulk and Scale of Other Homes in the Surrounding Neighborhood

The Project's proposed structures are not out of scale with the surrounding neighborhood as determined by quantitative and qualitative definitions set forth in the

Single Family Design Guidelines (“SFDG”), Compatibility Guidelines Chapter, Section 7, Volume, Bulk, Massing, and Scale. The Project is designed to be consistent with the criteria as defined in the Guidelines and was determined by the SFDB to be compatible with the surrounding neighborhood with respect to volume, bulk, massing, scale and architectural style.

A principal exercise in the design process is a thorough analysis of the neighborhood context of the proposed development. The “Neighborhood Context” is defined in the SFDG, “Site Planning and Structure Placement” Chapter, Section 2 and compatibility criteria as set forth in the “Compatibility Guidelines Chapter “Neighborhood,” Section 6. The proposed Project was reviewed and found consistent with three levels of “neighborhood compatibility” recognized by the SFDB. The analysis considered the General Plan Neighborhood, the Immediate Neighborhood, as defined by a “Walkable radius (15 minutes; usually quarter mile radius”) and the Neighborhood Study Area, defined by the twenty closest homes.¹

The area immediately proximate to the Project lot is a transitional block of the Upper East Side neighborhood. Zoning on the block includes both E-1 and R-2 zones and the neighborhood has both single and two-story homes. Most of the twenty closest lots to the proposed Project are substandard in that they do not satisfy the 15,000 square foot minimum lot size requirement of the E-1 zone district and have homes with non-conforming setbacks. For example, the house immediately to the north at 2109 Anacapa Street also does not satisfy the 15,000 square foot minimum lot size requirement and similarly violates the current front, side and rear yard setbacks. **Exhibit “C”**. The corner lot is consistent with the existing non-conforming setbacks of corner lots in the immediate neighborhood. **Exhibit “D”**.

The quantitative measure for the allowable size of a structure on a given lot is the ratio of net square footage of the proposed development to the gross lot area, i.e., the Floor Area Ratio” (“FAR”). The Project’s FAR is 0.36 and is compatible with the FARs for the neighboring parcels. **Exhibits “E” & “F”**. For example, the immediate neighboring parcel to the north at 2109 Anacapa Street has a 0.37 FAR. Four parcels in the twenty nearest lots studied have FARs in excess of 0.36. **Exhibit “E”**. The Project is now 95.9% of the maximum FAR, whereas the project approved by the Staff Hearing officer was 99.6% of maximum allowed FAR. **Exhibit “G”**. The proposed design FAR ranks fifth relative to the twenty closest homes. SFDB determined that the Project’s proposed design is compatible with the existing neighborhood in terms of size, bulk, scale and architectural character.

¹ The SFDG examines the twenty closest lots to a proposed project to make a compatibility determination depending on the predominant streetscape, pattern of development, or parcel sizes.

C. The Use of the Existing Footprint of the Removed Building as the Footprint of the New Larger Building Does Not Violate the Zoning Ordinance.

The rationale for rebuilding on the existing footprint was based on the hardships resulting from the lot being substandard for the Zone District and subject to two front yard setbacks. This was the very issue decided by the Planning Commission at its June 4, 2009 hearing where it denied Appellant's appeal and upheld the Staff Hearing Officer's decision granting Modifications to allow alterations within both thirty-foot front setbacks. As discussed above, no appeal was taken from the Planning Commission's decision granting the Modifications and therefore that decision is final and not an issue before the City Council on this Appeal.

D. The Design of the Home Reflects an Appropriate Solution to the Sloped Lot.

Appellant contends that the Project does not honor or reflect the natural slope of the lot. In fact, the proposed design of the home reflects an appropriate solution to the sloped lot as defined in the SFDG. The Project carefully follows the Hillside Housing Design Guidelines Chapter, Section 26, "Natural Surroundings", to achieve a design that steps with the existing topography. **Exhibit "H"**. The proposed design also follows the Guidelines examples for distributing the massing of the structure consistent with the Guidelines illustration on page 44-H. **Exhibit "I"**. The Project also incorporates examples from "Grading," Section 29, to blend new developed areas with existing site topography. The blending of the existing grade with the proposed floor elevation is further required for accessibility to the open yard as defined in the Zoning Ordinance. The SFDB is supportive of the Project's proposed site development and grading.

The SFDB's preliminary approval was conditional upon the roof height of the family room porch being lowered by one foot. The drawings presented at the SBDB meeting were noted and the change sketched on the set as a record. The SFDB and the Applicant agreed upon the requested change in precise detail. The preliminary approval, with conditions, is a consistent and standard approach to defining minor adjustments that would render the Project acceptable.

E. The Proposed Garage/Basement is Consistent with the Zoning Ordinance and the SFDB Guidelines.

The property has an existing slope condition that drops 12 feet in elevation from the front of the lot at Anacapa Street to rear at the western property line. The design of the new plan is stepped to follow the existing slope. The garage at the rear of the property is below grade on three sides, opening at grade on the driveway side only. The proposed finish grade at the northeast corner of the garage is three feet below grade. The new floor area extends from the garage to the east and drops deeper below grade the

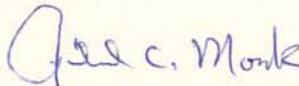
further it extends into the slope. **Exhibit "J"**. The resulting condition is that grade is less than four feet from the ceiling along 75% of the perimeter wall and is defined as a partial basement. The floor area of the partial basement is principally built within the slope and has a minimal impact on the perceived mass of the new structure. The reduced visual impact of the partial basement is recognized in the Zoning Ordinance which allows the garage/partial basement floor area to be reduced by 50% when calculating the FAR. The site design, building footprint, grading and garage/partial basement level of the Project is consistent with City policy as confirmed by City Staff and the SFDB. **Exhibit "K"**. The interpretation of the language of the City's Municipal Code, as applied in the solution, was reviewed and supported by the City Attorney.

III. CONCLUSION.

For all of the above reasons, we respectfully urge the City Council to deny the Appeal of the SFDB's decision and allow the Applicant to proceed with the Project.

Respectfully submitted,

HOLLISTER & BRACE
A Professional Corporation

By 
Richard C. Monk

RCM/crr

cc: Barbara Mathews, M.D.
Britton Jewett
N. Scott Vincent, Esq.
Tony Boughman

EXISTING HOUSE FLOOR LEVEL

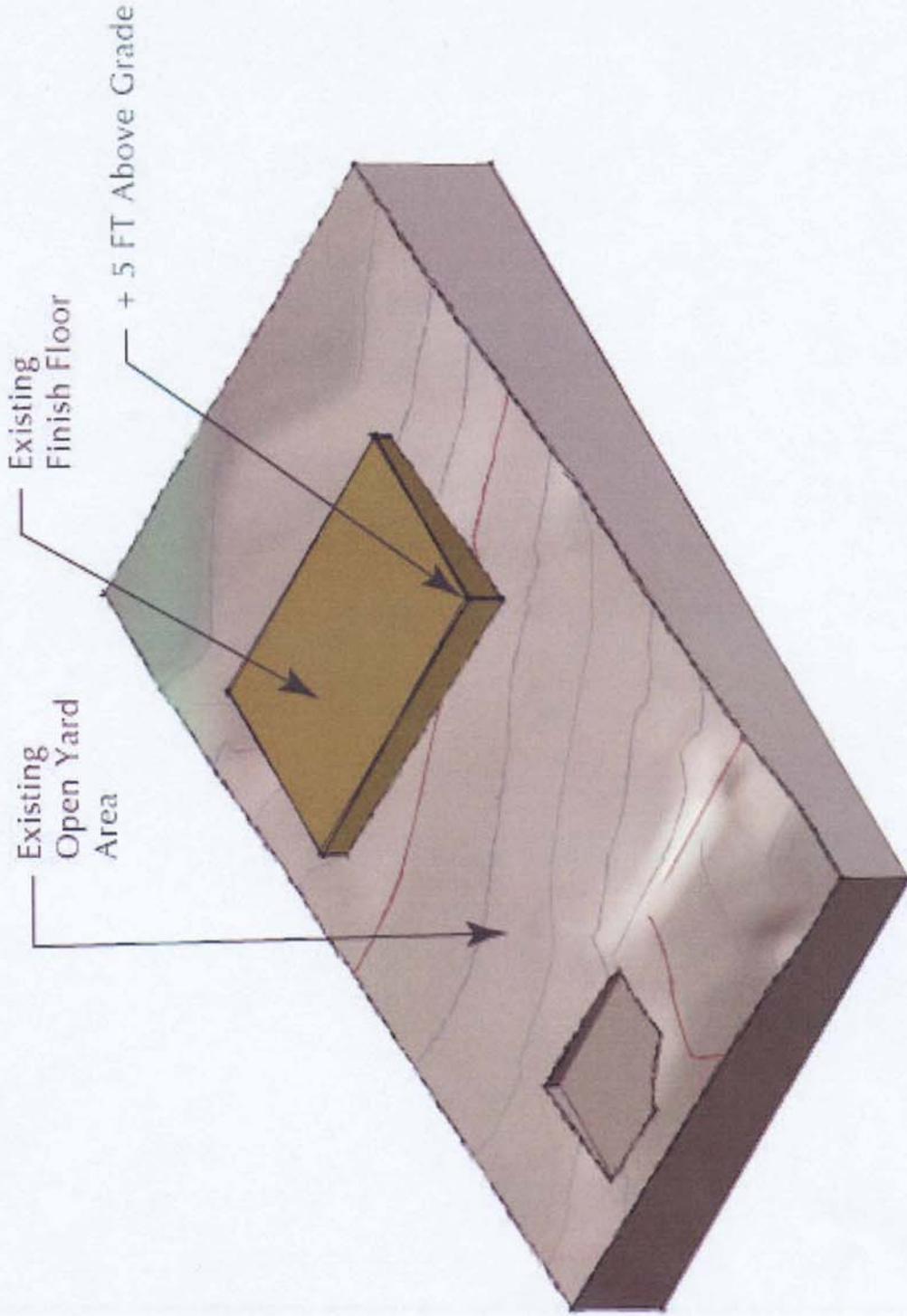


Exhibit A

2105 Anacapa St.
Santa Barbara, CA

RELATIONSHIP OF (E) HOUSE TO GRADE



Windows In (E)
Partial Basement

Exhibit B

2105 Anacapa St.
Santa Barbara, CA

NON-CONFORMING SETBACKS



Exhibit C

2105 Anacapa St.
Santa Barbara, CA

NON-CONFORMING CORNER LOTS

within 1/4 mile radius in E-1 zone

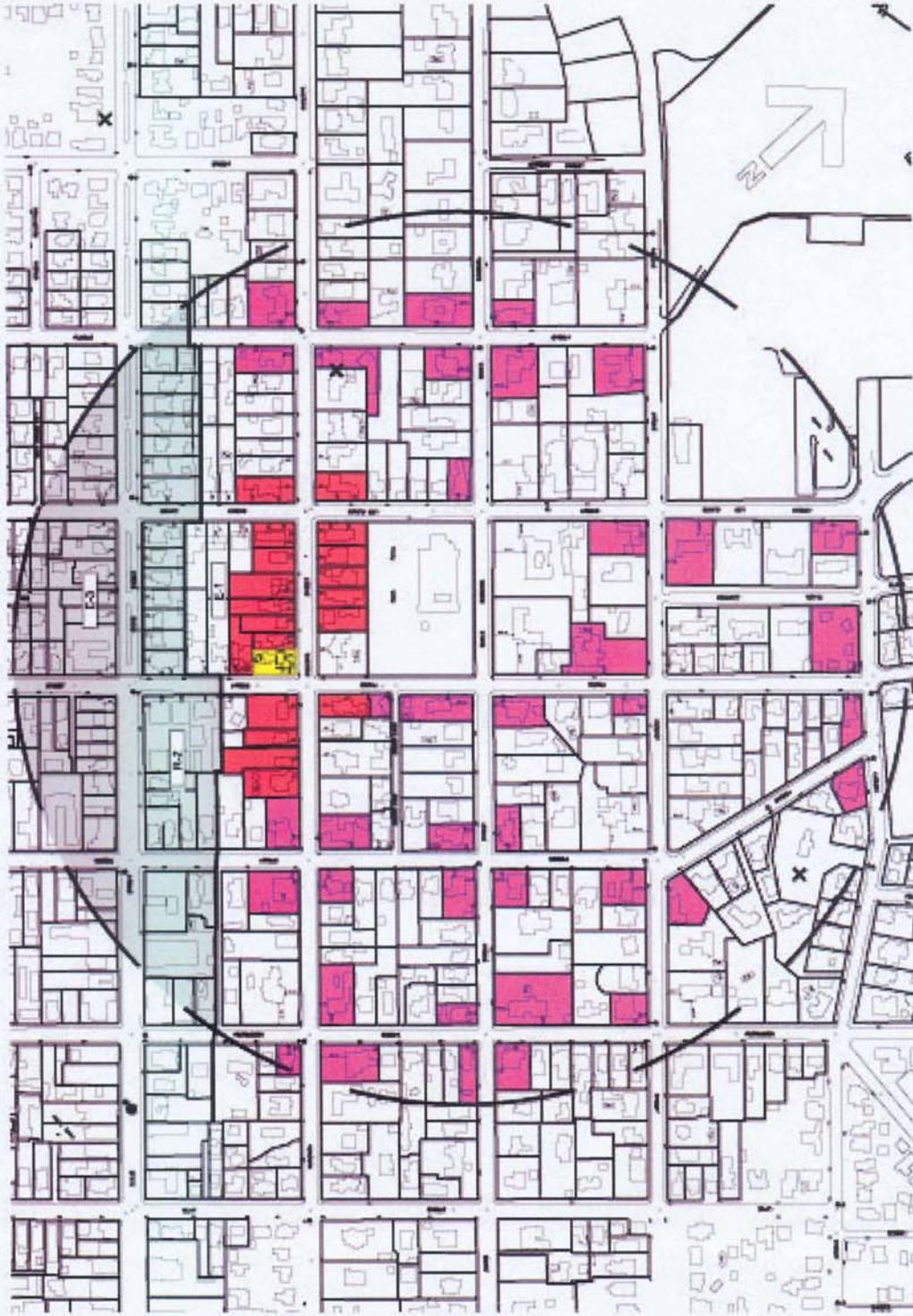


Exhibit D

2105 Anacapa St.
Santa Barbara, CA

ARCHITECTURE
& ALLIED ARTS

STUDIO

20 CLOSEST LOTS: RANKED BY F.A.R.

Address (Optional)	Data Source (Ex. Co. Assessor's Office)	APN	Lot Size in net sq. ft.	Floors	House	Garage /Carport	Total	FAR	FAR Rank
2028 Anacapa St	Co. Assessor's Office	025-321-003	7,405	2	2,984	506	3,490	0.47	1 Largest
116 E Padre St	Co. Assessor's Office	025-321-002	4,356	2	1,564	242	1,806	0.41	2
32 E Padre St	City Street File	025-312-045	7,900	2	2,669	480	3,149	0.40	3
2109 Anacapa St	Co. Assessor's Office	025-242-010	6,098	1	1,874	400	2,274	0.37	4
2105 Anacapa St	MST Project Proposed	025-242-011	9,372	2	2,940	424	3,364	0.36	5
2030 Anacapa St	Co. Assessor's Office	025-321-009	7,840	2	2,303	200	2,503	0.32	6
2120 Anacapa St	Co. Assessor's Office	025-251-009	8,712	1	2,196	480	2,676	0.31	7
2025 Anacapa St	Co. Assessor's Office	025-312-003	7,840	1	1,796	480	2,276	0.29	8
104 E Padre St	Co. Assessor's Office	025-321-001	10,890	1	2,395	654	3,049	0.28	9
2126 Anacapa St	Co. Assessor's Office	025-251-008	8,712	1	1,922	437	2,359	0.27	10
23 E Padre St	Co. Assessor's Office	025-242-012	10,455	2	2,401	396	2,797	0.27	11
2100 Anacapa St	Co. Assessor's Office	025-251-010	18,730	2	4,249	361	4,610	0.25	12
34 E Padre St	Co. Assessor's Office	025-312-044	15,246	2	2,553	648	3,201	0.21	13
2121 Anacapa St	Co. Assessor's Office	025-242-007	14,625	2	2,604	400	3,004	0.21	14
15 E. Padre St	City Street File	025-242-013	14,625	2	2,315	624	2,939	0.20	15
2115 Anacapa St	Co. Assessor's Office	025-242-008	9,750	1	1,655	288	1,943	0.20	16
2111 Anacapa St	Co. Assessor's Office	025-242-009	7,840	1	1,176	323	1,499	0.19	17
2116 Anacapa St	Co. Assessor's Office	025-251-011	10,019	1	1,353	288	1,641	0.16	18
2021 Anacapa St	Co. Assessor's Office	025-312-015	14,375	1	1,428	484	1,910	0.13	19
									20
									21 Smallest

Average/Mean Total of House + Garage Size (including project proposal): **2,657**
 Average/Mean FAR (including project proposal): **0.28**

Exhibit E

ARCHITECTURE
 & ALLIED ARTS

STUDIO

2105 Anacapa St.
 Santa Barbara, CA

20 CLOSEST LOTS: RANKED BY SIZE

Address (Optional)	Data Source (Ex: Co. Assessor's Office)	APN	Lot Size	Floors	House	Garage /Carport	Total	Rank
2100 Anacapa St	Co. Assessor's Office	025-251-010	18,730	2	4,249	361	4,610	1 Largest
2028 Anacapa St	Co. Assessor's Office	025-321-003	7,405	2	2,984	506	3,490	2
2105 Anacapa St	MST Project Proposed	025-242-011	9,372	2	2,940	424	3,364	3
34 E Padre St	Co. Assessor's Office	025-312-044	15,246	2	2,553	648	3,201	4
32 E Padre St	City Street File	025-312-045	7,900	2	2,669	480	3,149	5
104 E Padre St	Co. Assessor's Office	025-321-001	10,890	1	2,395	654	3,049	6
2121 Anacapa St	Co. Assessor's Office	025-242-007	14,625	2	2,604	400	3,004	7
15 E Padre St	City Street File	025-242-013	14,625	2	2,315	624	2,939	8
23 E Padre St	Co. Assessor's Office	025-242-012	10,455	2	2,401	366	2,797	9
2120 Anacapa St	Co. Assessor's Office	025-251-009	8,712	1	2,196	480	2,676	10
2030 Anacapa St	Co. Assessor's Office	025-321-009	7,840	2	2,303	200	2,503	11
2126 Anacapa St	Co. Assessor's Office	025-251-008	8,712	1	1,922	437	2,359	12
2025 Anacapa St	Co. Assessor's Office	025-312-003	7,840	1	1,796	480	2,276	13
2109 Anacapa St	Co. Assessor's Office	025-242-010	6,098	1	1,874	400	2,274	14
2115 Anacapa St	Co. Assessor's Office	025-242-008	9,750	1	1,655	288	1,943	15
2021 Anacapa St	Co. Assessor's Office	025-312-015	14,375	1	1,426	484	1,910	16
116 E Padre St	Co. Assessor's Office	025-321-002	4,356	2	1,564	242	1,806	17
2116 Anacapa St	Co. Assessor's Office	025-251-011	10,019	1	1,353	288	1,641	18
2111 Anacapa St	Co. Assessor's Office	025-242-009	7,840	1	1,176	323	1,499	19
								20
								21 Smallest

Average/Mean House Size (including project proposal): 2,657

Exhibit F

ARCHITECTURE
6 ALLIED ARTS

STUDIO

2105 Anacapa St.
Santa Barbara, CA

S.B. CITY'S F.A.R. CALCULATOR

F.A.R. Calculator

EXPLANATION: Enter the information in the white boxes below. The calculator will calculate the proposed FAR. Also enter values for 100% FAR, 85% FAR, 90% FAR, 95% FAR, 100% FAR, 105% FAR, 110% FAR, 115% FAR, 120% FAR, 125% FAR, 130% FAR, 135% FAR, 140% FAR, 145% FAR, 150% FAR, 155% FAR, 160% FAR, 165% FAR, 170% FAR, 175% FAR, 180% FAR, 185% FAR, 190% FAR, 195% FAR, 200% FAR, 205% FAR, 210% FAR, 215% FAR, 220% FAR, 225% FAR, 230% FAR, 235% FAR, 240% FAR, 245% FAR, 250% FAR, 255% FAR, 260% FAR, 265% FAR, 270% FAR, 275% FAR, 280% FAR, 285% FAR, 290% FAR, 295% FAR, 300% FAR, 305% FAR, 310% FAR, 315% FAR, 320% FAR, 325% FAR, 330% FAR, 335% FAR, 340% FAR, 345% FAR, 350% FAR, 355% FAR, 360% FAR, 365% FAR, 370% FAR, 375% FAR, 380% FAR, 385% FAR, 390% FAR, 395% FAR, 400% FAR, 405% FAR, 410% FAR, 415% FAR, 420% FAR, 425% FAR, 430% FAR, 435% FAR, 440% FAR, 445% FAR, 450% FAR, 455% FAR, 460% FAR, 465% FAR, 470% FAR, 475% FAR, 480% FAR, 485% FAR, 490% FAR, 495% FAR, 500% FAR, 505% FAR, 510% FAR, 515% FAR, 520% FAR, 525% FAR, 530% FAR, 535% FAR, 540% FAR, 545% FAR, 550% FAR, 555% FAR, 560% FAR, 565% FAR, 570% FAR, 575% FAR, 580% FAR, 585% FAR, 590% FAR, 595% FAR, 600% FAR, 605% FAR, 610% FAR, 615% FAR, 620% FAR, 625% FAR, 630% FAR, 635% FAR, 640% FAR, 645% FAR, 650% FAR, 655% FAR, 660% FAR, 665% FAR, 670% FAR, 675% FAR, 680% FAR, 685% FAR, 690% FAR, 695% FAR, 700% FAR, 705% FAR, 710% FAR, 715% FAR, 720% FAR, 725% FAR, 730% FAR, 735% FAR, 740% FAR, 745% FAR, 750% FAR, 755% FAR, 760% FAR, 765% FAR, 770% FAR, 775% FAR, 780% FAR, 785% FAR, 790% FAR, 795% FAR, 800% FAR, 805% FAR, 810% FAR, 815% FAR, 820% FAR, 825% FAR, 830% FAR, 835% FAR, 840% FAR, 845% FAR, 850% FAR, 855% FAR, 860% FAR, 865% FAR, 870% FAR, 875% FAR, 880% FAR, 885% FAR, 890% FAR, 895% FAR, 900% FAR, 905% FAR, 910% FAR, 915% FAR, 920% FAR, 925% FAR, 930% FAR, 935% FAR, 940% FAR, 945% FAR, 950% FAR, 955% FAR, 960% FAR, 965% FAR, 970% FAR, 975% FAR, 980% FAR, 985% FAR, 990% FAR, 995% FAR, 1000% FAR.

EXPLANATION: Enter the information in the white boxes below. The calculator will calculate the proposed FAR. Also enter values for 100% FAR, 85% FAR, 90% FAR, 95% FAR, 100% FAR, 105% FAR, 110% FAR, 115% FAR, 120% FAR, 125% FAR, 130% FAR, 135% FAR, 140% FAR, 145% FAR, 150% FAR, 155% FAR, 160% FAR, 165% FAR, 170% FAR, 175% FAR, 180% FAR, 185% FAR, 190% FAR, 195% FAR, 200% FAR, 205% FAR, 210% FAR, 215% FAR, 220% FAR, 225% FAR, 230% FAR, 235% FAR, 240% FAR, 245% FAR, 250% FAR, 255% FAR, 260% FAR, 265% FAR, 270% FAR, 275% FAR, 280% FAR, 285% FAR, 290% FAR, 295% FAR, 300% FAR, 305% FAR, 310% FAR, 315% FAR, 320% FAR, 325% FAR, 330% FAR, 335% FAR, 340% FAR, 345% FAR, 350% FAR, 355% FAR, 360% FAR, 365% FAR, 370% FAR, 375% FAR, 380% FAR, 385% FAR, 390% FAR, 395% FAR, 400% FAR, 405% FAR, 410% FAR, 415% FAR, 420% FAR, 425% FAR, 430% FAR, 435% FAR, 440% FAR, 445% FAR, 450% FAR, 455% FAR, 460% FAR, 465% FAR, 470% FAR, 475% FAR, 480% FAR, 485% FAR, 490% FAR, 495% FAR, 500% FAR, 505% FAR, 510% FAR, 515% FAR, 520% FAR, 525% FAR, 530% FAR, 535% FAR, 540% FAR, 545% FAR, 550% FAR, 555% FAR, 560% FAR, 565% FAR, 570% FAR, 575% FAR, 580% FAR, 585% FAR, 590% FAR, 595% FAR, 600% FAR, 605% FAR, 610% FAR, 615% FAR, 620% FAR, 625% FAR, 630% FAR, 635% FAR, 640% FAR, 645% FAR, 650% FAR, 655% FAR, 660% FAR, 665% FAR, 670% FAR, 675% FAR, 680% FAR, 685% FAR, 690% FAR, 695% FAR, 700% FAR, 705% FAR, 710% FAR, 715% FAR, 720% FAR, 725% FAR, 730% FAR, 735% FAR, 740% FAR, 745% FAR, 750% FAR, 755% FAR, 760% FAR, 765% FAR, 770% FAR, 775% FAR, 780% FAR, 785% FAR, 790% FAR, 795% FAR, 800% FAR, 805% FAR, 810% FAR, 815% FAR, 820% FAR, 825% FAR, 830% FAR, 835% FAR, 840% FAR, 845% FAR, 850% FAR, 855% FAR, 860% FAR, 865% FAR, 870% FAR, 875% FAR, 880% FAR, 885% FAR, 890% FAR, 895% FAR, 900% FAR, 905% FAR, 910% FAR, 915% FAR, 920% FAR, 925% FAR, 930% FAR, 935% FAR, 940% FAR, 945% FAR, 950% FAR, 955% FAR, 960% FAR, 965% FAR, 970% FAR, 975% FAR, 980% FAR, 985% FAR, 990% FAR, 995% FAR, 1000% FAR.

ENTER Project Address:		2105 Anacapa
Is there a basement or cellar existing or proposed?	Yes	
ENTER Proposed TOTAL Net FAR Floor Area (in sq. ft.):	3,364	
ENTER Zone ONLY from drop-down list:		E-1
ENTER Net Lot Area (in sq. ft.):	9,372	
Is the height of existing or proposed buildings 17 feet or greater?	Yes	
Are existing or proposed buildings two stories or greater?	Yes	
The FAR Requirements are:		REQUIRED**
ENTER Average Slope of Lot:		8.00%
Does the height of existing or proposed buildings exceed 25 feet?	No	
Is the site in the Hillside Design District?	No	
Does the project include 500 or more cu. yds. of grading outside the main building footprint?	No	
An FAR MOD is not required per SBMC 528.15		
FLOOR AREA RATIO (FAR):	0.36	
Lot Size Range:	4,000 - 9,999 sq. ft.	
MAX FAR Calculation (in sq. ft.):	1,203 = (0.25 x lot size in sq. ft.)	
90% MAX FAR:	0.39	
100% MAX FAR (in sq. ft.):	3,543.9	
85% of MAX FAR (in sq. ft.):	3,011.5	
This 3364 square foot proposed total is 95.0% of the MAX FAR.*		
* 85% FAR is required as per SBMC 528.15. If the project is located on a site with a slope of 8% or greater, please contact Planning Staff to confirm whether the FAR includes any "Required" or "Optional" FAR.		
Average Conversion Calculator		
ENTER Average to Convert to square footage:	1.00	
Net Lot Area (in sq. ft.):	43,568	

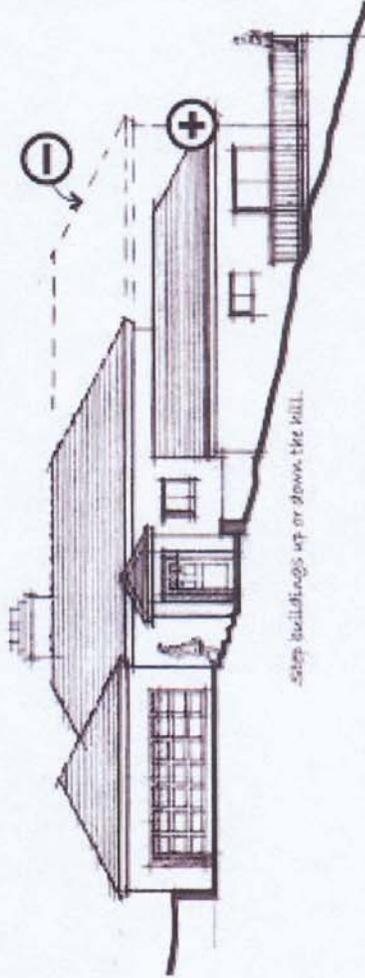
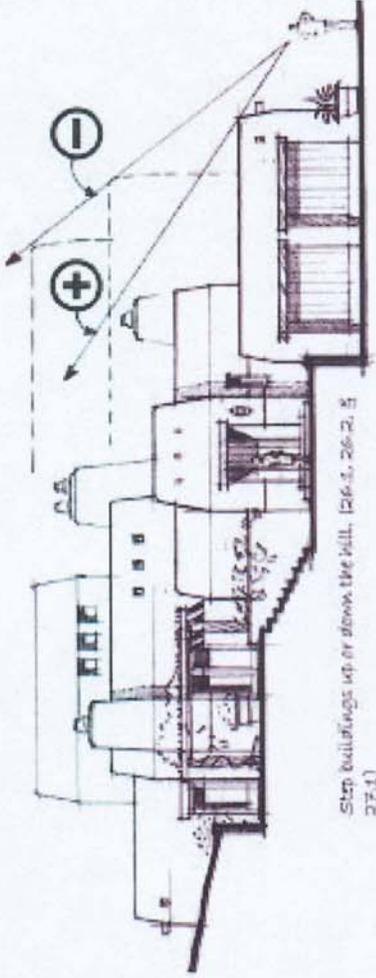
Exhibit G

2105 Anacapa St.
Santa Barbara, CA

S.B. CITY'S HILLSIDE DESIGN GUIDELINE

HILLSIDE HOUSING DESIGN GUIDELINES

26. NATURAL SURROUNDINGS CONTINUED.



Note: The "plus" examples in the illustrations above also comply with guideline 28.1 on page 47-H, which encourages an "apparent height" (lowest point of contact with grade to highest point of building dimension) of less than 30' for hillside homes.



Exhibit H

ARCHITECTURE
& ALLIED ARTS

STUDIO

2105 Anacapa St.
Santa Barbara, CA

COMPLIANCE WITH GUIDELINES

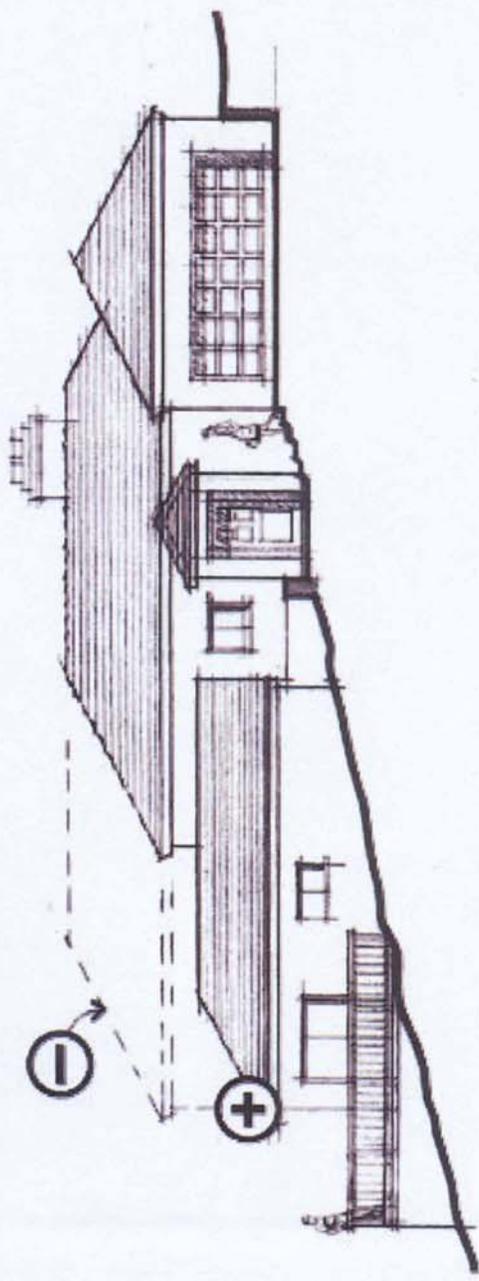
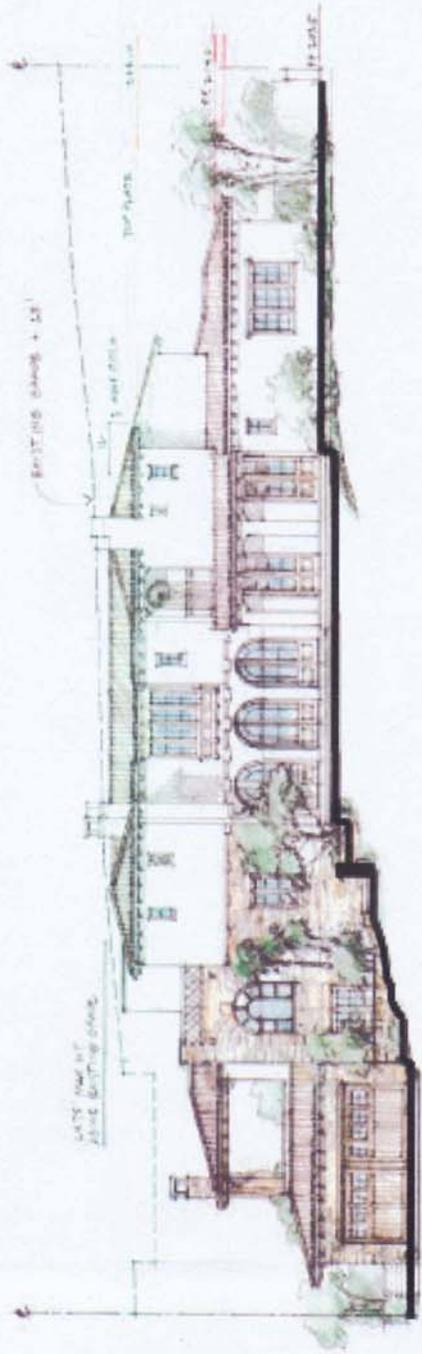


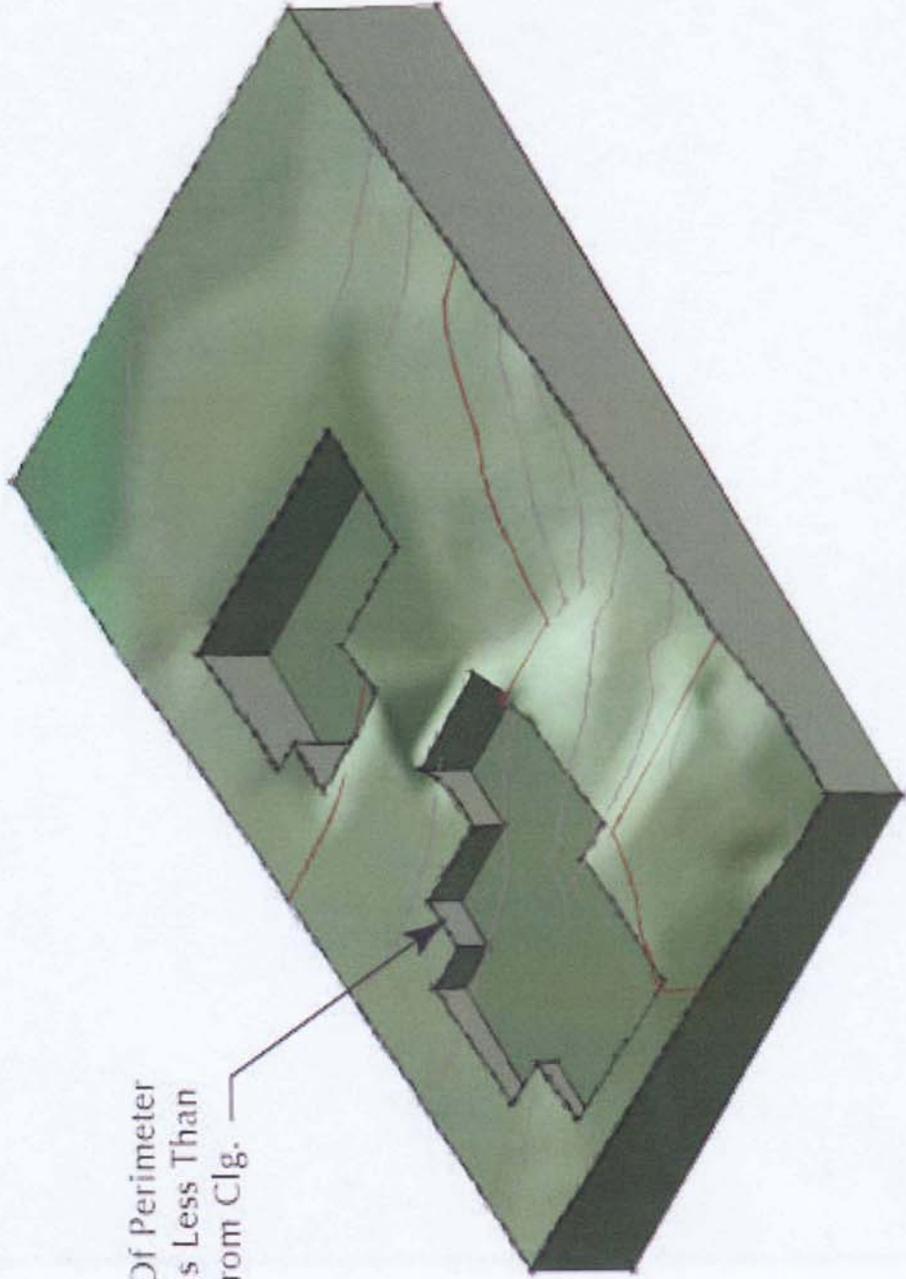
Exhibit I

2105 Anacapa St.
Santa Barbara, CA

ARCHITECTURE
& ALLIED ARTS

STUDIO

PROPOSED PARTIAL BASEMENT PLAN



75% Of Perimeter
Wall Is Less Than
4 Ft From Clg.

Exhibit J

2105 Anacapa St.
Santa Barbara, CA



ARCHITECTURE
& ALLIED ARTS

PROPOSED GROUND LEVEL PLAN

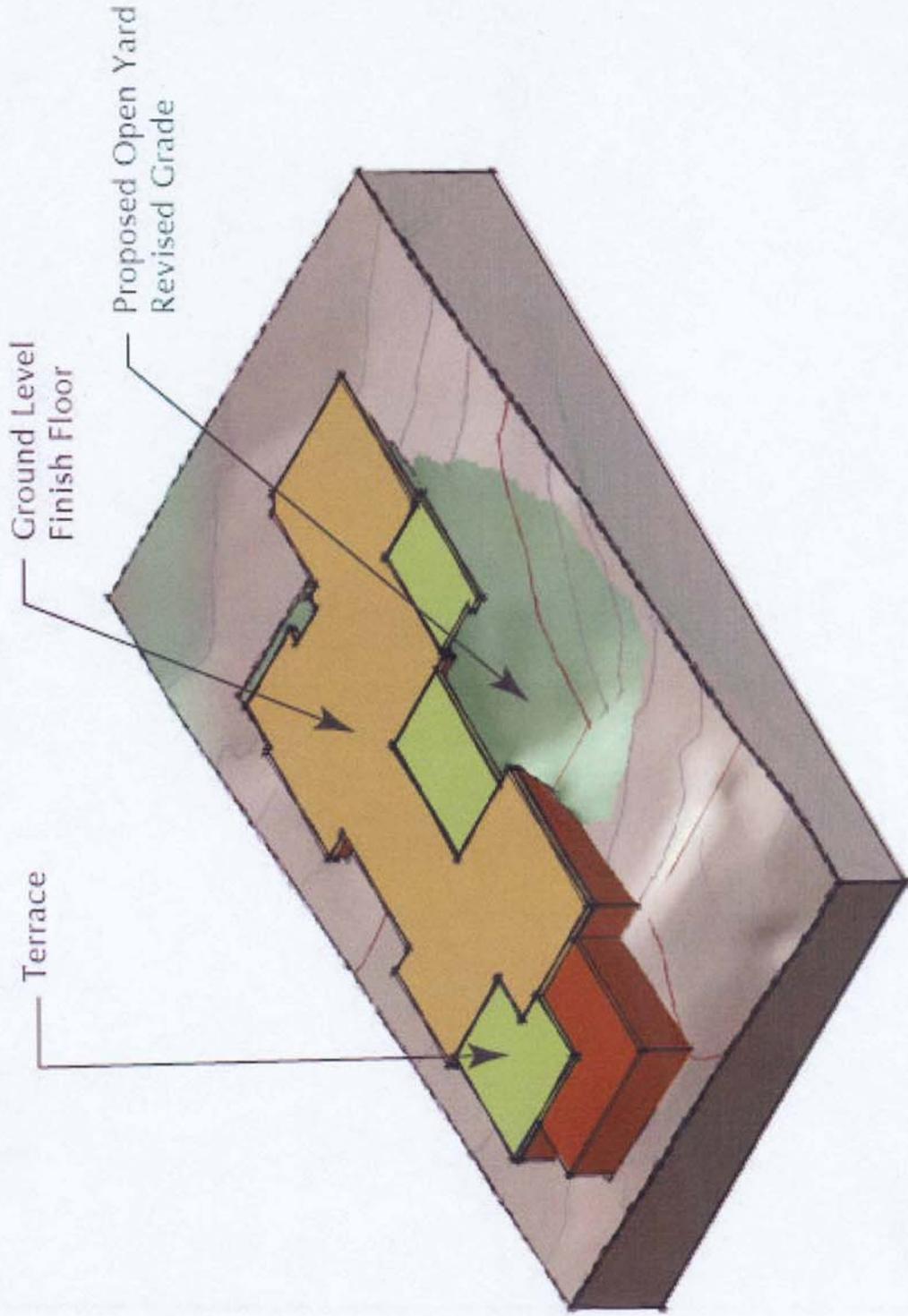


Exhibit K

2105 Anacapa St.
Santa Barbara, CA

ARCHITECTURE
& ALLIED ARTS

STUDIO