

**CITY OF SANTA BARBARA
CITY COUNCIL**

Helene Schneider
Mayor
Grant House
Mayor Pro Tempore
Bendy White
Ordinance Committee Chair
Das Williams
Finance Committee Chair
Dale Francisco
Frank Hotchkiss
Michael Self



James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

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

**APRIL 27, 2010
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

- 11:00 a.m. - Special Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
12:00 Noon - Special Ordinance Committee Meeting, Council Chamber
2:00 p.m. - City Council Meeting

SPECIAL FINANCE COMMITTEE MEETING - 11:00 A.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)

1. Subject: March 31, 2010, Investment Report And March 31, 2010, Fiscal Agent Report

Recommendation: That the Finance Committee recommend that Council:

- A. Accept the March 31, 2010, Investment Report; and
- B. Accept the March 31, 2010, Fiscal Agent Report.

(See Council Agenda Item No. 3)

2. Subject: Finance Committee Review Of Fiscal Year 2011 Recommended Budget

Recommendation: That the Finance Committee hear a report from staff relating to the Fiscal Year 2011 Recommended Budget.

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

1. Subject: Municipal Code Update Regarding Registered Domestic Partners

Recommendation: That the Ordinance Committee review a draft amendment to Municipal Code Section 3.16.073 (Employee Selection) regarding registered domestic partners.

2. Subject: Medical Marijuana Storefront Collective Ordinance Revisions

Recommendation: That the Ordinance Committee review a draft Medical Marijuana Storefront Collective Dispensary Ordinance, and refer a possible draft ordinance back to City Planning Commission and City Council for subsequent actions as appropriate.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. **Subject: Proclamation Declaring May 3-7, 2010, As Girls Rights Week (120.04)**

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. **Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of April 13, 2010.

3. **Subject: March 31, 2010, Investment Report And March 31, 2010, Fiscal Agent Report (260.02)**

Recommendation: That Council:

- A. Accept the March 31, 2010, Investment Report; and
- B. Accept the March 31, 2010, Fiscal Agent Report.

4. **Subject: Integrated Regional Water Management Plan Update - Memorandum Of Understanding (540.01)**

Recommendation: That Council authorize the Public Works Director to negotiate and execute, subject to approval by the City Attorney, a Memorandum of Understanding (MOU) with the Cooperating Partners, providing for the continued administration and development of an update to the Integrated Regional Water Management Plan (IRWMP) for Santa Barbara County, with the City's share of costs not to exceed \$40,000.

CONSENT CALENDAR (CONT'D)

5. Subject: Adoption Of Ordinance For Lease Agreement With Doug Chessmore (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Lease Agreement with Doug Chessmore, Doing Business As Ocean Aire Electronics, Effective May 27, 2010, for Lease of the Premises Located at 125 Harbor Way #7.

6. Subject: Adoption Of Ordinance For Extension And Amendment of Supervisors' Memorandum of Understanding (440.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5484, the 2009-2011 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Supervisory Employees' Bargaining Unit (Supervisors' Unit).

7. Subject: Purchase, Release, And Possession Of Property Interests For The Ortega Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept Various Permanent and Temporary Easement Interests Located at 314 West Ortega Street, 627 Bath Street, 631 Bath Street, and 620 Castillo Street, and Authorizing the Public Works Director, Subject to Review and Approval of the Form of the Four Separate Agreements by the City Attorney, to Execute Such Agreements and Related Documents that May be Required, Including Among Others, Necessary Escrow Instructions, all Relating to the Proposed Ortega Street Bridge Replacement Project, and Consenting to the Recordation of the Related Deeds in the Official Records, County of Santa Barbara; and
- B. Introduce, and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Quitclaim Deed to Release any Fee Interest Within Mission Creek Located on a Portion of the Real Property at 314 West Ortega Street, as Described in a Deed Recorded on February 27, 1912, in Book 134 of Deeds, at Page 403, and Authorizing the Public Works Director of the City to Execute the Same.

CONSENT CALENDAR (CONT'D)

8. Subject: Interim Agreements For Possession And Use Of Property Interests For The Ortega Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Authorize the Public Works Director to Negotiate, Subject to Review and Approval by the City Attorney of their Forms, Two Interim Agreements with Mission Creek Properties, LLC, the Owner of the Property Commonly Known as 306 West Ortega Street, Namely an Agreement for Possession and Use, and an Interim Vacancy Agreement, and to Subsequently Execute such Agreements, Relating to the Proposed Ortega Street Bridge Replacement Project;
- B. Accept Federal Highway Administration (FHWA) Highway Bridge Program grant funding in the total amount of \$197,015; and
- C. Authorize the increase of estimated revenues and expenditures by \$197,015 in the Fiscal Year 2010 Streets Capital Fund for the Ortega Street Bridge Replacement Project (Project).

NOTICES

9. The City Clerk has on Thursday, April 22, 2010, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concludes the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

REPORT FROM THE ORDINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

10. Subject: 2010 Legislative Platform (160.02)

Recommendation: That Council:

- A. Adopt the 2010 Legislative Platform that guides the City's support of or opposition to state and federal legislation; and
- B. Authorize the Mayor, Councilmembers, and staff, on behalf of the City of Santa Barbara, to contact state and federal representatives to advocate for legislation consistent with the goals of the Legislative Platform.

(Continued from April 13, 2010, Agenda Item No. 12)

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

COMMUNITY DEVELOPMENT DEPARTMENT

11. Subject: Neighborhood Preservation Ordinance Two-Year Review (640.02)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Titles 22 and 28 of the Santa Barbara Municipal Code Relating to the Neighborhood Preservation Ordinance, Single Family Residence Parking Design Standards, and the Expiration of Design Review Approvals; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Adopt Revised Single Family Residential Design Guidelines and Revised Single Family Design Board Guidelines.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to Subsection (a) of Section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Luke Brost as Trustee for the Luke Brost Living Trust, et al., v. City of Santa Barbara, Case No. 1342979.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

13. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator, Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

CLOSED SESSIONS (CONT'D)

14. Subject: Public Employee Performance Evaluation - Government Code Section 54957 (170.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Administrator

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

15. Subject: Public Employee Performance Evaluation - Government Code Section 54957 (160.01)

Recommendation: That Council hold a Closed Session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Attorney

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

ADJOURNMENT

CITY OF SANTA BARBARA
FINANCE COMMITTEE
SPECIAL MEETING AGENDA

DATE: April 27, 2010

TIME: 11:00 a.m.

PLACE: David Gebhard Public Meeting Room
630 Garden Street

Das Williams, Chair

Dale Francisco

Michael Self

James L. Armstrong
City Administrator

Robert Samario
Interim Finance Director

ITEMS TO BE CONSIDERED:

1. Subject: March 31, 2010, Investment Report And March 31, 2010, Fiscal Agent Report

Recommendation: That the Finance Committee recommend that Council:

- A. Accept the March 31, 2010, Investment Report; and
- B. Accept the March 31, 2010, Fiscal Agent Report.

(See Council Agenda Item No. 3)

2. Subject: Finance Committee Review Of Fiscal Year 2011 Recommended Budget

Recommendation: That the Finance Committee hear a report from staff relating to the Fiscal Year 2011 Recommended Budget.



CITY OF SANTA BARBARA

FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: April 27, 2010
TO: Finance Committee
FROM: Administration Division, Finance Department
SUBJECT: Finance Committee Review Of Fiscal Year 2011 Recommended Budget

RECOMMENDATION:

That the Finance Committee hear a report from staff relating to the Fiscal Year 2011 Recommended Budget.

DISCUSSION:

On Tuesday, April 20, 2010, the Finance Committee approved the Committee's budget review schedule and topics in connection with the filing of the Fiscal Year 2011 Recommended Budget. The approved budget review schedule is attached to this report.

Today's meeting will include a discussion of four topics:

1. General Fund balancing strategy
2. General Fund non-departmental revenues and assumptions
3. General Fund departmental proposed fee changes
4. Streets program revenues

The next meeting will be on Tuesday, May 4, in City Hall starting at 12:00 p.m.

ATTACHMENT: Approved Finance Committee Review Schedule
SUBMITTED BY: Robert Samario, Interim Finance Director
APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Finance Committee Review Schedule
Fiscal Year 2011 Recommended Budget

Meeting Date and Time	Department
<p>Tuesday, April 27, 2010 11:00 a.m. – 2:00 p.m.</p>	<ul style="list-style-type: none"> ➤ General Fund balancing strategy (15 min) ➤ General Fund non-departmental revenues and assumptions (20 min) ➤ General Fund departmental proposed fee changes - Part 1 (1 hour) ➤ Streets Program revenues (30 min) <p>Note: The March 31, 2010 Investment Report will also be on the agenda (10 min)</p>
<p>Tuesday, May 4 12:00 p.m. – 2:00 p.m.</p>	<ul style="list-style-type: none"> ➤ General Fund departmental proposed fee changes - Part 2 (45 minutes) ➤ Downtown Parking – Discussion of PBIA proposed rate changes (30 min) ➤ Golf Enterprise Fund proposed fees (20 min)
<p>Tuesday, May 11 12:00 p.m. – 2:00 p.m.</p>	<ul style="list-style-type: none"> ➤ General Fund departmental proposed fee changes – Part 3, if needed (30 min) ➤ Enterprise Fund proposed fee changes (1 hour 15 min) – Water, Wastewater, Waterfront, Solid Waste
<p>Tuesday, May 25 11:00 a.m. – 2:00 p.m.</p>	<ul style="list-style-type: none"> ➤ Review of Citywide reserve balances and policies (30 min) <p>Note: The following items will also be on the agenda:</p> <ol style="list-style-type: none"> 1. Loan for New Housing Authority Project – Bradley Property (30 min) 2. RDA Fiscal Year 2010 Interim Financial Statements – March 31, 2010 (5 min) 3. 3rd Quarter Review – City Interim Financial Statements (30 min) 4. Follow-up discussion of FY 2010 balancing options: (1) RDA funding of Downtown Parking Fund capital and (2) Pay back of Franchise Fees by Solid Waste Fund to General Fund
<p>Wednesday, May 26 10:00 a.m. – 12:00 p.m.</p>	<ul style="list-style-type: none"> ➤ Follow-up on items requested by Finance Committee (if necessary)

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE MEETING

SPECIAL MEETING AGENDA

DATE: April 27, 2010
TIME: 12:00 Noon
PLACE: Council Chambers

Bendy White, Chair
Grant House
Frank Hotchkiss

Office of the City
Administrator

Office of the City
Attorney

Lori Pedersen
Administrative Analyst

Stephen P. Wiley
City Attorney

ITEMS FOR CONSIDERATION

1. Subject: Municipal Code Update Regarding Registered Domestic Partners

Recommendation: That the Ordinance Committee review a draft amendment to Municipal Code Section 3.16.073 (Employee Selection) regarding registered domestic partners.

2. Subject: Medical Marijuana Storefront Collective Ordinance Revisions

Recommendation: That the Ordinance Committee review a draft Medical Marijuana Storefront Collective Dispensary Ordinance, and refer a possible draft ordinance back to City Planning Commission and City Council for subsequent actions as appropriate.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: April 27, 2010
TO: Ordinance Committee
FROM: Human Resources, Administrative Services
SUBJECT: Municipal Code Update Regarding Registered Domestic Partners

RECOMMENDATION:

That the Ordinance Committee review a draft amendment to Municipal Code Section 3.16.073 (Employee Selection) regarding registered domestic partners.

DISCUSSION:

Currently the Municipal Code provides that a City employee cannot be placed under the direct supervision of that employee's spouse when both spouses work within the same City department, division, or facility. In addition, when this situation occurs upon the marriage of two City employees, a review is conducted by the affected department and Human Resources for any potential job related conflicts relative to supervision, safety, security, and morale. If, upon the conclusion of a review, a potential conflict or concern exists, then employment decisions, such as requiring one of the employees to transfer to different City department or division, are made accordingly. These regulations were first enacted in 1989 to reflect the requirements of the state Fair Employment and Housing Act and the Department of Fair Employment and Housing non-discrimination regulations. However, they have not been updated since that time.

This Municipal Code language should be revised to now include state and City registered domestic partners since potential employment-related conflicts of interest, as described above, may exist not only for spouses and close relatives, but also for registered domestic partners who work in close proximity in the same City department or division. This proposed update also includes an express definition of a registered domestic partner and provides that that term "marriage" as used in City Charter Section 710 (Nepotism) would be expanded to include registered domestic partners.

ATTACHMENT: Draft update to Municipal Code Section 3.16.073
PREPARED BY: Barbara Barker, Human Resources Manager
SUBMITTED BY: Marcelo López, Assistant City Administrator
APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE THREE OF THE SANTA BARBARA MUNICIPAL CODE TO REVISE SECTION 3.16.073 OF CHAPTER 3.16 PERTAINING TO THE EMPLOYMENT BY THE CITY OF DOMESTIC PARTNERSHIPS IN THE SAME CITY DEPARTMENT OR DIVISION

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

SECTION ONE: Chapter 3.16 of Title Three of the Santa Barbara Municipal Code is hereby amended by revising Section 3.16.073 to read as follows:

Section 3.16.073 Employee Selection.

A. **EMPLOYMENT OF SPOUSE, REGISTERED DOMESTIC PARTNER, AND RELATIVES.** An employment decision shall not be based on whether an individual has a spouse, registered domestic partner, or relative presently employed by the City except in accordance with City Charter Section 710 and the following criteria:

1. For business reasons of supervision, safety, security, or morale, the City Administrator, after consulting with the Personnel Officer and the department head, may refuse to place a spouse, registered domestic partner, or relative under the direct supervision of the other spouse, registered domestic partner, or a relative.

2. For business reasons of supervision, safety, security or morale, the City Administrator, after consulting with the Personnel Officer and the department head, may refuse to place both spouses, both registered domestic partners, ~~or the~~ ~~(or~~ ~~two~~ ~~relatives)~~ in the same department, division or facility if the work involves potential conflicts of interest or other hazards greater for married couples, registered domestic partners, ~~(or relatives)~~ than for other persons.

B. ACCOMMODATIONS FOR CITY EMPLOYEES WHO MARRY OR WHO REGISTER AS DOMESTIC PARTNERS. If two (2) City employees marry or register as domestic partners, the City Administrator shall make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale. If the City Administrator is unable to make an acceptable accommodation which sufficiently minimizes the problems of supervision, safety, security or morale, it may require the two City employees who have married or who have registered as domestic partners to decide which one of the spouses-them will resign from City employment within 60 days of being notified of the City Administrator's inability to make a reasonable accommodation.

C. Registered Domestic Partners - Defined. For the purposes of this section, a "registered domestic partner" shall refer to domestic partners who have registered in any of the following ways:

1. with the Santa Barbara City Clerk's Office pursuant to Chapter 9.135 of the Santa Barbara Municipal Code;
2. with the state of California Secretary of State office as the term is defined in state Family Code section 297; or
3. with another municipal, county, or state domestic partner registry authorized and maintained by a governmental entity within the United States.

D. Charter Section 710 and Nepotism. For the purposes of City Charter Section 710, use of the term "marriage" shall include those persons who are registered domestic partners as defined and used in this section 3.16.073.

For informational purposes:

Charter Charter

Article VII: OFFICERS AND EMPLOYEES

Section 710. Nepotism.

The City Council shall not appoint to a paid position under the City government any person who is a relative by blood or marriage within the third degree of any one (1) or more of the members of such City Council, nor shall the City Administrator or any department head or other officer having appointive power appoint any relative of his or of any Councilman within such degree to any such position.

HR/CAR/2011/ord/domestic partner-amend.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: April 27, 2010
TO: Ordinance Committee
FROM: Planning Division, Community Development Department
SUBJECT: Medical Marijuana Storefront Collective Ordinance Revisions

RECOMMENDATION:

That the Ordinance Committee review a draft Medical Marijuana Storefront Collective Dispensary Ordinance, and refer a possible draft ordinance back to City Planning Commission and City Council for subsequent actions as appropriate.

DISCUSSION:

At the April 13, Ordinance Committee meeting, the Ordinance Committee came to a general consensus on the draft Medical Marijuana Storefront Collective Ordinance, and directed Staff to return to the Ordinance Committee with a draft that included all Committee consensus items. The Ordinance Committee also requested the City Attorney to consider a possible provision in the ordinance that might appropriately allow the dispensary at 3128 State Street (SB Patient's Group) to remain in its current location indefinitely as a pre-existing legal non-conforming use. The Ordinance Committee decided to postpone discussion of the question of whether to continue to require a discretionary approval by the Staff Hearing Officer, Planning Commission or Council on appeal, or to allow the ordinance to be administered at the staff level (Finance, Police or Planning), to its next meeting.

All consensus points have been incorporated into the draft ordinance, and the major points are listed below:

1. All amendments recommended by the Ordinance Committee to Council on February 23, 2010
2. Medical Marijuana should only be made available to Qualified Patients and Caregivers at storefront locations if such locations are operated as "collectives" in the manner required by SB 420.
3. Storefront Collective members must reside in Santa Barbara, San Luis Obispo or Ventura counties.
4. Specific cultivation, membership, and financial records are required, with inspection by specified City Staff with limited notice.
5. Member medical records are required and may be inspected by City Staff, but only with a search warrant or inspection warrant.
6. Dispensary inspection with limited notice by City Staff.

7. A maximum of five storefront collectives within the City.
8. Prohibit Storefront Collective dispensaries within 500 feet of 17 high priority recovery facilities.
9. Allow storefront collectives to be located in the Upper Westside Medical Facility area (formerly known as the “Cottage Hospital area”).
10. Prohibit storefront collectives in the Mesa area (currently allowed)
11. Medical Marijuana in edible forms would be allowable.

SB Patient’s Group – 3125 State Street:

The draft ordinance has not been revised to include a provision allowing the existing dispensary at 3125 State Street (the “SB Patient’s Group”) to remain at this location as a pre-existing legal non-conforming use. The City Attorney’s office has determined that it is probably not workable to do this in a way that is legally appropriate and defensible without also “grandfathering – in” similarly situated existing dispensaries which would not conform to the new locational restrictions.

Permit Approval Procedure:

Currently, the SBMC Chapter 28.80 requires that a dispensary application be reviewed and approved by the Staff Hearing Officer, with an appeal to the Planning Commission. The amendments recommended by the Ordinance Committee in February 2010 also included a provision that allowed a further appeal to the City Council.

At its April 13th meeting, the City Attorney asked whether the Committee wished to consider a potential new approval process. Ordinance Committee members felt that this topic should be discussed after the Committee had reached consensus on all other aspects of the draft ordinance. Although the Committee reached consensus on April 13th on most items, there wasn’t enough time to discuss this topic. The topic can be summarized as follows: Since the revised regulations controls storefront collectives so extensively as to their possible number and locations within the City and with respect to how they must operate on a day-to-day basis, is there a need for a discretionary approval process? Alternatively, can the approval process for dispensaries now be handled administratively, where staff ensures that the proposed storefront collective meets all ordinance requirements, and issues a storefront collective permit? This process could still include a right of appeal to the City Council, if that is the Committee’s desire.

- ATTACHMENT:** Ordinance Draft
- PREPARED BY:** Danny Kato, Senior Planner
- SUBMITTED BY:** Paul Casey, Assistant City Administrator/Community Development Director
- APPROVED BY:** City Administrator's Office

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNCIL OF THE
CITY OF SANTA BARBARA AMENDING THE
MUNICIPAL CODE BY REVISING CHAPTER
28.80 AND ESTABLISHING REVISED
REGULATIONS AND PROCEDURES FOR
MEDICAL MARIJUANA STOREFRONT
COLLECTIVE DISPENSARIES**

The City Council of the City of Santa Barbara does ordain as follows:

SECTION ONE. Chapter 28.80 of Title 28 of the Santa Barbara Municipal Code, entitled "Medical Marijuana Dispensaries," is amended to read as follows:

Section 28.80.010 Purpose and Intent.

It is the purpose and intent of this Chapter to regulate the collective cultivation of medical marijuana in order to ensure the health, safety and welfare of the residents of the City of Santa Barbara. The regulations in this Chapter, in compliance with the State Compassionate Use Act of 1996 and the State Medical Marijuana Program Act ("the SB 420 statutes"), are not intended and do not interfere with a patient's right to use medical marijuana as authorized under the SB 420 statutes, nor do they criminalize the possession or cultivation of medical marijuana by specifically defined classifications of persons, as authorized under the Compassionate Use Act. Under the Compassionate Use Act of 1996 and the SB 420 statutes, only qualified patients, persons with identification cards, and primary caregivers may legally cultivate medical marijuana collectively. Medical marijuana collectives shall comply with all provisions of the Santa Barbara Municipal Code ("SBMC"), the Compassionate Use Act, the SB 420 statutes, and all other applicable local and state laws. Nothing in this Chapter purports to permit activities that are otherwise illegal under federal, state, or local laws.

Section 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 Medical Marijuana Collective permit under this Chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, Management Member, employee, or agent of a Medical Marijuana Storefront Collective Dispensary.

B. Drug Paraphernalia. As defined in California Health and Safety Code Section 11014.5, and as may be amended from time to time.

C. Identification Card. As defined in California Health and Safety Code Section 11362.71 and as may be amended from time to time.

D. Management Member. A Medical Marijuana Collective member with responsibility for the establishment, organization, registration, supervision, or oversight of the operation of a Collective including, but not limited to, members who perform the functions of president, vice president, director, operating officer, financial officer, secretary, treasurer, or manager of the Collective.

D. Medical Marijuana Storefront Collective Dispensary or Storefront Collective Dispensary. An incorporated or unincorporated association which is composed of four (4) or more Qualified Patients and their designated Primary Caregivers who associate at a particular location or Property within the City to collectively or cooperatively cultivate marijuana for medical purposes and who, acting through Management Members, distribute the collectively cultivated medical marijuana to the members of the Collective at a storefront located within a non-residential zone of Santa Barbara, all in accordance with the Compassionate Use Act of 1996 (California Health and Safety Code sections 11362.5) and Health and Safety Code section 11362.7 through 11362.9. For the purposes of this Chapter, the term Medical Marijuana "cooperative" shall have the same meaning as Medical Marijuana "collective" and the term "cooperative" shall have the definition established by state law.

A Storefront Collective Dispensary shall not include dispensing of medical marijuana by primary caregivers to qualified patients in the following locations so long as the location and operation of the clinic, health care facility, hospice, or residential care facility is otherwise permitted by the Municipal Code and operated in the manner required 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. 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 also fully complies with applicable laws including, but not limited to, the Compassionate Use Act of 1996 and the SB 420 statutes.

E. Permittee. The Management Member or Members identified to the City by an Applicant as such and to whom a City Storefront Collective Dispensary permit has been issued by the City and someone who qualifies as a primary caregiver.

F. Person with an Identification Card. A person as described in California Health and Safety Code Section 11362.71 through 11362.76, and as amended from time to time.

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

H. Primary Caregiver. A person as defined and described in either subdivision (d) or (e) of California Health and Safety Code Section 11362.7 as it may be amended from time to time.

I. Property. The location or locations within the City at which Medical Marijuana Collective members and Management members associate to collectively or cooperatively cultivate or to distribute Medical Marijuana exclusively to their Collective members.

J. Qualified Patient. A person as defined and described in California Health and Safety Code Section 11362.5 et seq., and as it may be amended from time to time. For the purposes of this Chapter, a Qualified Patient shall also include a Person with an Identification Card.

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.

L. Reasonable Compensation. Compensation commensurate with reasonable wages and benefits paid to employees of federal Internal Revenue Code qualified non-profit organizations who have similar job descriptions and duties, required level of experience and education, prior earnings history, and number of hours worked. The payment of a bonus shall not be considered reasonable compensation.

Section 28.80.030 Storefront Collective 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 his or her Property the operation of a Storefront Collective Dispensary unless an Applicant has first obtained and continues to maintain in full force and effect a valid Storefront Collective Dispensary Permit issued by the City for that Property pursuant to this Chapter.

Section 28.80.040 Imposition of Medical Marijuana Storefront Collective Dispensary Permit Fees.

Every application for a Storefront Collective Dispensary permit or for a renewal thereof shall be accompanied by an application fee (in an amount established by resolution of the City Council from time to time at a amount calculated to recover the City's full cost of reviewing and issuing the Storefront Collective Dispensary permit) and a complete application pursuant to this chapter. The 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.

Section 28.80.050 Limitations on the Permitted Location of a Storefront Collective Dispensary.

A. Permissible Zoning for Storefront Collective Dispensaries.

Storefront Collectives Dispensaries may only be permitted and located on parcels within the City which are zoned for commercial uses and on those street block faces listed in the exhibit to this Chapter designated as "Medical Marijuana Storefront Collectives Dispensaries - Allowed Locations" dated as of April 27, 2010.

B. Storefront Locations. Except for those locations shown as allowed within the West Pueblo Medical Area on the exhibit attached to this Chapter and dated as of April 27, 2010 which have been specifically approved by the Staff Hearing Officer as non-storefront locations pursuant to this Chapter, a Storefront Collective Dispensary shall only be located in a visible storefront type ground-floor location which provides good public views of the Dispensary entrance, its windows, and the entrance to the Storefront Collective Dispensary premises from a public street.

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

1. On a parcel located within 1000 feet of another permitted or allowed Collective Dispensary; or
2. On a parcel on State Street between Cabrillo Boulevard and Arrellaga Street;

D. Locational Measurements. The distance between a Storefront Collective Dispensary and above-listed restrictions shall be made in a straight line from any parcel line of the Property on which the Storefront Collective Dispensary is located to the parcel line 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.

For the purposes of determining compliance with the locational restrictions imposed by this section, the permissibility of a proposed Storefront Collective Dispensary location shall be determined by City staff based on the date the permit application has been deemed complete by the City with the earliest complete applications deemed to have priority over any subsequent Storefront Collective Dispensary application for any particular permissible location.

E. One Collective Dispensary for Each Area of the City. No more than one Storefront Collective Dispensary may open or operate in each of the areas of the City designated as allowed or permissible Collective Dispensary location areas in the exhibit attached to this chapter and dated as of April 27, 2010 except for those areas which, at the time of the adoption of the ordinance amending this Chapter, already have more than one Storefront Collective Dispensary on a legal non-conforming basis and which are allowed to continue to operate on a legal non-conforming basis under Section Two of the Ordinance amending this Chapter - in which case a legal non-conforming Dispensary may be allowed to continue to operate in such an area.

F. Maximum Number of Medical Marijuana Storefront Collective Dispensaries Allowed Permits. Notwithstanding the above, the City may not issue a total of more than five (5) Collective Dispensary permits at any one time and no more than five (5) permitted Collective Dispensaries may legally operate within the City including specifically those dispensaries which are open and operating in a legal nonconforming manner at the time of the adoption of the ordinance amending this Chapter.

Section 28.80.060 Storefront Collective Dispensary - Permit Application Requirements.

A. Application Filing. A complete Performance Standard Permit application submittal packet is required for a Storefront Collective Dispensary permit and it shall be submitted (along with all necessary fees) and all other information and materials required by this Chapter in order to file a complete application for a Storefront Collective Dispensary Permit for a specific

Property. All applications for permits shall be filed with the Community Development Department, using forms provided by the City. It is the responsibility of the Applicant to provide information required for approval of the permit. The application shall signed and made under penalty of perjury.

B. Eligibility for Filing. Applications may only be filed by the owner of the subject property, or by a lessee with a lease signed by the owner or a duly authorized agent of the owner. If an application is filed by a non-owner of the Property, it shall also be accompanied by a written affirmation from the Property owner expressly allowing the Applicant to apply for the Permit and acknowledging the Applicant's right to use and occupy the Property for the intended Storefront Collective Dispensary 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 and the application has been deemed complete.

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 thirty (30) days. If the application remains incomplete in excess of thirty (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. Filing Requirements - Proposed Operational Plan. In connection with a permit application, the Applicant for a Storefront Collective Dispensary permit shall provide a detailed "Operations Plan" for the proposed Dispensary and, upon issuance of the Storefront Collective Dispensary permit by the City, shall operate the Storefront Collective Dispensary in accordance with the Operations Plan at all times. A required Operations Plan shall consist of at least the following:

1. Site Plan and Floor Plan. A Storefront Collective Dispensary application shall have a proposed site plan and floor plan which shall have a lobby waiting area at the entrance to the Storefront Collective Dispensary to receive clients, and a separate and secure designated area for dispensing medical marijuana 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 Storefront Collective Dispensary shall have suitable locked storage on premises, identified and approved as a part of the security plan, for after-hours storage of medical marijuana.

3. Security Plans. A Storefront Collective Dispensary shall provide a plan to 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 insure the safety of persons and to protect the premises from theft. All security guards used by dispensaries shall be licensed and employed by a state licensed private-party operator security company retained by the Storefront Collective Dispensary and each security guard used shall possess a valid state Department of Consumer Affairs "Security Guard Card" at all times. Security guards shall not possess or carry firearms or tazers while working at a Collective Dispensary.

4. Security Cameras. The Operations Plan shall show how the Property will be monitored at all times by closed-circuit television for security purposes. The camera and recording system must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on or adjacent to the Property. The recordings shall be maintained at the Property for a period of not less than thirty (30) days.

5. Alarm Systems. The Operations Plan shall provide for a professionally monitored burglary and fire alarm systems shall be installed and maintained in good working condition within the Storefront Collective Dispensary at all times.

6. Emergency Contact. A Operations Plan shall provide the Chief of Police with the name, cell phone number, and facsimile number of a Management Member to act as an on-site community relations staff person to whom the City may provide notice of any operating problems associated with the Storefront Collective Dispensary.

7. Public Nuisance. The Operations Plan shall provide for the Management Members of the Collective Dispensary to 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 Collective Dispensary.

8. Loitering Adjacent to a Dispensary. The Operations Plan shall provide that the Management Members will take all reasonable steps to reduce loitering by Collective members in public areas, sidewalks, alleys and areas surrounding the Property and adjacent properties during the business hours of the Storefront Collective Dispensary.

9. Trash, Litter, Graffiti. The Operations Plan shall provide that the Management Members will keep area which includes the sidewalks adjoining the Dispensary plus ten (10) feet beyond property lines (as well as any parking lots under the control of the Dispensary) clear of litter, debris, and trash.

10. Removal of Graffiti. The Operations Plan shall provide a method for the Management Members to promptly remove all graffiti from the Property and parking lots under the control of the Collective within 72 hours of its appearance.

F. Filing Requirements - Information Regarding Storefront Collective Dispensary Management. A Storefront Collective Dispensary Applicant shall also provide the following Management Member and Collective information as part of a Storefront Collective Dispensary application:

1. The name, address, telephone number, title and function(s) of each Management Member;
2. For each Management Member, a fully legible copy of one (1) valid government issued form of photo identification, such as a state driver's license or identification card. Acceptable forms of government issued identification include, but are not limited to, driver's license or photo identity cards issued by the state Department of Motor Vehicles (or equivalent) that meet REAL ID benchmarks, a passport issued by the United States or by a foreign government, U.S. Military ID cards (active duty or retired military and their dependents) or a Permanent Resident card.

3. Written confirmation as to whether the Collective or a Management Member of the Collective previously operated in this or any other county, city or state under a similar license or permit, and whether the Collective or Management Member Applicant ever had such a license or permit revoked or suspended by and the reason(s) therefore.

4. If the Collective is a corporation, a certified copy of the Collective's Secretary of State Articles of Incorporation, Certificate(s) of Amendment, Statement(s) of Information and a copy of the Collective's By laws;

5. If the Collective is an unincorporated association, a copy of the Articles of Association;

6. The name and address of the Applicant's or Collective's current Agent for Service of Process;

7. A statement dated and signed by each Management Member, of the Collective, under penalty of perjury, that the Management Member has personal knowledge of the information contained in the application, that the information contained therein is true and correct, and that the application has been completed under the supervision of the Management Member(s);

8. Whether Edible Medical Marijuana will be prepared and distributed at the proposed Property;

9. The Property address where any and all Medical Marijuana will be collectively cultivated by the Collective members and Management Members;

G. Effect of Other Permits or Licenses. The fact that an Applicant possesses other types of state or City permits or licenses or tax certificate does not exempt the Applicant from the requirement of obtaining a Storefront Collective Dispensary permit pursuant to this Chapter.

Section 28.80.070 Criteria for Review of Collective Dispensary Applications by the City Staff Hearing Officer.

A. Decision on Application. Upon an application for a Storefront Collective 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 Storefront Collective Dispensary permit, issue a Storefront

Collective Dispensary permit with conditions in accordance with this Chapter, or deny a Storefront Collective Dispensary permit.

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

1. That the Collective Dispensary permit is consistent with the intent of the Compassionate Use Act of 1996 and the SB 420 Statutes for providing medical marijuana to qualified patients and primary caregivers and the provisions of this Chapter and with the Municipal Code, including the application submittal and operating requirements herein.
2. That the proposed location of the Storefront Collective Dispensary is not identified by the City Chief of Police as an area of increased or high crime activity.
3. For those applicants who have operated other Storefront Collective 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 Collective Dispensary location.
4. That issuance of a Collective Dispensary permit for the Collective Dispensary size requested is appropriate to meet needs of community for access to medical marijuana.
5. That issuance of the Collective Dispensary permit would serve needs of City residents within a proximity to this location.
6. 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 likely or anticipated and that compliance with other applicable requirements of the City's Zoning Ordinance will be accomplished.
7. That the Operations Plan, a site plan, a floor plan, the proposed hours of operation, and a 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.

8. 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, marijuana use in public, or creation of a public or private nuisance, or interference of the operation of another business.

9. That the Storefront Collective Dispensary is likely to have no potentially adverse affect on 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 Collective Dispensary will generally not result in repeated nuisance activities including disturbances of the peace, illegal drug activity, marijuana 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.

10. 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.

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

12. 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.

Section 28.80.080 On-Going Operating Requirements for Medical Marijuana Collective Dispensaries.

Storefront Collective Dispensary operations are permitted and shall be maintained on a day-to-day basis only in compliance with the following operational standards and requirements:

A. Criminal History. A Storefront Collective Dispensary permittee, including all Management Members of that permittee, shall not have been convicted of a felony or be on probation or parole for the sale or distribution of a controlled substance and shall remain free of such a conviction or probation during the period of time in which the Storefront Collective Dispensary is being operated.

B. Minors. It shall be unlawful for any Storefront Collective Dispensary permittee, a Management Member of the permittee, or any other person effectively in charge of any Storefront Collective Dispensary to employ any person who is not at least 18 years of age. Persons under the age of eighteen (18) years shall not be allowed on the premises of a Medical Marijuana Collective Dispensary unless they are a qualified patient member of the Collective, and they are accompanied by a parent or guardian at all times. The entrance to a Storefront Collective Dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the premises unless they are a qualified patient member of the Collective, and they are in the presence of their parent or guardian.

C. Storefront Collective Dispensary Size and Access. The following access restrictions shall apply to all Storefront Collective Dispensaries permitted by this Chapter:

1. A Storefront Collective Dispensary shall not be enlarged in size (i.e., increased floor area) without a prior approval from the Staff Hearing Officer and an approved amendment to the existing Storefront Collective Dispensary permit pursuant to the requirements of this Chapter.
2. An expressly designated Management Member or Members shall be responsible for monitoring the real property of the Storefront Collective Dispensary for any nuisance activity (including the adjacent public sidewalk and rights-of-way) which may occur on the block within which the Storefront Collective Dispensary is operating.
3. Only Collective members as primary caregivers or qualified patients shall be permitted within a Storefront Collective Dispensary building for the purposes of cultivating, processing, distributing, or obtaining medical marijuana.

4. Qualified patients or primary caregivers shall not visit a Storefront Collective Dispensary without first having obtained a valid written recommendation from their physician recommending use of medical marijuana and shall become a member of the Collective upon their first visit.

5. Only a primary caregiver and qualified patient members of the Collective Dispensary shall be allowed within the designated marijuana dispensing area (as shown on the required site plan) along with only a necessary Management Members.

6. Restrooms with the Dispensary shall remain locked and under the control of Collective Dispensary Management Members at all times.

D. Medical Marijuana Dispensing Operations. The following medical marijuana distribution restrictions and conditions shall apply to all medical marijuana dispensing operations by a permitted Storefront Collective Dispensary:

1. A Storefront Collective Dispensary shall only dispense to qualified patients or primary caregivers with a currently valid physicians approval or recommendation in compliance with the criteria of the Compassionate Use Act of 1996 and the SB 420 Statutes to persons who are registered as active members of that Collective. Storefront Collectives Dispensaries shall require such persons to provide valid official identification, such as a Department of Motor Vehicles driver's license or State Identification Card each time they obtain medical marijuana.

2. Prior to dispensing medical marijuana, a Management Member of the Storefront Collective Dispensary shall obtain a re-verification from the recommending physician's office personnel that the individual requesting medical marijuana is or remains a qualified patient.

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

4. Every Storefront Collective Dispensary shall display at all times during its regular business hours, the permit issued pursuant to the provisions of this Chapter for such Collective Dispensary in a conspicuous place so that the

same may be readily seen by all persons entering the Storefront Collective Dispensary.

5. No Storefront Collective 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.

6. Storefront Collective Dispensaries shall be considered office use relative to the parking requirements imposed by Section 28.90.100(I).

7. A notice shall be clearly and legibly posted in the Storefront Collective Dispensary indicating that smoking, ingesting or consuming marijuana on the premises or in the vicinity of the Dispensary is prohibited. Signs on the premises shall not obstruct the entrance or windows. Address identification shall comply with Fire Department illuminated address signs requirements.

8. Business identification signage for Storefront Collective Dispensaries 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.

E. Dispensary Medical Marijuana Consumption Restrictions. The following medical marijuana consumption restrictions shall apply to all permitted Storefront Collective Dispensaries:

1. Medical marijuana shall not be consumed by patients on the Property or the premises of the Storefront Collective 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 Collective Dispensary's entrance. Collective Dispensary employees who are qualified patients may consume marijuana 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. Storefront Collective Dispensary operations shall not result in illegal re-distribution or sale of medical marijuana obtained from the Collective Dispensary, or the use or distribution in any manner which violates state law.

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

1. With the approval of the Staff Hearing Officer, a Collective Dispensary may conduct or engage in the commercial sale of specific products, goods, or services in addition to the provision of medical marijuana on terms and conditions consistent with this Chapter and applicable law.
2. No Collective Dispensary shall sell or display any drug paraphernalia or any implement that may be used to administer medical marijuana.

G. Storefront Collective Dispensary - Compliance with the Compassionate Use Act of 1996 and SB 420 Statutes.

1. State Law Compliance Warning. Each Collective Dispensary shall have a sign posted in a conspicuous location inside the Storefront Collective Dispensary advising the following:

- a. The diversion of marijuana for non-medical purposes is a criminal violation of state law.
- b. The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery.
- c. The sale of marijuana and the diversion of marijuana for non-medical purposes are violations of state law.

2. Not For Profit Operation of the Storefront Collective Dispensary. No Storefront Collective Dispensary shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation for services provided by Management Members and Collective members toward the Collective's actual expenses for the growth, cultivation, processing, and provision of Medical Marijuana to qualified patients of the Collective shall be allowed provided that such reimbursements are in strict compliance

with the applicable provisions of the SB 420 Statutes. All such cash and in-kind reimbursement amounts and items shall be fully documented in the records of the Collective Dispensary in accordance with this Chapter.

3. Cultivation of Medical Marijuana by the Collective. The Collective cultivation of medical marijuana shall be limited to the Collective members and Management Members. Cultivation of medical marijuana by the Collective members and the Management Members shall occur exclusively within the boundaries of the counties of Santa Barbara, Ventura, or San Luis Obispo County and only at the real property identified on the approved Storefront Collective Dispensary Permit application.

No cultivation of medical marijuana at the Property shall be visible with the naked eye from any public or other private property, nor shall cultivated medical marijuana or dried medical marijuana be visible from the building exterior. No cultivation shall occur at the Property of the Collective unless the area devoted to the cultivation is secured from public access by means of a locked gate and any other security measures necessary to prevent unauthorized entry.

4. Distribution of Medical Marijuana within Santa Barbara Only. Distribution of the medical marijuana collectively cultivated by the Collective members and Management Members to Collective members and Management Members shall occur exclusively within the boundaries of the city of Santa Barbara and only at the real property identified on the Storefront Collective Dispensary Permit application.

5. Membership Limited to One Collective. Collective membership and Management Membership, as established pursuant to this Chapter, shall be limited to one Collective Dispensary fully permitted in accordance with this Chapter. Each Collective shall consist only of individuals residing with Santa Barbara, Ventura, or San Luis Obispo Counties as the term "principle residence" is defined in the federal Internal Revenue Code.

J. Maintenance of Appropriate Collective Records Regarding Cultivation and Compliance with the SB 420 Statutes.

1. Cultivation Records. Every Storefront Collective Dispensary shall maintain, on-site at the Property which is permitted to operate as a Storefront Collective Dispensary, cultivation records, signed under penalty of perjury by each Management Member responsible for cultivation, identifying the location within the counties of Santa Barbara, Ventura, or San Luis Obispo at which the medical marijuana was cultivated, and the total number of said plants cultivated at each location. The Storefront Collective Dispensary shall also maintain an inventory record documenting the dates and amounts of medical marijuana cultivated at the Property, and the daily amounts of Medical Marijuana stored on the Property for which the permit is issued.

2. Membership Records. Every Storefront Collective Dispensary shall maintain records of the full name, date of birth, residential address, and telephone number(s) of each Collective member and Management Member; the date each Collective member and Management Member joined the Collective; the exact nature of each Collective member's and Management Member's participation in the Collective; and the status of each member and Management Member as a Qualified Patient or Primary Caregiver.

3. Financial Records. The Collective Dispensary shall also maintain a written accounting of all cash and in-kind contributions, reimbursements, and reasonable compensation provided by the Management Members of the Collective, and all expenditures and costs incurred by the Storefront Collective Dispensary in accordance with generally accepted accounting practices and standards.

4. Dispensary Record Retention Period. The records required above by subparagraphs (6), (7), and (8) of this subsection shall be maintained by the Medical Marijuana Collective Dispensary for a period of three (3) years and shall be made available by the Collective to the City upon request, subject to the authority set forth in Section 28.90.080.

Section 28.80.090 City Inspection of Required Collective Records.

A duly designated City Police or Community Development Department representative may enter and inspect the property of every Storefront Collective Dispensary or the financial and membership records of the Collective between the hours of ten o'clock (10:00) A.M. and eight o'clock (8:00) P.M., or at any appropriate time to ensure compliance and enforcement of the provisions of this Chapter, except that the inspection and copying of the private medical records of a Collective member shall be made available to the Police Department only pursuant to a properly executed search warrant, inspection warrant subpoena, or court order for such records.

It shall be unlawful for any property owner, landlord, lessee, Medical Marijuana Collective Dispensary member or Management Member or any other person having any responsibility over the operation of the Storefront Collective Dispensary to refuse to allow, impede, obstruct or interfere with an inspection of the Storefront Collective Dispensary or the records thereof.

Section 28.80.100 Sale, Distribution, or Exchange of Medical Marijuana with a non-Medical Marijuana Collective Member.

A Collective Dispensary, Management Member, or member shall not cause or permit the sale, distribution, or exchange of Medical Marijuana or of any Edible Medical Marijuana product to any non-Collective Management Member or member. No Storefront Collective Dispensary shall possess medical marijuana that was not collectively cultivated by its Management Members or members either at the Property or at its predecessor location allowed in accordance with this Chapter.

Section 28.80.110 Appeal from Staff Hearing Officer or Planning Commission 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 Storefront Collective 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. Appeal of Planning Commission Decision. A decision by the Planning Commission on appeal of the Staff Hearing Officer pursuant to this Chapter may be appealed to the City Council pursuant to the authority of Section 28.05.020(C).

Section 28.80.120 Suspension and Revocation by Planning Commission.

A. Authority to Suspend or Revoke a Storefront Collective Dispensary Permit. Consistent with Section 28.87.360, any Storefront Collective 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 Storefront Collective 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. Annual Review of Collective Dispensary Operations. The staff of the Community Development Department and the Police Department are hereby authorized to conduct an annual review of the operation of each permitted Storefront Collective Dispensary within the City for full compliance with the operational requirements of this Chapter, including specifically a verification that all persons employed or volunteering at the Storefront Collective Dispensary have not been convicted of or on probation for a crime related to the possession, sale, or distribution of controlled substances. A fee in an amount established by resolution of the City Council may be established in order to reimburse the City for the time involved in this review process. The staff may initiate a permit suspension or revocation process for any Storefront Collective Dispensary which is found not to be in compliance with the requirements of this Chapter or which is operating in a manner which constitutes a public nuisance.

C. 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 Storefront Collective Dispensary permit.

C. Appeal of Planning Commission Decision. A decision by the Planning Commission to suspend or revoke a Collective Dispensary permit issued pursuant to this Chapter may be appealed to the City Council pursuant to the authority of section 28.05.020(C).

Section 28.80.130 Transfer of Collective Dispensary Permits.

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

B. Transfer of a Permitted Collective Dispensary. A permittee shall not transfer ownership or control of a Storefront Collective Dispensary or attempt to transfer a Collective 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 this all provisions of this Chapter accompanied by the required application fee.

C. Request for Transfer with a Revocation or Suspension Pending. No Storefront Collective Dispensary permit may be transferred (and no permission for a transfer may be issued) when the Community Development Department has notified in writing the permittee 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 Storefront Collective Dispensary permit either directly or indirectly in violation of this section is declared void, and the permit shall be deemed revoked.

Section 28.80.140 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 Collective Dispensary.

Section 28.80.150 Business License Tax Liability.

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

SECTION TWO.

A. Dispensaries Permitted under the March 2008 Ordinance. Those Dispensaries which were authorized and permitted pursuant to the Santa Barbara Municipal Code Chapter 28.80 (as adopted on March 25, 2008 as City Ordinance No. 5449) shall be deemed pre-existing legal non-conforming uses of the real property locations upon which they are situated provided that, upon the effective date of this Ordinance, such dispensaries operate in accordance with all Collective Dispensary operational provisions added to Santa Barbara Municipal Code Chapter 28.80 by this Ordinance.

B. Dispensaries Which Have Operated Legally Prior to and Since the Effective Date of Ordinance No. 5449. Those dispensaries which opened and operated in a legal manner prior to the effective date of City Ordinance No. 5449 and which have remained in a legal nonconforming manner of operation since that time, may, despite its non-conforming location, remain as a legal non-conforming use for a period of one hundred eighty (180) days from the effective date of this Ordinance, provided that such a dispensary or Collective Dispensary implements and observes the following operational conditions of this Ordinance prior to the effective date of this Ordinance:

1. the operation of the dispensary or Collective Dispensary is not discontinued for a period of time in excess of thirty (30) consecutive days;
2. the operation of the dispensary or Collective Dispensary complies with all portions of Chapter 28.80, as revised and enacted by this Ordinance, and;
3. the dispensary or Collective Dispensary shall be subject to the requirements for non-conforming uses of SBMC section 28.87.030 until such time that it has been discontinued or permitted at a new allowed location pursuant to this Ordinance.

SECTION THREE. City Ordinance No. 5510 entitled "An Ordinance Of The Council Of The City Of Santa Barbara Extending A Temporary Suspension Of The Right To Apply For Or To Obtain A Permit For The Opening Or Operation Of Medical Marijuana Dispensaries Otherwise Permitted By Santa Barbara Municipal Code Chapter 28.80 On An Interim Basis" adopted on February 2, 2010 is hereby repealed as of the effective date of this Ordinance.

swiley\ord\Medical.Marijuan.Disp.April 27th Ordinance Comm. Discussion Draft
April 21, 2010; 4:07 pm

EXHIBIT A TO ORDINANCE NO. ____
MEDICAL MARIJUANA DISPENSARIES
SANTA BARBARA MUNICIPAL CODE CHAPTER 28.80
ALLOWED LOCATION EXHIBIT
REVISED 4/21/10

1. Outer State Street Area:

- a. 3400 - 3900 blocks of State Street
- b. All parcels on south La Cumbre Road
- c. All parcels on south La Cumbre Lane
- d. All parcels on La Cumbre Plaza Lane
- e. 00-100 blocks of south Hope Avenue

2. Upper De la Vina Area:

- a. 2600 – 2900 blocks of De la Vina Street

3. Mission Street Area:

- a. 1900-2000 blocks of De la Vina Street
- b. 100 block of west Mission Street
- c. 1800 block of State Street
- d. 1400 block of Chapala Street

4. Downtown West Area:

- a. 600-700 blocks of Chapala
- b. 300-400 blocks of west Carrillo
- c. 100 blocks of west De la Guerra
- d. 00-100 blocks of west Ortega

5. Downtown East Area:

- a. 900 block of Laguna Street
- b. 400 block of east Cota
- c. 300 block of east Carrillo

6. Milpas Street:

- a. 00–400 blocks of north Milpas Street

7. Upper Westside Medical Facility Area:

- a. 200 block of Nogales
- b. 200-400 blocks of west Pueblo
- c. 2400-2500 blocks of Bath
- d. 2300 block of Castillo
- e. 300 block of West Junipero



PROCLAMATION

Girls Rights Week
May 3-7, 2010

WHEREAS, *Girls Incorporated* is a research, education and advocacy organization that inspires all girls to be strong, smart and bold; and

WHEREAS, the *Girls' Rights Campaign* launched by *Girls Incorporated* is designed to help girls understand, value and assert their rights; and

WHEREAS, *Girls Incorporated* affirms and fosters girls' abilities to overcome stereotypes that limit their rights; and

WHEREAS, professionally trained staff and volunteers at *Girls Incorporated* encourage girls to build skills and self-confidence through hands-on activities and programs that let them discover their strengths in areas such as math, science, technology, sports, adventure, leadership, career planning and life skills.

NOW, THEREFORE, I, Helene Schneider, as Mayor of the City of Santa Barbara, California, do hereby proclaim May 3 - May 7, 2010 to be **GIRLS RIGHTS WEEK** in honor of your commitment to nurturing girls' dreams, supporting girls' rights and creating endless opportunities for girls to recognize their power and potential to succeed in life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed to this 27th day of April 2010.


HELENE SCHNEIDER
Mayor





CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING April 13, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the joint meeting of the Council and the Redevelopment Agency to order at 2:03 p.m. (The Ordinance Committee met at 12:00 Noon. The Finance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Das Williams, Mayor Schneider.

Councilmembers absent: None.

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

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring April 2010 As DMV/Donate Life California Month (120.04)

Action: Proclamation presented to Joe Darga. City employees Heidi Rockenbach and Mick Kronman also spoke about their personal experiences related to organ donation.

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 April 30, 2010.

(Cont'd)

2. (Cont'd)

Documents:

April 13, 2010, report from the Administrative Services Director.

Speakers:

Staff: City Administrator James L. Armstrong, Award Recipient Primitivo Gonzalez.

By consensus, the Council recognized the following employees:

5-Year Pin

Ernesto Botello, Community Development
Anthony Valdez, Public Works
Douglas Coston, Waterfront

10-Year Pin

Brenda Alcazar, Administrative Services
Rudolph Moreno, Public Works
Martin Valencia, Public Works
Kim Frith, Public Works

20-Year Pin

Alan Reitz, Fire
Kevin Bryant, Fire
James McCoy, Fire
Robert Mercado, Fire
Jon Otsuki, Fire
Anthony Pighetti, Fire
Heidi Rockenbach, Fire
Dan McGrew, Police
Zebedee Stephens, Parks and Recreation

25-Year Pin

Charles McChesney, Police
Charles Ayala, Parks and Recreation
Primitivo Gonzalez, Public Works

CHANGES TO THE AGENDA

Item Removed from Agenda

City Administrator James Armstrong advised that the following item was being removed from the agenda and will be resubmitted next week:

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the adjourned regular meeting of March 22, and the regular meeting of March 23, 2010.

PUBLIC COMMENT

Speakers: Wayne Scoles; David Daniel Diaz; Dan Aldrich; Toni Wellen, Coalition Against Gun Violence; Kathy Wertheim, Recording for the Blind and Dyslexic; Selena Rockwell, Fighting Back; Janet Rowse; Dave Davis, Community Environmental Council; Kate Smith; Juan Ayala, Community of Life on Earth.

ITEM REMOVED FROM CONSENT CALENDAR

12. Subject: 2010 Legislative Platform (160.02)

Recommendation: That Council:

- A. Adopt the 2010 Legislative Platform that guides the City's support of or opposition to state and federal legislation; and
- B. Authorize the Mayor, Councilmembers, and staff, on behalf of the City of Santa Barbara, to contact state and federal representatives to advocate for legislation consistent with the goals of the Legislative Platform.

Documents:

April 13, 2010, report from the City Administrator.

Speakers:

Staff: City Administrator James Armstrong.

Motion:

Councilmembers Hotchkiss/Williams to continue this item for two weeks.

Vote:

Unanimous voice vote.

CONSENT CALENDAR (Item Nos. 4 - 11, 13, and 16 - 18)

The titles of the ordinance and resolutions related to Consent Calendar items were read.

Motion:

Council/Agency members Williams/House to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

4. Subject: Fiscal Year 2010 Interim Financial Statements For The Eight Months Ended February 28, 2010 (250.02)

Recommendation: That Council accept the Fiscal Year 2010 Interim Financial Statements for the Eight Months Ended February 28, 2010.

(Cont'd)

4. (Cont'd)

Action: Approved the recommendation (April 13, 2010, report from the Interim Finance Director).

5. Subject: Adoption Of Ordinance For Cancellation Of Management Salary Increase And Suspension Of Salary Increase For Supervisors (440.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5485, the 2008-2010 Salary Plan for Unrepresented Managers and Professional Attorneys.

Action: Approved the recommendation; Ordinance No. 5514.

6. Subject: Records Destruction For Police Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Police Department in the Records Bureau, Internal Affairs Section, Parking Enforcement, Investigative and Operations Divisions, and the Business Office.

Action: Approved the recommendation; Resolution No. 10-016 (April 13, 2010, report from the Chief of Police; proposed resolution).

7. Subject: Authorization For The Allocation Of Transportation Development Act Funds (670.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Filing of a Claim with the Santa Barbara County Association of Governments (SBCAG) for Allocation of Transportation Development Act (TDA) Funds for Fiscal Year 2011.

Action: Approved the recommendation; Resolution No. 10-017 (April 13, 2010, report from the Public Works Director; proposed resolution).

8. Subject: Community Promotion Contract With Semana Nautica (230.02)

Recommendation: That Council authorize the Finance Director to execute a community promotion contract for Fiscal Year 2010 with Semana Nautica in an amount of \$2,915 for May 1, 2010, to August 31, 2010.

Action: Approved the recommendation; Contract No. 23,401 (April 13, 2010, report from the Interim Finance Director).

9. Subject: Approval Of Three-Year Pre-Qualified Supervisory Control And Data Acquisition Service Providers (540.01)

Recommendation: That Council:

- A. Approve a pre-qualified list of firms for a three-year period, ending June 30, 2013, for the Supervisory Control And Data Acquisition (SCADA) system. The firms were pre-qualified through a Request for Proposal process to provide SCADA system design, maintenance, and support for the City's Water Resources Division; and
- B. Authorize the General Services Manager to issue purchase order contracts to firms on the approved list in accordance with approved budgets.

Action: Approved the recommendations (April 13, 2010, report from the Public Works Director).

10. Subject: Proposition 40 Grant Funds For Oak Park Wading Pool Resurfacing And Drain Retrofit Project (570.05)

Recommendation: That Council increase Fiscal Year 2010 revenues and appropriations in the City Capital Outlay Fund, Parks and Recreation Department, in the amount of \$25,170 for a California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) Per Capita grant.

Speakers:

Staff: Parks and Recreation Director Nancy Rapp, Senior Recreation Supervisor Rich Hanna.

Action: Approved the recommendation (April 13, 2010, report from the Parks and Recreation Director).

11. Subject: Integrated Pest Management 2009 Annual Report (330.01)

Recommendation: That Council accept the City's Integrated Pest Management (IPM) Program 2009 Annual Report.

Action: Approved the recommendation (April 13, 2010, report from the Parks and Recreation Director).

13. Subject: Set A Date For Public Hearing Regarding Planning Commission Approval Of 825 De La Vina Street (640.07)

Recommendation: That Council:

- A. Set the date of May 11, 2010, at 2:00 p.m. for hearing the appeal filed by Donald Sharpe of the Approval with Conditions of an application for property located at 825 De la Vina Street, Assessor's Parcel No. 037-041-024, C-2 Commercial Zone, General Plan Designation: Residential, 12 Units per Acre. The proposed project consists of a one-lot subdivision to create a mixed-use development with two three-story buildings consisting of seven residential condominiums, three with attached commercial space. The discretionary application required for this project is a Tentative Subdivision Map; and
- B. Set the date of May 10, 2010, at 1:30 p.m. for a site visit to the property located at 825 De la Vina Street.

Action: Approved the recommendations (March 26, 2010, letter of appeal).

Agenda Item Nos. 14 and 15 appear in the Redevelopment Agency minutes.

16. Subject: Quitclaim And Release Of The Parking Easement Area By The Agency And City To The Rodney James Shull Foundation At 12 East Montecito Street (330.03)

Recommendation: That Council and the Redevelopment Agency Board approve and authorize the City Administrator and Executive Director to execute the Quitclaim Deed and Release of the Parking Easement Area to the Rodney James Shull Foundation at 12 East Montecito Street.

Action: Approved the recommendation (April 13, 2010, report from the Housing and Redevelopment Manager).

NOTICES

17. The City Clerk has on Thursday, April 8, 2010, 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.
18. City Advisory Group Recruitment:
- A. The City Clerk's Office will accept applications through Monday, May 10, 2010, at 5:30 p.m. to fill vacancies on various City Advisory Groups, the scheduled vacancies on the Housing Authority Commission, Living Wage Advisory Committee and Single Family Design Board with term expiration dates of June 30, 2010, and unscheduled vacancies resulting from resignations received in the City Clerk's Office through Wednesday, April 21, 2010;

(Cont'd)

18. (Cont'd)

- B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, May 25, 2010, at 4:00 p.m. (Estimated Time), Tuesday, June 8, 2010, at 4:00 p.m. (Estimated Time) and Tuesday, June 15, 2010, at 6:00 p.m.;
- C. The City Council Subcommittee will conduct interviews of applicants for vacancies on the Franklin Neighborhood Center, Lower Westside Community Center and Westside Community Center Advisory Committees, and the Downtown Neighborhood position on the Community Development & Human Services Committee on Thursday, May 20, 2010, at 7:00 p.m. at the Louise Lowry Davis Center, 1232 De la Vina Street; and
- D. The City Council will make appointments to fill the vacancies on various City Advisory Groups on Tuesday, June 29, 2010.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Bendy White reported that the Committee resumed its discussion of proposed revisions to the Medical Marijuana Dispensary Ordinance; the item was continued to the Committee's meeting of April 27, 2010.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

19. Subject: Annual Energy Report (630.06)

Recommendation: That Council receive a status report on the City's energy conservation and efficiency efforts.

Documents:

- April 13, 2010, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Facilities and Energy Manager James Dewey.

By consensus, the Council received the report.

21. Subject: Six-Year Capital Improvement Program For Fiscal Years 2011 Through 2016 (230.01)

Recommendation: That Council receive the Six-Year Capital Improvement Program (CIP) for Fiscal Years 2011 through 2016.

Documents:

- April 13, 2010, report from the Public Works Director.
- 2011-2016 Capital Improvement Program, dated March 2010.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Public Works Director Christine Andersen, City Administrator James Armstrong, Assistant City Administrator/Community Development Director Paul Casey.

By consensus, the Council received the Capital Improvement Program, and their questions were answered.

20. Subject: Measure A Five-Year Local Program Of Projects For Fiscal Years 2011 - 2015 (670.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Measure A Five-Year Local Program of Projects for Fiscal Years 2011 - 2015 and Approving the Establishment of New Fund Number 342 for Measure A Funds.

Documents:

- April 13, 2010, report from the Public Works Director.
- Proposed Resolution.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

Speakers:

- Staff: Principal Civil Engineer John Ewasiuk, Transportation Manager Browning Allen.
- Santa Barbara County Association of Governments: Public Information and Government Affairs Coordinator Gregg Hart.

Motion:

Councilmembers House/Williams to approve the recommendation; Resolution No. 10-018.

Vote:

Unanimous roll call vote.

MAYOR AND COUNCIL REPORTS

22. Subject: South Coast Homeless Advisory Committee Representative (660.04)

Recommendation: That Council consider a request from Mayor Helene Schneider to appoint Councilmember Grant House to the position of South Coast Homeless Advisory Committee Co-Chair.

Documents:

April 13, 2010, report from the Assistant to the City Administrator.

Speakers:

Casa Esperanza Homeless Center: Executive Director Mike Foley.

Motion:

Councilmembers Williams/Francisco to appoint Councilmember House to the position of South Coast Homeless Advisory Committee Co-Chair.

Vote:

Unanimous voice vote (Abstention: Councilmember House).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember White reported that the Water Commission is reviewing the water supply component of Plan Santa Barbara; he also mentioned his desire to see that the hydro plant is activated.
- Councilmember Williams spoke about his attendance at a San Marcos High School assembly regarding sustainability; he also discussed the need for continued monitoring of water supply and fish restoration issues in the event the Cachuma Conservation Release Board is dissolved.
- Councilmember House advised that the Community Action Commission has assumed the coordination and facilitation role for efforts of the South Coast Gang Task Force.
- Mayor Schneider reported on her attendance at a quarterly meeting of the business community.

RECESS

The Mayor recessed the meeting at 4:48 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 23 and 24, and she stated there would be no reportable action taken during the closed sessions.

CLOSED SESSIONS

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

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

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Continued from March 30, 2010, Item No. 18)

Documents:

March 30, 2010, report from the City Attorney.

Time:

4:50 p.m. - 5:20 p.m.

No report made.

24. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

April 13, 2010, report from the Assistant City Administrator.

Time:

5:20 p.m. - 5:50 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:50 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 27, 2010

TO: Mayor and Councilmembers

FROM: Treasury Division, Finance Department

SUBJECT: March 31, 2010, Investment Report And March 31, 2010, Fiscal Agent Report

RECOMMENDATION: That Council:

- A. Accept the March 31, 2010, Investment Report; and
- B. Accept the March 31, 2010, Fiscal Agent Report.

DISCUSSION:

On a quarterly basis, staff submits a comprehensive report on the City's portfolio and related activity pursuant to the City's Annual Statement of Investment Policy. The current report covers the investment activity for January through March 2010.

While the economy continued to exhibit clear signs of improvement this quarter, financial news was mixed, indicating the road to recovery will likely be both gradual and prolonged. The National Bureau of Economic Research (NBER), the official research organization that determines business cycles, said that despite positive growth in the economy, a formal determination that the recession has ended based on the current data "would be premature." The NBER makes its determination on a variety of factors including gross domestic product (GDP), employment levels, industrial production cycles and household incomes.

The Consumer Price Index (CPI) is a general measure of inflation showing the average change over time in prices of goods and services purchased by households. The seasonally adjusted CPI for all items remained basically flat in March at 0.1 percent. Economists remain divided on whether the economy will enter an inflationary cycle in the near future, but most do not see much risk with continued high unemployment levels and gradual economic recovery. The national unemployment rate in March was 9.7%.

Without fears of immediate inflation in the U.S. economy, the Federal Reserve Bank's Open Market Committee held the federal funds rate unchanged at a target range of 0-1/4 percent. Economists expect the Federal Reserve to increase rates no sooner than November 2010 and it probably will not do so until unemployment levels ease.

Although unemployment remained high, retail sales and industrial production were both up this quarter (1.6% in March and 0.1% in February, respectively), due in some part to higher household incomes and pent-up demand, fueling growth in equity markets. Markets posted strong quarterly gains with all of the major indexes realizing double-digit growth. The Dow Jones Industrial Average (DJIA) index, which measures stocks from 30 industrial “blue-chip” companies, was up 4.11% from the previous quarter; S&P 500, composed of 500 “large-cap” companies across various sectors, was up 5.38%; and NASDAQ, which largely measures technology stocks, was up 5.68%. This quarter marked the strongest first quarter results for the DJIA since 1999 and the strongest for the S&P 500 since 1998.

While short term treasury yields were higher at the end of the quarter, longer term yields were lower by 6 to 12 basis points as shown in the table to the right. Investors continued to demand the safety of U.S. Treasuries, driving up prices slightly (and therefore yields

U.S. Treasury Market					
	12/31/2009	1/31/2010	2/28/2010	3/31/2010	Cumulative Change
3 Month	0.05%	0.07%	0.09%	0.15%	0.10%
6 Month	0.19%	0.14%	0.18%	0.23%	0.04%
1 Year	0.44%	0.27%	0.29%	0.38%	-0.06%
2 Year	1.14%	0.81%	0.81%	1.02%	-0.12%
3 Year	1.68%	1.35%	1.33%	1.57%	-0.11%
4 Year	2.18%	1.84%	1.82%	2.06%	-0.12%
5 Year	2.68%	2.32%	2.30%	2.55%	-0.13%
10 Year	3.84%	3.59%	3.61%	3.82%	-0.02%
30 Year	4.64%	4.49%	4.56%	4.71%	0.07%
LAIF	0.60%	0.56%	0.56%	0.56%	-0.04%

lower). This is attributable to the federal government’s continued phase-out of special lending programs and termination of its program on March 31, 2010 to purchase mortgage-backed securities (MBS). Other factors include investor concerns over the impact of the federal budget deficit (now estimated at over \$1.75 trillion) on economic recovery and the \$940 billion cost of Health Care Reform Act signed near the end of March. Industry analysts remain sharply divided on the direction of treasury yields over the next year indicating continued murkiness of short term economic forecasts.

Investment Activity

As shown in the table on the next page, the City invested \$18 million during the quarter. The purchases consisted of \$11 million in “AAA” rated Federal Agency callable securities and \$7 million in “AAA” rated Federal Agency bullets (non-callable securities). During the quarter, \$12 million of “AAA” rated Federal Agency securities were called and \$10.25 million securities matured, including two corporate notes (Berkshire Hathaway Financial and Toyota Motor Credit Corp).

Council Agenda Report
 March 31, 2010, Investment Report And March 31, 2010, Fiscal Agent Report
 April 27, 2010
 Page 3

Issuer	Face Amount	Purchase Date	Final Maturity	Call Date	Yield To Call	Yield To Maturity
<i>Purchases:</i>						
Federal Farm Credit Bank (FFCB)	2,000,000	01/13/10	01/13/15	01/13/11	3.180%	3.180%
Federal Home Loan Bank (FHLB)	2,000,000	01/15/10	10/30/12	-	-	1.700%
Federal Home Loan Bank (FHLB)	2,000,000	02/12/10	02/12/15	05/12/10	3.403%	3.022%
Federal Home Loan Bank (FHLB)	2,000,000	02/22/10	12/13/13	-	-	2.130%
Federal National Mortgage Association (FNMA)	1,000,000	03/09/10	03/09/15	09/09/10	3.000%	3.000%
Federal Home Loan Mortgage Corp (FHLMC)	2,000,000	03/16/10	03/16/15	06/16/10	3.125%	3.125%
Federal National Mortgage Association (FNMA)	2,000,000	03/16/10	09/16/13	09/16/10	2.302%	2.130%
Federal Home Loan Bank (FHLB)	2,000,000	03/26/10	06/08/12	-	-	1.325%
Federal Home Loan Mortgage Corp (FHLMC)	1,000,000	03/26/10	04/25/12	-	-	1.197%
Federal Home Loan Bank (FHLB)	2,000,000	03/30/10	09/30/13	03/30/11	2.000%	2.000%
	18,000,000					
<i>Calls:</i>						
Federal Farm Credit Bank (FFCB)	2,000,000	02/01/08	02/01/13	02/01/10	3.790%	3.790%
Federal Home Loan Bank (FHLB)	2,000,000	02/26/09	02/24/14	02/24/10	3.301%	3.261%
Federal Home Loan Mortgage Corp. (FHLMC)	2,000,000	08/26/09	08/26/14	02/26/10	3.625%	3.625%
Federal Farm Credit Bank (FFCB)	2,000,000	03/04/09	03/02/12	03/02/10	2.370%	2.370%
Federal National Mortgage Association (FNMA)	2,000,000	03/05/08	03/05/13	03/05/10	4.100%	4.100%
Federal Home Loan Bank (FHLB)	2,000,000	09/30/09	09/30/14	03/30/10	2.000%	3.448%
	12,000,000					
<i>Maturities:</i>						
Berkshire Hathaway Fin (BERK)	2,250,000	01/15/08	01/15/10	-	-	3.630%
Federal Home Loan Mortgage Corp. (FHLMC)	2,000,000	01/29/07	01/25/10	-	-	5.122%
Federal Home Loan Bank (FHLB)	1,000,000	10/25/06	02/12/10	-	-	5.117%
Federal Home Loan Bank (FHLB)	1,000,000	07/09/07	03/12/10	-	-	5.268%
Federal Home Loan Bank (FHLB)	2,000,000	06/18/07	03/12/10	-	-	5.382%
Toyota Motor Credit (TOYOTA)	2,000,000	10/19/06	03/15/10	-	-	5.140%
	10,250,000					

The weighted average yield to maturity measures the average yield for securities with varying interest rates to help provide a measure of the future rate of return on the investment portfolio. The weighted average yield to maturity on the quarter's purchases totaled 2.301 percent, compared to 4.091 percent on the quarter's called and matured investments, reflecting lower market rates.

The average rate at which the City earned interest at the Local Agency Investment Fund (LAIF), the State's managed investment pool, was 0.56 percent for the quarter ended March 31, 2009. Staff expects to reinvest a portion of the City's LAIF balances in short-term securities during the next quarter.

Summary of Cash and Investments

The book rate of return, or portfolio yield, measures the percent return of actual interest earnings generated from the portfolio. During the quarter, the City's book rate of return decreased by 19.7 basis points from 2.735 percent at December 31, 2009 to 2.538 percent at March 31, 2010. The book rate of return continues to decline

Mo. Ended	Yield	Days to Maturity
12/31/2009	2.735%	893
01/31/2010	2.590%	867
02/28/2010	2.614%	875
03/31/2010	2.538%	919

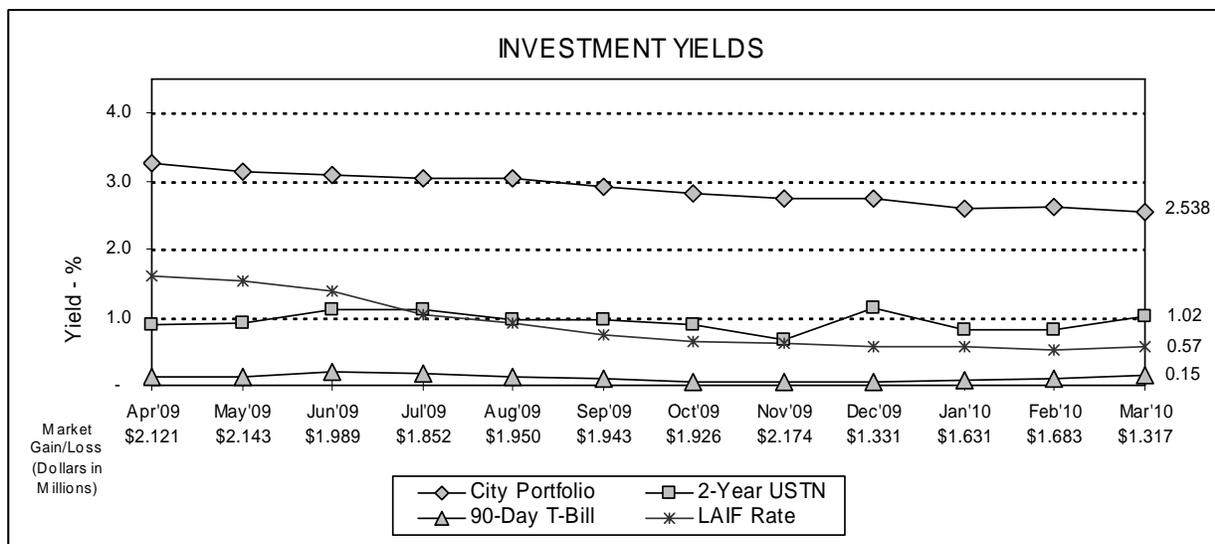
through the attrition of higher-yielding securities, and reinvestment at considerably lower market rates. The portfolio's average days to maturity increased by 26 days from 893 to 919 days which includes the 20-year Airport promissory note authorized by Council in March 2009 and added to the portfolio in July 2009. The portfolio's average days to maturity excluding the Airport note is 627 days, reflecting reinvestment of maturities and calls during the quarter in the one to five year range for regular day-to-day investment activities in accordance with the City's Annual Statement of Investment Policy.

Credit Quality on Corporate Notes

Over the quarter ended March 31, 2010, there were no credit quality changes to the two corporate issuers of the medium-term notes held in the portfolio (i.e., General Electric Capital Corp and Wells Fargo & Company). All ratings remain within the City's Investment Policy guidelines of "A" or better.

Portfolio Market Gains/Losses

As shown on the Investment Yields below, the City's portfolio continued to reflect unrealized market gains during the quarter due to the low interest rate environment relative to the rate of interest earned on each security held in the portfolio. At March 31, the portfolio had an unrealized market gain of \$1.317 million.



On a quarterly basis, staff reports the five securities with the largest percentage of unrealized losses as shown in the table below. Note, however, since securities in the portfolio are held to maturity, no market loss will be realized.

Issuer	Face Amount	Maturity	\$ Mkt Change	% Mkt Change
FEDERAL NATL MORTGAGE ASSN	\$2,000,000	09/16/2013	-\$6,287	-0.31%
FEDERAL HOME LOAN BANK	\$2,000,000	09/30/2013	-\$4,060	-0.20%
FEDERAL HOME LOAN MTG CORP	\$1,000,000	04/25/2012	-\$350	-0.04%
FEDERAL NATL MORTGAGE ASSN	\$2,000,000	12/30/2014	-\$310	-0.02%

On a quarterly basis, staff also reports all securities with market declines of greater than 1 percent compared to the prior month. At March 31, there are 2 securities reported due to the relative rise in Treasury yields which caused a corresponding decline in market value. Note that both securities shown below have a book-to-market gain, as shown in the column to the far right in the table, in spite of the monthly market decline of greater than 1%.

Issuer	Face Amount	Maturity	Feb-Mar Mkt Change (\$)	Feb-Mar Mkt Change (%)	% Mkt Gain/(Loss) at 03.31.10
FEDERAL FARM CREDIT BANK	\$2,000,000	03/04/13	-\$23,120	-1.12%	2.17%
FEDERAL FARM CREDIT BANK	\$2,000,000	04/08/13	-\$22,500	-1.10%	0.89%

Additional Reporting Requirements

The following confirmations are made pursuant to California Code Sections 53600 et seq.: (1) the City's portfolio as of March 31, 2010 is in compliance with the City's Statement of Investment Policy; and (2) there are sufficient funds available to meet the City's expenditure requirements for the next six months.

Fiscal Agent Investments

In addition to reporting requirements for public agency portfolios, a description of any of the agency's investments under the management of contracted parties is also required on a quarterly basis. Attachment 2 includes bond funds and the police and fire service retirement fund as of March 31, 2010.

ATTACHMENTS: 1. March 31, 2010, Investment Report
 2. March 31, 2010, Fiscal Agent Report

PREPARED BY: Jill Taura, Treasury Manager

SUBMITTED BY: Robert Samario, Interim Finance Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Activity and Interest Report
March 31, 2010

INVESTMENT ACTIVITY

PURCHASES OR DEPOSITS

3/2 LAIF Deposit - City	\$ 3,000,000
3/5 LAIF Deposit - City	3,500,000
3/9 Federal National Mortgage Association (FNMA)	1,000,000
3/16 Federal National Mortgage Association (FNMA)	2,000,000
3/16 Federal Home Loan Mortgage Corp (FHLMC)	2,000,000
3/22 LAIF Deposit - City	2,000,000
3/26 Federal Home Loan Mortgage Corp (FHLMC)	1,000,000
3/26 Federal Home Loan Bank (FHLB)	2,000,000
3/30 Federal Home Loan Bank (FHLB)	2,000,000
Total	\$ 18,500,000

SALES, MATURITIES, CALLS OR WITHDRAWALS

3/2 Federal Farm Credit Bank (FFCB) - Call	\$ (2,000,000)
3/5 Federal National Mortgage Association (FNMA) - Call	(2,000,000)
3/9 LAIF Withdrawal - City	(1,000,000)
3/11 LAIF Withdrawal - City	(1,000,000)
3/12 Federal Home Loan Bank (FHLB) - Maturity	(1,000,000)
3/12 Federal Home Loan Bank (FHLB) - Maturity	(2,000,000)
3/15 Toyota Motor Credit (TOYOTA) - Maturity	(2,000,000)
3/16 LAIF Withdrawal - City	(2,500,000)
3/25 LAIF Withdrawal - City	(5,000,000)
3/26 LAIF Withdrawal - City	(2,000,000)
3/30 Federal Home Loan Bank (FHLB) - Call	(2,000,000)
3/30 LAIF Withdrawal - City	(1,000,000)
Total	\$ (23,500,000)

ACTIVITY TOTAL

\$ (5,000,000)

INTEREST REVENUE

POOLED INVESTMENTS

Interest Earned on Investments	\$ 323,686
Amortization	354
SBB&T Sweep Account Interest	115
Total	\$ 324,156

RDA INVESTMENTS

Interest Earned on Investments (LAIF)	\$ 11,135
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TOTAL INTEREST EARNED

\$ 335,290

CITY OF SANTA BARBARA
Investment Portfolio
March 31, 2010

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING MOODY'S	QUALITY RATING S & P	STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
LOCAL AGENCY INVESTMENT FUNDS											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.570	0.570	21,000,000.00	21,000,000.00	21,000,000.00	0.00	
LOCAL AGENCY INV FUND/RDA	-	-	-	-	0.570	0.570	23,000,000.00	23,000,000.00	23,000,000.00	0.00	
Subtotal, LAIF							44,000,000.00	44,000,000.00	44,000,000.00	0.00	
CERTIFICATES OF DEPOSIT											
MONTECITO BANK & TRUST	11/18/09	11/18/10	-	-	1.250	1.250	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
MONTECITO BANK & TRUST	11/18/09	11/18/11	-	-	1.750	1.750	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
Subtotal, Certificates of deposit							4,000,000.00	4,000,000.00	4,000,000.00	0.00	
FEDERAL AGENCY ISSUES - COUPON											
FEDERAL FARM CREDIT BANK	03/06/09	04/24/12	Aaa	AAA	2.250	2.120	2,000,000.00	2,005,177.29	2,042,510.00	37,332.71	
FEDERAL FARM CREDIT BANK	10/14/09	10/14/14	Aaa	AAA	2.875	2.875	2,000,000.00	2,000,000.00	2,007,190.00	7,190.00	Callable 10/14/10, then cont.
FEDERAL FARM CREDIT BANK	11/07/06	01/18/11	Aaa	AAA	5.750	5.000	2,000,000.00	2,010,632.87	2,082,810.00	72,177.13	
FEDERAL FARM CREDIT BANK	01/29/07	08/25/10	Aaa	AAA	4.750	5.111	2,000,000.00	1,997,382.02	2,036,260.00	38,877.98	
FEDERAL FARM CREDIT BANK	03/04/09	01/17/12	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,034,690.00	34,690.00	
FEDERAL FARM CREDIT BANK	03/05/09	03/04/13	Aaa	AAA	2.600	2.600	2,000,000.00	2,000,000.00	2,043,440.00	43,440.00	
FEDERAL FARM CREDIT BANK	05/08/09	04/08/13	Aaa	AAA	2.200	2.200	2,000,000.00	2,000,000.00	2,017,820.00	17,820.00	
FEDERAL FARM CREDIT BANK	06/19/09	06/18/12	Aaa	AAA	2.125	2.125	2,000,000.00	2,000,000.00	2,035,320.00	35,320.00	
FEDERAL FARM CREDIT BANK	09/30/09	10/03/11	Aaa	AAA	1.125	1.125	2,000,000.00	2,000,000.00	2,005,630.00	5,630.00	
FEDERAL FARM CREDIT BANK	12/01/09	12/01/14	Aaa	AAA	2.840	2.840	2,000,000.00	2,000,000.00	2,002,190.00	2,190.00	Callable 12/01/10, then cont.
FEDERAL FARM CREDIT BANK	01/13/10	01/13/15	Aaa	AAA	3.180	3.180	2,000,000.00	2,000,000.00	2,018,750.00	18,750.00	Callable 1/13/11, then cont.
FEDERAL HOME LOAN BANK	05/22/07	06/10/11	Aaa	AAA	5.250	5.005	2,000,000.00	2,005,208.02	2,104,380.00	99,171.98	
FEDERAL HOME LOAN BANK	07/09/07	02/15/11	Aaa	AAA	4.000	5.308	2,000,000.00	1,979,454.32	2,059,690.00	80,235.68	
FEDERAL HOME LOAN BANK	03/04/09	06/08/12	Aaa	AAA	4.375	2.110	1,700,000.00	1,780,900.78	1,798,285.50	17,384.72	
FEDERAL HOME LOAN BANK	06/30/09	06/30/14	Aaa	AAA	2.000	3.733	2,000,000.00	2,000,000.00	2,034,380.00	34,380.00	StrNt, Callable 6/30/11, once
FEDERAL HOME LOAN BANK	09/17/09	12/13/13	Aaa	AAA	3.125	2.440	2,000,000.00	2,047,838.75	2,080,000.00	32,161.25	
FEDERAL HOME LOAN BANK	01/15/10	10/30/12	Aaa	AAA	1.700	1.700	2,000,000.00	2,000,000.00	2,008,750.00	8,750.00	
FEDERAL HOME LOAN BANK	02/12/10	02/12/15	Aaa	AAA	3.000	3.022	2,000,000.00	1,999,088.89	1,999,690.00	601.11	Callable 5/12/10, then cont.
FEDERAL HOME LOAN BANK	03/30/10	09/30/13	Aaa	AAA	2.000	2.001	2,000,000.00	2,000,000.00	1,995,940.00	(4,060.00)	Callable 3/30/11, once
FEDERAL HOME LOAN BANK	09/14/06	09/29/10	Aaa	AAA	5.125	5.070	1,000,000.00	1,000,229.99	1,023,285.00	23,055.01	
FEDERAL HOME LOAN BANK	05/23/08	06/10/11	Aaa	AAA	3.125	3.520	2,000,000.00	1,991,107.15	2,051,880.00	60,772.85	
FEDERAL HOME LOAN BANK	11/08/06	07/30/10	Aaa	AAA	5.000	5.010	2,000,000.00	1,999,925.51	2,031,570.00	31,644.49	
FEDERAL HOME LOAN BANK	12/18/06	06/22/10	Aaa	AAA	4.500	4.825	2,000,000.00	1,998,668.37	2,019,380.00	20,711.63	
FEDERAL HOME LOAN BANK	06/16/08	12/10/10	Aaa	AAA	3.250	3.800	2,000,000.00	1,992,780.67	2,036,570.00	43,789.33	
FEDERAL HOME LOAN BANK	09/17/09	09/13/13	Aaa	AAA	4.375	2.272	2,000,000.00	2,137,969.25	2,155,940.00	17,970.75	
FEDERAL HOME LOAN BANK	02/22/10	12/13/13	Aaa	AAA	3.125	2.130	2,000,000.00	2,070,321.05	2,080,000.00	9,678.95	

CITY OF SANTA BARBARA
Investment Portfolio
March 31, 2010

DESCRIPTION	PURCHASE	MATURITY	QUALITY RATING		STATED	YIELD AT	FACE	BOOK	MARKET	BOOK	COMMENTS
	DATE	DATE	MOODY'S	S & P							
FEDERAL HOME LOAN BANK	03/26/10	06/08/12	Aaa	AAA	1.375	1.325	2,000,000.00	2,002,146.36	2,004,370.00	2,223.64	
FEDERAL HOME LOAN MTG CORP	04/08/09	04/08/13	Aaa	AAA	2.500	2.526	2,000,000.00	1,998,980.56	2,030,820.00	31,839.44	Callable 4/08/11, once
FEDERAL HOME LOAN MTG CORP	05/19/09	11/19/12	Aaa	AAA	2.170	2.170	2,000,000.00	2,000,000.00	2,021,740.00	21,740.00	Callable 5/19/11, once
FEDERAL HOME LOAN MTG CORP	09/03/09	09/21/12	Aaa	AAA	2.125	1.699	2,000,000.00	2,020,426.23	2,032,510.00	12,083.77	
FEDERAL HOME LOAN MTG CORP	05/13/09	05/13/13	Aaa	AAA	2.400	2.400	2,000,000.00	2,000,000.00	2,026,140.00	26,140.00	Callable 5/13/11, once
FEDERAL HOME LOAN MTG CORP	03/16/10	03/16/15	Aaa	AAA	3.125	3.125	2,000,000.00	2,000,000.00	2,005,460.00	5,460.00	Callable 6/16/10, then qtrly
FEDERAL HOME LOAN MTG CORP	05/29/07	07/06/10	Aaa	AAA	4.500	5.070	2,000,000.00	1,997,239.30	2,022,400.00	25,160.70	
FEDERAL HOME LOAN MTG CORP	07/30/09	01/30/13	Aaa	AAA	2.350	2.350	2,000,000.00	2,000,000.00	2,009,240.00	9,240.00	Callable 7/30/10, once
FEDERAL HOME LOAN MTG CORP	10/28/09	10/28/14	Aaa	AAA	3.000	3.000	2,000,000.00	2,000,000.00	2,004,880.00	4,880.00	Callable 10/28/10, then qtrly
FEDERAL HOME LOAN MTG CORP	06/09/09	08/17/12	Aaa	AAA	1.000	2.420	2,000,000.00	1,935,367.53	1,975,580.00	40,212.47	
FEDERAL HOME LOAN MTG CORP	03/26/10	04/25/12	Aaa	AAA	1.125	1.197	1,000,000.00	998,529.88	998,180.00	(349.88)	
FEDERAL HOME LOAN MTG CORP	05/22/07	09/17/10	Aaa	AAA	3.880	5.015	2,000,000.00	1,990,451.18	2,032,300.00	41,848.82	
FEDERAL HOME LOAN MTG CORP	04/29/09	10/29/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,019,180.00	19,180.00	Callable 10/29/10, once
FEDERAL NATL MORTGAGE ASSN	03/18/09	09/18/12	Aaa	AAA	2.500	2.500	2,000,000.00	2,000,000.00	2,034,690.00	34,690.00	Callable 3/18/11, once
FEDERAL NATL MORTGAGE ASSN	03/23/09	03/23/12	Aaa	AAA	2.000	2.491	2,000,000.00	2,000,000.00	2,011,260.00	11,260.00	StrNt, Callable 9/23/10, once
FEDERAL NATL MORTGAGE ASSN	05/04/09	05/04/12	Aaa	AAA	2.150	2.185	2,000,000.00	1,999,816.67	2,003,120.00	3,303.33	Callable 5/04/10, once
FEDERAL NATL MORTGAGE ASSN	09/09/09	09/09/14	Aaa	AAA	3.250	3.250	2,000,000.00	2,000,000.00	2,020,310.00	20,310.00	Callable 9/09/10, once
FEDERAL NATL MORTGAGE ASSN	03/16/10	09/16/13	Aaa	AAA	2.100	2.130	2,000,000.00	1,998,166.67	1,991,880.00	(6,286.67)	Callable 9/16/10, once
FEDERAL NATL MORTGAGE ASSN	12/30/09	12/30/14	Aaa	AAA	3.000	3.000	2,000,000.00	2,000,000.00	1,999,690.00	(310.00)	Callable 6/30/10, then qtrly
FEDERAL NATL MORTGAGE ASSN	04/27/06	04/20/10	Aaa	AAA	4.750	5.270	2,000,000.00	1,999,510.22	2,004,380.00	4,869.78	
FEDERAL NATL MORTGAGE ASSN	02/27/09	02/24/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,027,190.00	27,190.00	Callable 2/24/11, once
FEDERAL NATL MORTGAGE ASSN	05/20/09	11/20/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,004,070.00	4,070.00	Callable 5/20/10, once
FEDERAL NATL MORTGAGE ASSN	03/09/10	03/09/15	Aaa	AAA	3.000	3.000	1,000,000.00	1,000,000.00	1,001,405.00	1,405.00	Callable 9/09/10, once
FEDERAL NATL MORTGAGE ASSN	10/29/09	10/29/14	Aaa	AAA	2.250	3.304	2,000,000.00	2,000,000.00	2,003,120.00	3,120.00	StrNt, Callable 4/29/10 cont.
Subtotal, Federal Agencies							96,700,000.00	96,957,319.53	98,090,265.50	1,132,945.97	
CORPORATE/MEDIUM TERM NOTES											
GENERAL ELECTRIC CAPITAL CORP	01/10/07	02/22/11	Aa2	AA+	6.125	5.100	2,000,000.00	2,016,270.93	2,091,640.00	75,369.07	
WELLS FARGO & CO.	05/30/07	01/12/11	A1	AA-	4.875	5.260	2,000,000.00	1,994,565.61	2,072,000.00	77,434.39	
WELLS FARGO & CO.	10/10/06	08/09/10	A1	AA-	4.625	5.000	2,000,000.00	1,997,588.40	2,029,280.00	31,691.60	
Subtotal, Corporate Securities							6,000,000.00	6,008,424.94	6,192,920.00	184,495.06	
SB AIRPORT PROMISSORY NOTE (LT)											
SANTA BARBARA AIRPORT	07/14/09	06/30/29	-	-	7.000	7.000	7,213,660.84	7,213,660.84	7,213,660.84	0.00	
Subtotal, SBA Note							7,213,660.84	7,213,660.84	7,213,660.84	0.00	
TOTALS							157,913,660.84	158,179,405.31	159,496,846.34	1,317,441.03	

Market values have been obtained from the City's safekeeping agent, Santa Barbara Bank and Trust (SBB&T). SBB&T uses Interactive Data Pricing Service, Bloomberg and DTC.

CITY OF SANTA BARBARA
Fiscal Agent Investments
March 31, 2010

	CASH & CASH EQUIVALENTS Book & Market	Guaranteed Investment Contracts (GIC) Book & Market	STOCKS		BONDS		US GOVT & AGENCIES		TOTALS		
			Book	Market	Book	Market	Book	Market	Book	Market	
BOND FUNDS											
<i>RESERVE FUNDS</i>											
2004 RDA - Housing Bonds	215.61	-	-	-	-	-	-	-	-	215.61	215.61
2002 Municipal Improvement - Refunding COPs	13,994.98	547,530.00	-	-	-	-	-	-	-	561,524.98	561,524.98
2002 Water - Refunding COPs	24,164.10	1,088,268.76	-	-	-	-	-	-	-	1,112,432.86	1,112,432.86
1994 Water - Revenue Bonds	20,020.19	757,680.00	-	-	-	-	-	-	-	777,700.19	777,700.19
2002 Waterfront - Reference COPs	2,219.05	1,393,262.50	-	-	-	-	-	-	-	1,395,481.55	1,395,481.55
1992 Seismic - Safety Bonds	87,465.19	-	-	-	-	-	-	-	-	87,465.19	87,465.19
Subtotal, Reserve Funds	148,079.12	3,786,741.26	-	-	-	-	-	-	-	3,934,820.38	3,934,820.38
<i>PROJECT FUNDS</i>											
2001 RDA Bonds	3,468,849.41	-	-	-	-	-	-	-	-	3,468,849.41	3,468,849.41
2003 RDA Bonds	18,364,981.86	-	-	-	-	-	-	-	-	18,364,981.86	18,364,981.86
2004 Sewer Revenue Bonds	3,080,881.63	1,357,140.00	-	-	-	-	-	-	-	4,438,021.63	4,438,021.63
2009 Airport Bonds	44,835,266.86	-	-	-	-	-	3,100,000.00	3,050,338.00	-	47,935,266.86	47,885,604.86
Subtotal, Project Funds	69,749,979.76	1,357,140.00	-	-	-	-	3,100,000.00	3,050,338.00	-	74,207,119.76	74,157,457.76
Subtotal Bond Funds	69,898,058.88	5,143,881.26	-	-	-	-	3,100,000.00	3,050,338.00	-	78,141,940.14	78,092,278.14
POLICE/FIRE - SVC RETIREMENT FUND											
Police/Fire Funds	91,319.89	-	121,895.92	130,848.61	70,680.76	70,478.00	-	-	-	283,896.57	292,646.50
	91,319.89	-	121,895.92	130,848.61	70,680.76	70,478.00	-	-	-	283,896.57	292,646.50
TOTAL FISCAL AGENT INVESTMENTS	<u>69,989,378.77</u>	<u>5,143,881.26</u>	<u>121,895.92</u>	<u>130,848.61</u>	<u>70,680.76</u>	<u>70,478.00</u>	<u>3,100,000.00</u>	<u>3,050,338.00</u>	<u>-</u>	<u>78,425,836.71</u>	<u>78,384,924.64</u>

Notes:

- (1) Cash & cash equivalents include money market funds.
- (2) Market values have been obtained from the following trustees: US Bank, Bank of New York and Santa Barbara Bank & Trust



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 27, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Integrated Regional Water Management Plan Update –
Memorandum Of Understanding

RECOMMENDATION:

That Council authorize the Public Works Director to negotiate and execute, subject to approval by the City Attorney, a Memorandum of Understanding (MOU) with the Cooperating Partners, providing for the continued administration and development of an update to the Integrated Regional Water Management Plan (IRWMP) for Santa Barbara County, with the City's share of costs not to exceed \$40,000.

DISCUSSION:

BACKGROUND

The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50) provided funding for a range of water related plans and projects with local grant funding conditioned upon the development of regional water management plans. On August 1, 2006, Council authorized a MOU with the Cooperating Partners (Definition of Cooperating Partners, Attachment 1, page 5) in Santa Barbara County for the development of an Integrated Regional Water Management Plan (IRWMP) for Santa Barbara County. The Cooperating Partners consist of 27 agencies, including government agencies, special districts, and non-governmental organizations. The Cooperating Partners collaborated to participate in the process established by the California Legislature, pursuant to Proposition 50. In accordance with this legislation, the Cooperating Partners developed an IRWMP, which is the basis for grant applications in Proposition 50. The Cooperating Partners successfully prepared an IRWMP, adopted by Council on June 26, 2007, pursuant to Proposition 50 guidelines, and successfully sought grant funding to implement key projects included in the IRWMP. On October 21, 2008, Council authorized the Public Works Director to execute the MOU grant agreement.

In November 2006, California voters passed the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). Built on the previous Proposition 50, this provides funding for a range of water-related plans and projects. Proposition 50 was managed jointly by the State Water Resources Control Board (SWRCB) and Department of Water Resources (DWR); Proposition 84 is managed solely by the DWR. Proposition 84 amended the Public Resources Code to add, among other articles, a section that authorizes the California Legislature to appropriate over \$1,000,000,000 for IRWMP projects to assist local agencies to meet the long-term water needs of the State, including the delivery of safe drinking water and the protection of water quality and the environment.

An IRWMP has increasingly become a prerequisite for obtaining grant funds for water-related plans and projects in California. The State regards the IRWMP as a means to optimize the allocation of grant funding to various regions.

IRWMP UPDATE

Pending State legislation and potential bond initiatives would require IRWMP's for water infrastructure and other water-related projects to be funded from State programs. Therefore, developing and updating an approved IRWMP is an important investment for the City and other local agencies. In the Public Works Department, eligible projects would include a variety of important infrastructure improvements. Some of the Creeks Division's creek and riparian habitat restoration and storm water treatment system projects would also be eligible for funding.

This MOU updates previous agreements and commitments made by the Cooperating Partners between 2006 and 2009, related to initial preparation of the IRWMP and pursuing Proposition 50 grant funding. This MOU will replace the previous MOU and be more pertinent to the recently released Proposition 84 guidelines (See attachment 2 for changes). The proposed funding will contribute to the ongoing administration efforts of the group, leading to an update of the IRWMP. In the coming months, the Cooperating Partners will identify, through a project selection process, those projects which are most attractive to meet the intent of the Proposition 84 guidelines. These selected projects will be included in an application to pursue a grant in Round One of Proposition 84.

BUDGET/FINANCIAL INFORMATION:

There are adequate funds in the Streets Capital Fund and the Water Fund to cover the City's share of related costs.

SUSTAINABILITY IMPACT:

This MOU revolves around implementing policies to reduce water demand, increase water supplies for beneficial use, improve water quality, improve resource stewardship (ecosystem restoration), and improve flood management.

ATTACHMENTS: 1) Cooperating Partner's MOU
2) County Letter

PREPARED BY: Pat Kelly, Assistant Public Works Director/City Engineer/TC/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

Memorandum of Understanding (MOU)
To participate in the State-wide Proposition 84 Process
And Revise the Area-wide
Integrated Regional Water Management Plan (IRWMP)
In Santa Barbara County

This Memorandum of Understanding (MOU) is entered into by and between local government agencies, special districts, and non-governmental organizations (NGOs), organizations qualified under 501 (c) (3), 501 (c) (4) or 501 (c) (5) as defined by the Internal Revenue Code) within Santa Barbara County, as listed in Appendix A, and hereinafter referred to as “Cooperating Partners”.

1. Purpose of this MOU

Under this MOU, the Cooperating Partners commit to participate in, and make a financial and/or service oriented contribution toward, the ongoing participation in the process established pursuant to The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act (Public Resources Code Section 75001-75009) also known as Proposition 84) and further develop a comprehensive County-wide Integrated Regional Water Management Plan (IRWMP). This MOU sets forth the mutual responsibilities of the Cooperating Partners in the development of an IRWMP, and it updates previous agreements and commitments made by some of the Cooperating Partners between 2006 and 2009, including an MOU for initial preparation of the IRWMP (July 2006) and an MOU for pursuing Proposition 50 implementation grant funding (October 2007). This MOU replaces the March, 2009 MOU pertaining to Proposition 84.

2. Background

Proposition 84 provides funding for a range of water related plans and projects. California’s Prop 84 grant program builds on a previous program (Proposition 50) managed jointly by the Department of Water Resources (DWR) and the State Water Resources Control Board (SWRCB) to promote integrated assessment and planning for both water quantity and water quality issues, especially on a hydrologic or watershed basis. DWR manages Proposition 84 which, in addition, provides for flood control and climate change response projects.

Santa Barbara County-wide interests successfully prepared an IRWMP pursuant to Proposition 50 guidelines and successfully sought grant funding to implement key projects included in that plan. DWR is now developing guidelines for grants consistent with legislative action to implement Proposition 84. Grant applications for project planning and implementation and IRWM Plan development and/or revision may be due as early as June, 2010. The County-wide IRWMP previously developed will require modification to conform to Proposition 84 guidelines and to include modified project descriptions.

Proposition 84 stipulates that \$52,000,000 must be awarded to the Central Coast Region (including Santa Barbara County.) DWR has conducted a Region Application Process (RAP) by which interests within DWR’s Central Coast Region applied for acceptance of sub-regional boundaries. Remaining consistent with Proposition 50 efforts, Santa Barbara County Cooperating Partners applied for, and were accepted as, a region defined by Santa

Barbara County boundaries. During this process, emphasis was placed on coordination between regions in areas of shared watersheds.

Other funding sources included in IRWM legislation include Proposition 1-E (for flood safety) and other sections of Proposition 84 which offer up to an additional \$800,000,000 statewide and rely on IRWM Plans as a basis for allocation of funding.

3. Principles

Recognizing the importance of a comprehensive IRWMP, and consistent with the MOU of July 2006, the Cooperating Partners endorse the following *Principles* for integrated regional water management planning.

- 3.1 Be consistent with the State's standards for IRWMPs, as specified in Chapter 8, Division 43 of California's Water Code and related guidelines, and meet or exceed the expected scoring criteria used by the State in its IRWMP approval process.
- 3.2 Establish a process for on-going decision-making among cooperating partners, with inclusive and participatory public involvement to ensure meaningful input.
- 3.3 Share the costs of IRWM planning, analysis, coordination, and product development through both monetary contributions and staff time/in-kind services. NGO's, as specified herein, meeting certain time commitment requests, will be exempted from the monetary contributions afforded all other members of the Cooperating Partners. .
- 3.4 Adopt a regional approach which coordinates water planning across jurisdictional boundaries in Santa Barbara County, sets priorities on a regional basis, and considers issues common to regionally shared watersheds.
- 3.5 Adopt an integrated approach to address the complex inter-relationships across strategies for: water supply, demand management, water quality, source water protection, drought management, flood control, and other water management issues as well as sensitivity to water provision and resources in the context of global climate change.
- 3.6 Consider the State's "program preferences" (as specified in the California Water Code and implementing legislation) as well as "Statewide priorities" (as specified in the IRWM Guidelines) during the IRWM planning process.
- 3.7 Incorporate an appropriate level of scientific watershed assessment information.
- 3.8 Modify the plan to continue as an informational "roadmap" toward meeting objectives, but not as a regulatory or enforceable mandate.
- 3.9 Recognize the need for a long-term perspective, which includes monitoring of project and plan implementation.
- 3.10 Provide for adaptive management for future revisions to the Plan.
- 3.11 Provide for coordination with other IRWM Planning efforts in the Central Coast Region.
- 3.12 Provide an inclusive process which seeks involvement from, and opportunities to collaborate with, a wide range interests including the general public, agriculture, environmental groups, watershed groups, wetlands groups, academic institutions, adjacent region representatives, and NGOs.

4. Scope of an IRWM Plan

The Cooperating Partners understand and accept that a final IRWMP must consider a range of water management strategies to meet the plan's objectives. These strategies must cover certain State-specified categories and may include other categories. Consistent with the State's expected IRWM guidelines, the Plan must consider strategies that:

- 4.1 Reduce Water Demand
- 4.2 Improve Operational Efficiency & Transfers
- 4.3 Increase Water Supply
- 4.4 Improve Flood Management
- 4.5 Improve Water Quality
- 4.6 Practice Resource Stewardship
- 4.7 Climate Change

As part of its development, the Plan should consider, but not be limited to, the following strategy elements:

- 4.7 Water supply reliability
- 4.8 Storm water capture and management
- 4.9 Groundwater management
- 4.10 Water recycling
- 4.11 Water conservation
- 4.12 Flood management
- 4.13 Water quality protection and improvement
- 4.14 Ecosystem restoration
- 4.15 Environmental and habitat protection and improvement
- 4.16 Wetlands enhancement and creation
- 4.17 Recreation and public access
- 4.18 Conjunctive use
- 4.19 Surface storage
- 4.20 Non-point source pollution control
- 4.21 Low impact development
- 4.22 Water and wastewater treatment
- 4.23 Watershed planning
- 4.24 Desalination
- 4.25 Imported water and water transfers
- 4.26 Land use planning

5. Schedule

Following is a tentative schedule of Grant events:

<u>Task:</u>	<u>Time of Completion:</u>
<u>Draft Guidelines Released*</u>	<u>March, 2010</u>
<u>Public Comment /Workshops</u>	<u>March - April, 2010</u>
<u>Final Guidelines Released*</u>	<u>April, 2010</u>
<u>Application Workshops</u>	<u>April-May, 2010</u>
<u>Applications Due</u>	<u>June, 2010</u>

* Implementation grants, IRWMP standards, and Planning grants to be released concurrently

Since revision of the IRWMP may be necessary to conform to Proposition 84 guidelines, obtaining a planning grant may help County-wide interests to defray their direct costs.

Since project selection is a lengthy and critical component of the grant application and the existing IRWMP addresses many of the principles upon which projects may be selected, a formal project selection process is currently underway under the terms and principals of the existing MOU. The process utilizes what is known of forthcoming guidelines and is adaptable to guideline specifics when released.

6. Roles and Responsibilities

In order to develop an effective IRWMP, the Cooperating Partners agree to continue the ongoing planning effort initiated formally in 2006, which resulted in an IRWM Plan and successful application in 2008 to DWR/SWRCB for Prop 50 funding. For the current IRWMP and Prop 84 effort, the Santa Barbara County County Water Agency (Agency) shall again act as the single eligible contracting entity. The Agency may engage a consultant to serve as Project Manager for IRWMP development, including data collection, analysis, coordinating stakeholder and public involvement, and overall coordination of plan and grant application preparation. Prior to hiring the consultant, the Agency will obtain advance concurrence of a majority of the Cooperating Partners as to the consultant qualifications and terms of contract.

The IRWM/ Prop 84 planning and implementation process will include the Project Manager, Cooperating Partners, Steering Committee, and Stakeholders. Each will be responsible for, and participate in the IRWMP and Prop 84 application processes as follows:

6.1 Project Manager

The Agency shall act as or engage a Project Manager to provide overall coordination of the IRWMP/Prop 84 effort. The project manager shall prepare agendas and chair the Cooperating Partners and Steering Committee meetings. In addition, the Project Manager shall implement a public participation process that shall include regular workshops for stakeholders and other interested parties as well as establishing and maintaining a website pertaining to Proposition 84 that is accessible to the

Cooperating Partners and the public. The project manager shall be responsible for the monitoring of Props 84 and 1E and informing the Cooperating Partners regarding developments.

The Project Manager shall participate in the interagency process involving DWR and/or Central Coast interests relating to Proposition 84. This participation will include review and comment on draft guidelines for Props 84/1E, attendance at DWR workshops and meetings on Prop 84/1E and meetings with other Central Coast Region IRWM planning areas. The Project Manager will keep the Cooperating Partners apprised of relevant issues and developments.

6.2 Cooperating Partners

The Cooperating Partners shall consist of those local government agencies, special districts, and non-governmental organizations (NGOs) within the Santa Barbara County IRWM Region, listed in Appendix A. Cooperating partners' meetings are open to the public. A forum for public comment will be provided at each Cooperating Partners meeting. Decisions by the Cooperating Partners will be based on consensus whenever possible, or by a vote of a simple majority of all members participating in a meeting, each entity that is signatory to this MOU having one vote. Cooperating Partners shall participate in regular meetings and take part in decisions pertaining to the IRWM planning process, project finances, consultant selection, revision of the IRWMP, and planning grant proposals.

6.3 Steering Committee

The Steering Committee shall consist of a subset of the Cooperating Partners. Any signatory to the MOU may join the Steering Committee by providing written intent to attend Steering Committee meetings on a regular basis and to act as a Steering Committee member. The Steering Committee will be comprised, at a minimum, of each of the following agencies or organizations: Santa Barbara County, represented by the Agency or the Project Manager; Two Incorporated Cities; One Joint Power Authority (representing at least two special districts, such as water districts, sanitary districts, and/or community service districts); Two Special Districts (water districts, sanitary districts, and/or community service districts); and at least one NGO.

The Steering Committee is an open forum for the proposal and vetting of ideas. Steering Committee members shall be expected to exercise a high degree of leadership, which may include leading workshops or developing documents. The Steering Committee shall recommend or propose actions to the Cooperating Partners, the meetings of which will be the forum to obtain general consensus. Decisions within the Steering Committee will be based on consensus whenever possible, or by a vote of a simple majority of all members participating in a meeting, each entity that is signatory to this MOU having one vote.

The Steering Committee responsibilities will include the development of revised IRWMP objectives and criteria for ranking projects. Input from all Cooperating Partners and Stakeholders shall be solicited for this process.

6.4 Stakeholders

Stakeholders shall be defined as all interested parties that are not participating in the process as Cooperating Partners. Stakeholders may fall into the following categories as defined in IRWM legislation: (1) Wholesale and retail water purveyors, including a local agency, mutual water company, or a water corporation as defined in Section 241 of the Public Utilities Code; (2) wastewater agencies; (3) flood control agencies; (4) municipal and county governments and special districts; (5) electrical corporations, as defined in Section 218 of the Public Utilities Code; (6) Native American tribes that have lands within the region; (7) self-supplied water users, including agricultural, industrial, residential, park districts, school districts, colleges and universities, and others; (8) environmental stewardship organizations, including watershed groups, fishing groups, land conservancies, and environmental groups; (9) community organizations, including landowner organizations, taxpayer groups, and recreational interests; (10) industry organizations representing agriculture, developers, and other industries appropriate to the region; (11) State, federal, and regional agencies or universities, with specific responsibilities or knowledge within the region; (12) Disadvantaged Community members and representatives, including environmental justice organizations, neighborhood councils, and social justice organizations; (13) any other interested groups appropriate to the region.

Stakeholder involvement will be actively solicited through web-sites, media noticing, personal contact, and the posting of notices. Solicitation of Stakeholders shall be among the responsibilities of Cooperating Partners and Steering Committee members. A current but evolving list of Stakeholders is included as Appendix B.

7. Financial Considerations

Each of the Cooperating Partners, respectively except for NGOs that qualify for an exemption from monetary participation, agree to in-kind time and materials commitments, and shall be solely responsible for costs for staff time devoted to the revision of an IRWMP and potentially for making application for grant funding. In addition, there will be extramural costs for hiring a Project Manager and/or consultants for at least one year, with duties for coordination, analysis, outreach, biennial plan revision, and grant application as outlined in the "Roles and Responsibilities" section of this MOU. There will also be extramural costs for administrative services including those conducted by the Santa Barbara County and Water Agency staff including accounting services, web services, project oversight, and legal services, as necessary. Extramural costs, after deduction of funds remaining in the IRWM account and the County's 50% cost share as described in Section 7.2.1 of this MOU, are estimated to be approximately **\$131,000** for the first year which shall be funded by monetary contributions from the Cooperating Partners. In addition, the Cooperating Partners shall

contribute **\$26,200 (20%)** to a contingency fund to be used only in the event of a shortfall of funds already committed. The Cooperating Partners agree that only those Partners with projects selected for application of implementation grant funding will bear the costs of grant application, including consultant services and extramural costs.

The Cooperating Partners agree to generally allocate costs by approximate service area population. Where two or more Cooperating Partners serve the same general population, they may agree to share the costs between themselves in any manner to which they mutually agree. The Cooperating Partners agree to actively encourage participation by all public agencies with a direct or indirect interest in water resources.

7.1 Non-Governmental Organizations

It is recognized that some organizations that wish to participate in the IRWM/Prop 84 process as Cooperating Partners and/or Steering Committee members may not have the means by which to make a financial contribution. In lieu of a financial contribution, these organizations may make an “in kind” contribution consisting of the commitment of time and labor in support of the IRWM/Prop 84 process. Pursuant to language in the PUC Section 75005(k), commonly known as Proposition 84, Chapter 2 Integrated Regional Water Management, Nonprofit Organizations are defined as "any nonprofit corporation qualified to do business in California, and qualified under Section 501 (c) 3, 501 (c) (4) or 501 (c) (5) of the Internal Revenue Code." The option of “in-kind” service in lieu of a financial contribution will extend only to those meeting this definition.

Examples of “In-kind” contributions include but are not limited to:

- 7.1.1 Attendance at and participation in Cooperating Partners and Steering Committee meetings.
- 7.1.2 Organization and/or conducting of informational, workshops and meetings.
- 7.1.3 Production and/or distribution of written materials necessary to conduct business relevant to the IRWM process.
- 7.1.4 Solicitation of involvement by Stakeholders.
- 7.1.5 Review of, and comment on, documents produced as part of the IRWM process.

7.2. For Financial Management:

- 7.2.1 The County Water Agency has established an IRWM account for handling the monetary contributions from those Cooperating Partners responsible for making a financial contribution (Financially Responsible Cooperating Partners). Each Financially Responsible Cooperating Partner shall contribute funds to this IRWMP account. These contributions are specified in Appendix C, recognizing that contributions are subject to specific approval by each financially responsible Cooperating Partner’s respective

governing board. As indicated in Appendix C, and subject to appropriation by the Board of Supervisors, the County Water Agency will contribute **50%** of the cost for hiring consultants for IRWMP preparation and grant application which may include, but is not limited to, project selection, project management, and administrative support. The Water Agency will also contribute **50%** of the cost of its staff time for project management and administration for general IRWMP coordination and grant application. The Cooperating Partners shall reimburse the County Water Agency for the remaining **50%** of all of the costs above. The IRWM account shall include a Contingency Fund in the amount of **20% (\$26,200)** of the estimated first year Cooperating Partner contribution (**\$131,000**). The Contingency Fund shall be used only in the event that costs have been committed that cannot be paid either from existing IRWM account funds or supplemental funds collected from the Cooperating Partners as specified in section 7.2.4. The Cooperating partners shall be required to replace any funds used from the IRWM Contingency Fund.

- 7.2.2 Financially Responsible Cooperating Partners shall pay their respective contributions to the County Water Agency not later than **April 30, 2010**. Payment will be sent to: Santa Barbara County Water Agency, 123 E. Anapamu St., Santa Barbara, CA 93101.
- 7.2.3. Each year the Water Agency will provide an accounting of the IRWM fund. If funds received are in excess of the cost of actual plan coordination and preparation services, then the County Water Agency will carry forward the balance for use in the next year's IRWM activities. If the IRWM process is completed or terminated, the Water Agency will refund monies to Cooperating Partners on a pro-rated basis according to each partner's contribution.
- 7.2.4. If the estimated costs of coordination and plan preparation exceed the funds available to the County Water Agency under this MOU, the County Water Agency may ask all Cooperating Partners to provide supplemental funds. If individual Partners refuse to provide the supplemental funds, the shortfall will be spread over the remaining partners on a voluntary basis. If such shortfalls are not made up, then all planning efforts and obligations shall automatically terminate. The planning effort may also be terminated with the concurrence of a majority of the Cooperating Partners. The Steering Committee will determine whether to request additional funds or terminate the planning effort.

8. Termination of Participation

Any signatory to the MOU may terminate its participation in this MOU after 30 days written notification to all other signatories. Any entity terminating participation that later wishes to participate in this MOU shall first make payment of any funding due from such party at the time of its termination, and also pay its share of any expenses for which it otherwise would have been obligated absent such termination, as determined by the Cooperating Partners.

9. Addition of Parties

Entities may join the Proposition 84/IRWM Cooperating Partners by submitting a written request to the Cooperating Partners and receiving their approval. Entities joining the Cooperating Partners or Steering Committee will be subject to all of the provisions of, and be required to make a financial or in-kind contribution in accordance with, this MOU. Each paying participant's financial obligation will be reduced proportionally with the addition of funds from any joining entity and applied as a credit to the existing participant's account.

10. Defend and Hold Harmless

Tort Liability. Government Code Section 895.2 imposes certain tort liability jointly upon public agencies solely by reason of such public agencies being parties to an agreement as defined in Government Code Section 895. Therefore, the Parties hereto, as between themselves, pursuant to the authorization contained in Government Code Sections 895.4 and 895.6, each assumes the full liability imposed upon it or any of its officers, agents, representatives or employees by law for injury caused by a negligent or wrongful act or omission occurring in the performance of this Agreement, to the same extent that such liability would be imposed in the absence of Government Code Section 895.2. To achieve this purpose, each Party indemnifies and holds harmless the other Party for any loss, cost, or expense, including reasonable attorneys' fees that may be imposed upon or incurred by such other Party solely by virtue of Government Code Section 895.2.

11. Term of this MOU:

The provisions of this MOU will end: (i) on December 31, 2013; or (ii) when Cooperating Partners sign a new MOU that specifically covers ongoing coordination of the IRWMP process, whichever occurs first.

12. Counterparts:

This MOU may be executed in counterparts. Each counterpart shall have the same effect as an original.

13. Notices

All notices or other official correspondence relating to MOU matters between the Cooperating Partners shall be addressed to:

Matt Naftaly, Manager
Santa Barbara County Water Agency
123 E. Anapamu St.
Santa Barbara, CA 93101

In witness whereof, the Cooperating Partners hereto have executed this MOU effective at the time that a majority of the parties listed in Appendix A have approved and executed this MOU.

SANTA BARBARA COUNTY WATER AGENCY
SCOTT MCGOLPIN
PUBLIC WORKS DIRECTOR
BY: _____

DATE: _____

APPROVED AS TO FORM:
DENNIS MARSHALL
COUNTY COUNSEL

BY: _____
Deputy

APPROVED AS TO INSURANCE:
RAY ARMATORIO, ARM, AIC
RISK PROGRAM ADMINISTRATOR

BY: _____

APPROVE AS TO ACCOUNTING:
ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

BY: _____
Deputy

Signatures of Project Proponents

Christine F. Andersen

Director of Public Works

City of Santa Barbara

ATTEST:

Cynthia M. Rodriquez, CMC

City Clerk Services Manager

APPROVED AS TO FORM:

Stephen P. Wiley

City Attorney

By _____

Appendix A: List of Cooperating Partners

The list below is of potential Cooperating Partners. A final list will be prepared based on the actual signatories to the MOU.

County Agencies:

- Agricultural Commissioner's Office - Santa Barbara County
- Flood Control and Water Conservation District - Santa Barbara County
- Water Agency – Santa Barbara County

Cities:

- City of Buellton
- City of Carpinteria
- City of Goleta
- City of Guadalupe
- City of Lompoc
- City Santa Barbara
- City of Santa Maria
- City of Solvang

Water Districts:

- Carpinteria Valley Water District
- Goleta Water District
- Montecito Water District
- Santa Maria Valley Water Conservation District
- Santa Ynez River Water Conservation District
- Santa Ynez River Water Conservation District, ID #1

Non Governmental Organizations:

- Heal the Ocean

Sanitary Districts:

- Carpinteria Sanitary District
- Goleta Sanitary District
- Goleta West Sanitary District
- Summerland Sanitary District

Community Services Districts:

- Casmalia Community Services District
- Cuyama Community Services District
- Vandenberg Village Community Services District

Joint Powers Agencies:

- Cachuma Operations and Maintenance Board (COMB)/Cachuma Conservation Release Board (CCRB)
- Central Coast Water Authority (CCWA)

Appendix B: Stakeholder List

PROPOSITION 84 - STAKEHOLDER'S LIST
Wholesale and retail water purveyors, including a local agency, mutual water company, or a water corporation
Golden State Water Company
La Cumbre Mutual Water Company
Wastewater Agencies/Municipal/County Governments/Special Districts
Montecito Sanitary District
Laguna Sanitary District
Casitas Municipal Water District
Santa Ynez CSD
Los Alamos CSD
Mission Hills CSD
Santa Barbara County Parks
San Luis Obispo County, Public Works
Watersheds Coalition Ventura County
San Luis Coastal RCD
Native American Tribes
Sanla Ynez Band of Chumash Mission Indians
Self-Supplied Water Users including agricultural, industrial, residential, park districts, school districts, colleges, universities, and others
Cojo-Jalama Ranch; Coastal Ranches Conservancy
Central Coast Ag. Water Quality Coalition
Hollister Ranch Homeowner's Association
Environmental Stewardship Organizations, including watershed groups, fishing groups, land conservancies, and environmental groups
Santa Barbara Channelkeeper
SLO & SB Counties Agricultural Watershed Coalition
Community Environmental Council-Watershed Resource Center
California Coastal Conservancy/SoCal Wetlands Recovery Project-SB Task Force
Audubon Society/Southern California Wetlands Recovery Project
Coastal Conservancy
Carpinteria Creek Committee
Carpinteria Salt Marsh Reserve
Santa Barbara Urban Creeks Council
Environmental Defense Center
The Dunes Center
Goleta Slough Management Committee
Sierra Club

Urban Creeks Council
Santa Maria Community Coalition, League of Women Voters, Santa Maria Valley
Sierra Club
Audubon Society/Citizens Planning Association
Environmental Defense Center
League of Women Voters of Santa Barbara
South Coast Habitat Restoration
La Purisima Audubon Society
San Luis Obispo Coastkeeper
Land Trust for Santa Barbara County
Central Coast Salmon Enhancement Team
League of Women Voters of Santa Barbara
Goleta Valley Beautiful
Santa Barbara Wildlife Care Network
Sustainable Conservation
Surfrider, Santa Barbara
SM Valley League of Women Voters Natural Resources Director
Community Organizations, including landowner organizations, taxpayer groups and recreational interests
The Fund for Santa Barbara
Santa Ynez River Landowner's Group
Industry Organizations representing agriculture, developers and other industries in the region
Santa Maria Valley Chamber of Commerce
Lompoc Valley Chamber of Commerce
Solvang Chamber of Commerce
Gov't Relation - Carp Valley Chamber of Commerce
Buellton Chamber of Commerce
Goleta Valley Chamber of Commerce
Carpinteria Valley Chamber of Commerce
Santa Barbara Chamber of Commerce
Guadalupe Chamber of Commerce
California Strawberry Commission
Santa Barbara County Farm Bureau
Santa Barbara County Flower & Nursery Grower's Association
Central Coast Wine Grower's Association
California Rangeland Trust

Grower-Shipper Vegetable Association
Cattlemen's Association
State, federal, regional agencies or universities, with specific responsibilities or knowledge within the region
UCSB-Bren School
Vandenberg Village Air Force Base
California Conservation Corps
CDFG
Los Padres National Forest
Kern County Water Agency
CA State Parks
California State Coastal Conservancy
Central Coast Regional Water Quality Control Board
Department of Water Resources
DAC members and representatives, including environmental justice organizations, neighborhood councils, and social justice organizations
Coastal Alliance United for a Sustainable Economy
Any other interested groups appropriate to the region
Montecito Planning Commission
Agricultural Advisory Committee - Santa Barbara County
City of Santa Barbara-Creeks Division
Stillwater Sciences
Field Representative, Pedro Nava's Office
Senator Abel Maldonado's Office
Chief of Staff, Senator Tony Strickland's Office
Groundswell Technologies, Inc.
3rd District Supervisor's Office-Doreen Far
2nd District Supervisor's Office-Janet Wolf
1st District Supervisor's Office-Salud Carbajal
4th District Supervisor's Office-Joni Gray
5th District Supervisor's Office
Santa Barbara County-Project Clean Water
Adcon International Inc.

Appendix C: Expected Contributions from Cooperating Partners

DRAFT

Appendix C - Proposition 84 MOU Cost Share Estimate - MOU Year 1⁽¹⁾

AREAS/DISTRICTS	Project/Partners	SB/County	Project Manager	Grant/Applications Planning/Imp/lin.	Administration	Estimated Carryover	Partner's Share	Contingency (20%)	Partner's Total Contribution
Montecito ²	Montecito WD	\$657	\$2,441	\$2,910	\$1,127	(\$2,253)	\$4,882	\$976	\$5,858
	Summerland SD	\$433	\$1,609	\$1,918	\$743	(\$1,485)	\$3,218	\$644	\$3,862
Carpinteria ²	Carp VWd	\$359	\$1,332	\$1,588	\$615	(\$1,229)	\$2,663	\$533	\$3,196
	Carp SD	\$359	\$1,332	\$1,588	\$615	(\$1,229)	\$2,663	\$533	\$3,196
	City of Carp	\$359	\$1,332	\$1,588	\$615	(\$1,229)	\$2,663	\$533	\$3,196
Santa Barbara	City of SB	\$2,733	\$10,150	\$12,102	\$4,685	(\$9,369)	\$20,300	\$4,060	\$24,360
Goleta ²	Goleta WD	\$672	\$2,496	\$2,976	\$1,152	(\$2,304)	\$4,993	\$999	\$5,991
	Goleta SD	\$672	\$2,496	\$2,976	\$1,152	(\$2,304)	\$4,993	\$999	\$5,991
	Goleta West SD	\$672	\$2,496	\$2,976	\$1,152	(\$2,304)	\$4,993	\$999	\$5,991
	City of Goleta	\$672	\$2,496	\$2,976	\$1,152	(\$2,304)	\$4,993	\$999	\$5,991
Lompoc	City of Lompoc	\$1,875	\$6,965	\$8,304	\$3,215	(\$6,429)	\$13,930	\$2,786	\$16,716
Vandenberg	VVCS	\$370	\$1,375	\$1,639	\$635	(\$1,269)	\$2,750	\$550	\$3,300
Buellton	City of Buellton	\$125	\$465	\$554	\$215	(\$429)	\$930	\$186	\$1,116
Solvang	City of Solvang	\$370	\$1,375	\$1,639	\$635	(\$1,269)	\$2,750	\$550	\$3,300
Santa Ynez ²	SYRWCD	\$20	\$75	\$99	\$35	(\$69)	\$150	\$30	\$180
	SYRWCD ID#1	\$20	\$75	\$99	\$35	(\$69)	\$150	\$30	\$180
Guadalupe	City of Guadalupe	\$421	\$1,564	\$1,865	\$722	(\$1,444)	\$3,128	\$626	\$3,753
Santa Maria ²	City of SM	\$2,400	\$8,914	\$10,628	\$4,114	(\$8,228)	\$17,828	\$3,566	\$21,394
	SMVWCD	\$68	\$251	\$299	\$116	(\$231)	\$502	\$100	\$602
	Casmalia CSD	\$68	\$251	\$299	\$116	(\$231)	\$502	\$100	\$602
	Cuyama CSD	\$68	\$251	\$299	\$116	(\$231)	\$502	\$100	\$602
COMB & CCRB		\$1,368	\$5,080	\$6,057	\$2,345	(\$4,689)	\$10,160	\$2,032	\$12,192
CCWA		\$685	\$2,545	\$3,034	\$1,175	(\$2,349)	\$5,090	\$1,018	\$6,108
Santa Barbara County	SBCFD ³	\$1,735	\$6,445	\$7,684	\$2,975	(\$5,949)	\$12,890	\$2,578	\$15,468
	Agricultural Commiss. ⁴	\$335	\$1,245	\$1,484	\$575	(\$1,149)	\$2,490	\$498	\$2,988
	Water Agency	\$17,485	\$64,945	\$77,434	\$29,975	(\$59,949)	\$129,890	\$25,978	\$155,868
Heal The Ocean ⁵		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total		\$35,000	\$130,000	\$155,000	\$60,000	\$120,000	\$260,001	\$52,000	\$312,001

1) General method of cost distribution based on previous Prop 50 methodology
 2) Divisions within regions based on allocations of former MOU. Participants may determine division of costs within region.
 3) SB County Flood Control Included at 5%
 4) County Ag. Commissioner Included at 1%
 5) Heal The Ocean will provide "In-Kind" Service in place of monetary contribution



Santa Barbara County Public Works Department
Flood Control  Water Agency

March 15, 2010

Santa Barbara County IRWM Region Participants

RE: Proposition 84 Memorandum of Understanding

Introduction

As part of its coordinating role in the State's Integrated Regional Water Management (IRWM) Program, the Santa Barbara County Water Agency (Agency) has developed an updated Memorandum of Understanding (MOU). The MOU, dated March 4, 2010 is necessary in order to adapt to the program's changing priorities and the needs of its participants. Following is a brief background of the IRWM Program and a description of the ways in which the new MOU differs from those that precede it.

Background

The IRWM program was developed to promote integrated assessment and planning for both water quality and water quantity issues, flood control and climate change response on a regional basis. It places emphasis on collaboration within shared hydrologic regions and watersheds and increasingly on inclusivity of a wide array of stakeholders and interested parties.

In 2006, local entities collaborated to participate in the process established by the California legislature pursuant to The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act (Public Resources Code Section 75001- 75009). In accordance with this legislation, the Cooperating Partners developed an Integrated Regional Water Management Plan, the basis for grant application in Proposition 50 and Proposition 84. Santa Barbara County-wide interests successfully prepared an IRWMP pursuant to Proposition 50 guidelines and successfully sought grant funding to implement key projects included in that plan.

Proposition 84 provides funding for a range of water related plans and projects and builds on the previous Proposition 50 program. Proposition 50 is managed jointly by the State Water Resources Control Board (SWRCB) and the Department of Water Resources (DWR), while Proposition 84 is managed solely by DWR.

The March 4, 2010 MOU updates previous agreements and commitments made by some of the Cooperating Partners between 2006 and 2009, including an MOU for initial preparation of the IRWMP

(July 2006) and an MOU for pursuing Proposition 50 implementation grant funding (October 2007). This MOU will replace the March, 2009 MOU pertaining to Proposition 84.

Proposition 84 stipulates that \$52,000,000 must be awarded to the Central Coast Region (including Santa Barbara County.) DWR has conducted a Regional Application Process (RAP) by which Santa Barbara County interests applied and was accepted as a region defined by the County boundary with water related interests extending into adjacent regions.

March 4, 2010 MOU

At the time that the March, 2009 MOU was developed, DWR requirements in relation to the Proposition 84 grant were not fully developed. The March 4, 2010 MOU addresses emerging requirements and emphases included in the Proposition 84 legislation, grant guidelines, and information shared by DWR during the RAP interview. A modified MOU that addresses issues of inclusiveness and governance was agreed to by Santa Barbara County region representatives as part of the RAP process.

Inclusiveness:

Proposition 84 legislation requires that a wide range of stakeholders be included in the IRWM process. Therefore, the MOU specifically allows participation of Non-Governmental Organizations (NGOs, specifically 501 (c) (3)s (4)s and (5)s) having a tax exempt status to participate fully in the Cooperating Partners and Steering Committee by performing tasks or committing time as service in lieu of a financial contribution.

Governance:

During the RAP process DWR expressed specific concerns regarding the lack of detail within the existing MOU regarding the governance requirements, decision making structure and procedures of the Cooperating Partners and Steering Committee. For this reason, the March 4, 2010 MOU outlines procedures regarding the functions and decision making processes of these groups.

Joining of Parties:

In order to facilitate participation by as many stakeholders as possible, the MOU establishes a procedure to allow for parties to join the Cooperating Partners at any time during the process.

Brown Act:

The MOU removes the requirement for Proposition 84 meetings to be conducted in accordance with the Brown Act.

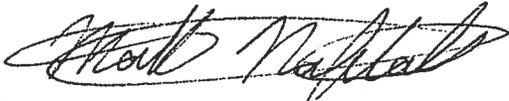
Scope:

The MOU modifies and adds to the scope of issues to be included in an IRWM plan and addressed by the Proposition 84 process in order to address changing conditions and DWR requirements.

The MOU is scheduled to go to the County Board of Supervisors on April 6, 2010 and will be forwarded to DWR when approved.

If you have any questions regarding the MOU, please contact me.

Matt Naftaly

A handwritten signature in black ink, appearing to read "Matt Naftaly", written in a cursive style.

Santa Barbara County Water Agency
Water Agency Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A LEASE AGREEMENT WITH DOUG CHESSMORE, DOING BUSINESS AS OCEAN AIRE ELECTRONICS, EFFECTIVE MAY 27, 2010, FOR LEASE OF THE PREMISES LOCATED AT 125 HARBOR WAY #7

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, An Ordinance of the Council of the City of Santa Barbara Approving a Lease Agreement with Doug Chessmore, Doing Business As Ocean Aire Electronics, Effective May 27, 2010, is hereby approved.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING ORDINANCE NO. 5484, THE 2009-2011 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA BARBARA AND THE SANTA BARBARA CITY SUPERVISORY EMPLOYEES' BARGAINING UNIT (SUPERVISORS' UNIT)

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

SECTION ONE. The 2009-2011 Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Supervisory Employees Bargaining Unit, adopted by Ordinance No. 5484, is hereby amended to include the supplemental agreement dated as of April 20, 2010 and (hereinafter the "Supervisors' Supplemental Agreement") attached hereto and incorporated herein by reference as Exhibit A.

SECTION TWO. The City Administrator is authorized to apply the changes to salaries and benefits contained in the Supplemental Agreement to the City's confidential supervisors.

SUPPLEMENTAL AGREEMENT BETWEEN THE CITY AND THE SUPERVISORY EMPLOYEES' BARGAINING UNIT REGARDING FURLOUGH AND OTHER LAYOFF AVOIDANCE MEASURES

Pursuant to Section 3.12 of the Municipal Code of the City of Santa Barbara and Section 3500 et seq. of the Government Code, the duly authorized representatives of the City of Santa Barbara ("The City") and the Santa Barbara City Employee Supervisor Association ("The Association"), having met and conferred in good faith, agree that the existing 2009-2011 Memorandum of Understanding (MOU) shall be supplemented with the following agreement:

1. **MODIFIED TERM:** The term of the existing Memorandum of Understanding reflected in Article 50 will be extended by approximately six months, through June 30, 2011.
2. **SALARY AND BENEFIT CHANGES:** Subject to the requirements of Equity Clause, below, the Association agrees to all of the following measures:
 - a. Measures to Achieve One-time (or "Temporary") Budget Savings
 - i. **Furlough:** During Fiscal Year 2010-2011, each Supervisory Unit employee will be subject to an unpaid furlough of 136 hours (6.5% value, prorated for part-time employees) on the terms included in the attached Mandatory Unpaid Furlough Plan (Attachment A), and
 - ii. **Vacation Cash Out:** The vacation cash-out provision of the MOU (1% value), referenced in Article 54 of the MOU, will be suspended during the July 2010-June 2011 Fiscal Year (i.e., the fall 2010 cash-out) on the same terms outlined in Article 54, subsection "c" of the MOU.
 - b. Measures to Achieve Ongoing (or "Permanent") Budget Savings
 - i. **Relinquish Salary Increase:** The Association agrees to relinquish the Fiscal Year 2010 salary increase of 1.5%, which was scheduled for April 10, 2010. This increase will not go into effect, and
 - ii. **Reduction in Cafeteria Allowance:** Effective July 1, 2010, the Association agrees to a reduction in the cafeteria plan allowance, by \$95 per month, to \$800 per month.
3. **ONE-TIME PERSONAL LEAVE EXTENSION:** There will be a one-time exception to the general rule that personal leave days must be taken by the end of each fiscal year or lost. Personal leave days awarded in July 2010 may be used over a period of two fiscal years, but must be taken by the end of fiscal year 2011-2012 (i.e., no later than June 30, 2012). In no case shall employees be entitled to cash payment for personal leave days not taken.

4. **EQUITY (“ME TOO”) CLAUSE** The parties acknowledge that the Association is willing to concede to the extended MOU term and salary and benefit changes listed above on the condition that the City achieves similar concessions from the Police Officers Association (hereinafter the “POA”).
- a. **Similar Concessions:** For purposes of this section “similar concessions” from the POA means an agreement (or extension to the agreement, or a unilateral adoption of a last, best, and final offer, etc.) beyond the existing labor agreement terms and conditions which achieves:
 - i. One-time/temporary net budget savings in Fiscal Year 2010-2011 at least equivalent to 7.5% (7.5 times the 1% Number With Roll-Up for the POA, listed on Attachment B), and
 - ii. Ongoing/permanent net budget savings in Fiscal Year 2010-2011 at least equivalent to 2.5% (two and one-half times the 1% Number With Roll-Up for the POA, listed on Attachment B).
 - b. **Adjustment Methodology:** In the event that the City does not achieve similar concessions from the POA, concessions from the Association will be adjusted as follows:
 - i. If the one-time/temporary net budget savings in Fiscal Year 2010-2011 are not at least equivalent to 7.5% (7.5 times the 1% Number With Roll-Up for the POA, listed on Attachment B), the one-time/temporary budget measures listed above will be reduced by an equivalent factor of the 1% Number for the Association, listed on Attachment B, as follows:
 - 1. First, through reinstatement of a portion of the vacation cash-out.
 - 2. Second, through reduction in the unpaid furlough
 - ii. If the ongoing/permanent net budget savings are not at least equivalent to 2.5% (2.5 times the 1% Number With Roll-Up for the POA, listed on Attachment B), the ongoing/permanent budget measures listed above will be reduced by an equivalent factor of the 1% Number for the Association, listed on Attachment B, as follows:
 - 1. First, through restoration of the April 10, 2010 salary increase,
 - 2. Second, through restoration of the cafeteria plan allowance.
 - 3. If, however, the POA’s one-time/temporary net budget savings as a function of the POA’s one percent number exceeds the corresponding percent of temporary net budget savings under this agreement, ongoing savings measures will be converted to temporary savings measures rather than being

completely discharged. This will be achieved through the addition of a June 18, 2011 reinstatement date for the concession.

- iii. Notwithstanding the above, a variance in one-time or ongoing budget savings during FY 2010-2011 of less than 0.5% of salary (0.5 times the police 1% number with roll-up) will be considered de minimis and will not trigger an adjustment to this agreement.
 - iv. For variances in one-time or ongoing budget savings of greater than or equal to 0.5%, adjustments to concessions will be made by 0.5% for each full 0.5% difference between the Association's Concessions and the POA Concessions.
 - v. Given that labor negotiations with the POA may extend beyond the effective date of concessions under this Agreement, the budget savings measures under this Agreement will be implemented as planned, and will be adjusted retroactively, as appropriate, when negotiations with the POA are concluded.
- c. Effect of Position Eliminations: The one percent numbers in Attachment B are based on existing budgeted staffing levels as of the date of this agreement. If one or more positions in the POA or the Association are eliminated from the FY 2010-2011 budget as it is adopted by the City Council in June 2010, the 1% numbers reflected in Attachment B will be equitably adjusted downward by 1% of the salary plus roll-up cost of those eliminated positions and any equitable adjustments under this agreement will be based on the adjusted 1% numbers.
- d. The comparability of "net budget savings" from various labor concessions will be determined by the Finance Director who will provide a detailed explanation of his findings, upon request, to the Association. If the Association disagrees with the Finance Director's determination, the Association may appeal this decision in writing to the City Administrator, citing the specific bases of disagreement. The City Administrator will respond within 20 days and his decision will be final.
5. **REOPENER IN THE EVENT OF LAYOFFS:** Nothing in this Supplemental Agreement shall restrict the right of the City Council to make permanent reductions in workforce for economic reasons if the City's financial position has significantly changed, as authorized under the Santa Barbara City Charter, including but not limited to Sections 1007 and 1008, and the Santa Barbara Municipal Code. However, prior to the implementation of any layoffs proposed during the remaining term of the MOU, the City will provide the Association with a minimum of 60 days notice and the immediate opportunity to meet and confer over any negotiable impacts of such layoffs not contained in the current MOU.

6. **SEVERABILITY**- If any provision of this Supplemental Agreement is held unenforceable, then such provision will be modified to reflect the intention of the parties. All remaining provisions of the Supplemental Agreement shall remain in full force and effect.

Dated: **April 20, 2010**

FOR THE CITY

FOR THE ASSOCIATION

Kristine Schmidt
Employee Relations Manager

Victor Garza
President

Barbara Barker
Human Resources Manager

Rob Badger
Information Systems Supervisor

Judd Conley
Waterfront Maintenance Superintendent

Araceli Esparza
Purchasing Supervisor

**CITY OF SANTA BARBARA
FISCAL YEAR 2011
MANDATORY UNPAID FURLOUGH PLAN
Supervisors
(Dated April 20, 2010)**

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I. Purpose

The purpose of this mandatory unpaid work furlough plan is to:

- Allow the City to address anticipated revenue shortfalls and increased expenses in Fiscal Year 2011 while minimizing the need for service cuts and staff layoffs; and
- Establish, in advance, a clear and understandable method to mitigate the impacts of a work furlough on affected employees.

II. Definitions

"Work furlough" refers to one or more hours of required unpaid leave taken on a consecutive or intermittent basis.

III. Application

1. This policy applies to employees in the Supervisory Employees Bargaining Unit.
2. Nothing in this plan shall restrict the right of the City to make bonafide permanent reductions in workforce, nor to otherwise reduce work hours for economic reasons, as authorized under the Santa Barbara City Charter, including but not limited to Sections 1007 and 1008, and the Santa Barbara Municipal Code. However, the City acknowledges that such alternate work reductions may trigger a separate duty to meet and confer with the City's recognized labor organizations about such decision(s) and/or the effects of such decisions on employees.

IV. Declaration and Scheduling of Mandatory Work Furlough

1. Implementation: This Mandatory Furlough Plan will be implemented at the level of 136 hours (6.5%), prorated for part-time employees, or such lesser amount as may result from the Equity (“me too”) Clause contained in the Agreement between the City and the Association..
2. Scheduling of Furlough: The City will have the sole authority to schedule the furlough periods, and such decisions shall not be subject to grievance or appeal.
 - a) General Furlough Closure: The City will observe a General Furlough Closure, during which many City offices and operations will be closed.

Many employees in operations that are subject to the General Furlough Closure, and in other operations, will be scheduled to take furlough time off during these furlough closure dates. However, some employees will be scheduled to work during such closure periods based on City operational needs, or by mutual agreement between the employee and the employee’s supervisor.
 - b) Furlough Time Off Bank: Any furlough hours not scheduled to be taken as part of a General Furlough Closure shall become part of an employee’s furlough time off bank. Employees will be scheduled to take the furlough time off at another time after July 1, 2010 but before June 18, 2011. Such time off shall be scheduled on the same terms as vacation under the applicable Memorandum of Understanding or other City policy.
 - c) Rescheduling Furlough Time Off: If an employee is not able to take furlough time off as originally scheduled, the furlough hours will become part of the employee’s Furlough Time Off Bank and will be rescheduled as provided in subsection “b”, above. Supervisors will be encouraged, where practicable, to make reasonable efforts to avoid disruption to employees if scheduled furlough time off must be rescheduled (e.g. by finding qualified volunteers). However, this may not always be possible.
3. Application to Work Groups and Positions:
 - a) Although this plan may be applied uniformly to all supervisory employees Citywide, the City may also apply this policy differentially to all or some work groups or positions at its discretion. Such decisions shall not be subject to grievance or appeal. For example:

- (1) The City may decide not to furlough certain work groups or positions because they are performing essential or contracted functions, because compensation is paid from restricted funding sources, or for any other business reason.
 - (2) The City may also decide to furlough some work groups or positions at different times or for different durations than other work groups or positions for any business reason.
4. Application to Voluntary Hours Reduction Requests: Once a mandatory furlough is declared for Fiscal Year 2011 under this plan, employees who offered to voluntarily reduce their hours to part-time under the "Part-Time Work" Policy or to take an unpaid leave of absence under the "Leave of Absence Without Pay, Non-Medical Reasons" Policy during Fiscal Year 2011 will be provided an opportunity to rescind their voluntary part-time schedule or unpaid leave request.
5. Work During Furlough: No employee may perform work for the City during the furlough period unless authorized by management.

V. Effect of Mandatory Work Furlough on Employee Pay

1. Pay Reduction: The period of furlough time off will be unpaid. Furlough time off will be tracked under a separate unpaid hours code.
2. Non Exempt Employees- Pay Mitigation Plan:
 - a) For non-exempt employees, the wage loss from the mandatory furlough will be distributed evenly over the full fiscal year. Effective the first full pay period in Fiscal Year 2011, beginning on June 19, 2010, a bi-weekly deduction will be made from employee compensation in an amount equivalent to 1/26th of the total unpaid mandatory furloughed time through the end of the last pay period of Fiscal Year 2011, ending on June 17, 2011.
 - b) Mutual Reimbursement:
 - (1) For employees in active paid status as of the beginning of the fiscal year who terminate employment within the fiscal year:
 - (a) If, at the time of termination, the reduction in pay exceeds the furlough time off taken, the employee will be entitled to pay for the difference.

- (b) If, at the time of termination, furlough time off taken exceeds the reduction in pay, the employee will need to reimburse the City for the difference in pay.
- (2) An employee who is hired or otherwise enters active paid status after the beginning of the fiscal year will be scheduled for furlough time off and will have his or her pay reduced by an amount equivalent to 1/26th of the total furloughed time for the first 26 pay periods of employment. The employee will be subject to the same mutual reimbursement provisions in Section (1) above, if the employee terminates employment before the 26 pay periods are complete.
- (3) An employee who is on unpaid status for any other reason at any point during the fiscal year will, upon return to active paid status, be scheduled to make up any furlough hours not taken and will continue to have his or her pay reduced by an amount equivalent to 1/26th of the total furloughed time until 26 full pay periods of reduction have been achieved. The employee will be subject to the same mutual reimbursement provisions in Section (a) above, if the employee terminates employment before the 26 pay periods are complete.

3. Exempt Employees

- a) Exempt employees will be considered non-exempt employees under the Fair Labor Standards Act (FLSA) guidelines in any FLSA workweek in which one or more hours of unpaid furlough time off occurs (See 29 CFR 541.710(b)). Such employees will be eligible for hourly pay for any work performed during that FLSA workweek, just as non-exempt employees would be. Such employees may also be eligible for overtime compensation during any such FLSA workweek according to applicable FLSA guidelines. For purposes of this provision only, the FLSA workweek of an otherwise exempt employee will be the City's standard FLSA workweek, beginning and ending at midnight on Friday night, regardless of the employee's regular work schedule.
- b) Exempt Employees- Pay Mitigation Plan: Exempt employee pay will be reduced under the same Pay Mitigation Plan outlined for non-exempt employees in Section V.2, above.

- (a) The City and the affected bargaining units agree that is our mutual good faith interpretation of 29 CFR 541.710(b) that the City may implement a pay mitigation plan for exempt employees without affecting the exempt status of such employees under the FLSA to a greater degree than expressed in Section V.3(a), above.
- (b) If the City receives an opinion from the U.S. Department of Labor or other binding legal authority that indicates that the pay mitigation plan for exempt employees further affects the exempt status of such employees, the City will promptly notify the affected represented bargaining units and the parties will reopen negotiations within 30 days of such notice to determine an alternate method of furlough pay deductions that will preserve such employees' exempt status.
- (c) Management employees must sign an agreement to participate in the Pay Mitigation Plan, otherwise the full pay deductions will be taken in the pay period(s) in which the furlough time off actually occurs.

VI. Benefits During a Mandatory Work Furlough

1. Health, Life, and Cafeteria Plan Benefits: An employee shall receive continued medical, dental, vision, life insurance, and cafeteria plan benefits, including any City contribution, at the level the employee would have received absent the work furlough. Employees will be responsible for the same employee contributions to these benefits that they would have made absent the work furlough.
2. Retirement: To the extent allowable by CalPERS, and in compliance with any restrictions imposed by CalPERS, the City will ensure that retirement benefits will not be adversely impacted as a result of the furlough and related reduction in hours and/or salary.
3. Other Benefits: Other benefits may be reduced as required under normal benefit rules related to work schedule or unpaid leave. Such benefits include, but are not limited to: disability insurance or SDI/PFL contributions, Medicare contributions, etc.
4. Paid Leave Accrual: Employees will receive the same vacation, sick leave, personal leave, and management leave accruals they would have received absent the work furlough.

5. Legal Holidays: Employees on a work furlough shall receive legal holiday pay as follows:
 - a) Employees in classifications entitled to accrue holiday credit will continue to receive the same holiday credit.
 - b) For employees who do not accrue credit, where a legal holiday is observed during a period of work furlough, the employee will be paid hours for that holiday at the same level employee would have received absent the work furlough. In other words, that holiday will not count as an unpaid furlough day. For employees on a 9/80 or 4/10 schedule, the employee may be required to use accrued paid leave banks to make up the full paid holiday, as usual.
6. Use of Paid Leave: An employee will not be permitted to use accrued paid leave banks (vacation, sick leave, compensatory time, personal or management leave) during the unpaid furloughed hours.
7. Vacation Accruals: Management will make every reasonable effort to work with employees to avoid loss of vacation accruals or personal leave due to encroachment on accrual caps or time limits for use.
8. Standby and Call-back: An employee may be assigned to call-back or standby during a work furlough as provided under the applicable labor agreement or City policy. An employee called-back to active paid work during the unpaid furlough period will be required to take equivalent additional unpaid furlough during the remainder of the fiscal year.
9. Service & Seniority: Furlough shall not count as a break in City service and shall not affect seniority or eligibility for merit increases.
10. Schedule Changes: While an employee is on a furlough, schedule changes will be subject to the requirements of the applicable labor agreement
11. Overtime: Employees will only be eligible for overtime premium that they would have received absent the reduction in work hours (i.e., for over 40 hours in a workweek).
12. Probationary Period: Probationary periods shall not be affected by a mandatory furlough.
13. Limits on Benefit Continuation: Special benefit continuation under this furlough plan is available only to employees during their mandatory unpaid furlough period(s). Otherwise, employees are covered by benefit continuation under other City policies, including the City's applicable Leave Without Pay policies.

Exhibit A- Attachment B

1% number with roll-up effective July 2010, at current budgeted staffing levels, assuming no labor concessions from existing agreements.

Unit	1% With Roll-Up ALL Funds
Police Officers Association	203,960
Supervisors Association	88,588



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 27, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Purchase, Release, And Possession Of Property Interests For The Ortega Street Bridge Replacement Project

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept Various Permanent and Temporary Easement Interests Located at 314 West Ortega Street, 627 Bath Street, 631 Bath Street, and 620 Castillo Street, and Authorizing the Public Works Director, Subject to Review and Approval of the Form of the Four Separate Agreements by the City Attorney, to Execute Such Agreements and Related Documents that May be Required, Including Among Others, Necessary Escrow Instructions, all Relating to the Proposed Ortega Street Bridge Replacement Project, and Consenting to the Recordation of the Related Deeds in the Official Records, County of Santa Barbara; and
- B. Introduce, and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Quitclaim Deed to Release any Fee Interest Within Mission Creek Located on a Portion of the Real Property at 314 West Ortega Street, as Described in a Deed Recorded on February 27, 1912, in Book 134 of Deeds, at Page 403, and Authorizing the Public Works Director of the City to Execute the Same.

DISCUSSION:

Background

The Ortega Street Bridge (Bridge) Replacement Project (Project) will replace the old bridge over Lower Mission Creek (LMC). The new Bridge will be consistent with the LMC environmental studies, prepared by the Army Corps of Engineers. The Project will improve the hydraulic conveyance of the creek and will continue to accommodate the same number and sizes of traffic lanes and pedestrian access. The Project is an approved Federal Highway Bridge Program project with oversight provided through the State of California Department of Transportation (Caltrans). The design of the Project is 95% complete, and staff is currently working to acquire the necessary property interests.

The property interests identified below and on Attachment 1 are required for the proposed Project and must be purchased by the City. This includes property interests at 314 West Ortega Street, 627 Bath Street, 631 Bath Street, and 620 Castillo Street, as shown on Attachment 2. All of the property interests needed for the Project are identified on Attachment 3.

As shown on Attachment 2, the City already owns the property at 303 West Ortega Street. This was acquired in advance of the Project to avoid the former owner's plan in 2007 to make costly repairs to the foundation existing in the LMC floodway. The City now also owns the adjacent property at 309 West Ortega Street, as authorized by Agreement No. 23,296, approved by Council on February 23, 2010.

The City has provided written offers to all owners for the purchase of the various property interests based on appraisals approved by Caltrans. The City's acquisitions are on the critical path for the Project schedule and must be completed for the Project to begin as scheduled in spring 2011.

The agreements required for the City's purchase of the easements at 314 West Ortega Street, 627 Bath Street, 631 Bath Street, and 620 Castillo Street have been signed and returned to City staff. The recommended Resolution is proposed to allow the Public Works Director to execute agreements with the owners, along with the execution of any documents required to accomplish the City's purchase of the easements, subject to review and approval of such documents by the City Attorney as to form. The Resolution is also proposed to demonstrate acceptance by the City of the easements.

314 West Ortega Street (Mares Trust)

The agreement proposed with Mares Trust for the purchase of permanent and temporary easements at 314 West Ortega Street provides for consideration in the total amount of \$6,880 plus escrow costs.

As partial consideration for the grant by Mares Trust of a specific permanent easement for a new street, bridge, and other LMC improvements, it is recommended that the City quitclaim a poorly described narrow strip of land on the property, located somewhere within the new easement for LMC, as described in a deed recorded in 1912. The recommended Ordinance is proposed to authorize the quitclaim by the City.

627 Bath Street (Ortega)

The agreement proposed with Herman and Dolores Ortega for the purchase of a permanent easement within LMC at 627 Bath Street provides for consideration in the amount of \$2,900, plus escrow costs.

631 Bath Street (Vaughan Trust)

The agreement proposed with The Vaughan Trust for the purchase of a permanent easement within LMC at 631 Bath Street provides for consideration in the amount of \$16,900, plus escrow costs.

620 Castillo Street (Housing Authority)

The agreement proposed with The Housing Authority of the City of Santa Barbara for the temporary construction easement within LMC at 620 Castillo Street provides for consideration in the amount of \$250.

306 West Ortega Street (Mission Creek Properties, LLC)

Efforts are ongoing to obtain a signed agreement with Mission Creek Properties, LLC, the owner of the property at 306 West Ortega Street. When such agreement has been obtained, it will be scheduled for approval by Council. Until then, interim agreements are being sought by City staff in an effort to obtain advance possession of the property for the Project.

BUDGET/FINANCIAL INFORMATION:

The table shown on Attachment 4 summarizes all estimated Project costs.

In addition to payment of costs for the purchase of properties and easements required for the Project, it is necessary for the City to pay costs for the relocation of displaced occupants, as required by applicable federal and state laws and guidelines. Although no occupants at 314 West Ortega Street, 627 Bath Street, 631 Bath Street, and 620 Castillo Street will be displaced, a relocation plan has been prepared to relocate the occupants of other properties at the appropriate time. Until all displaced occupants have been relocated to replacement dwellings, it is not possible to establish the actual costs required for such relocations. When accomplished, the associated costs will also be shared with the State, in accordance with applicable guidelines and the formula shown on Attachment 4.

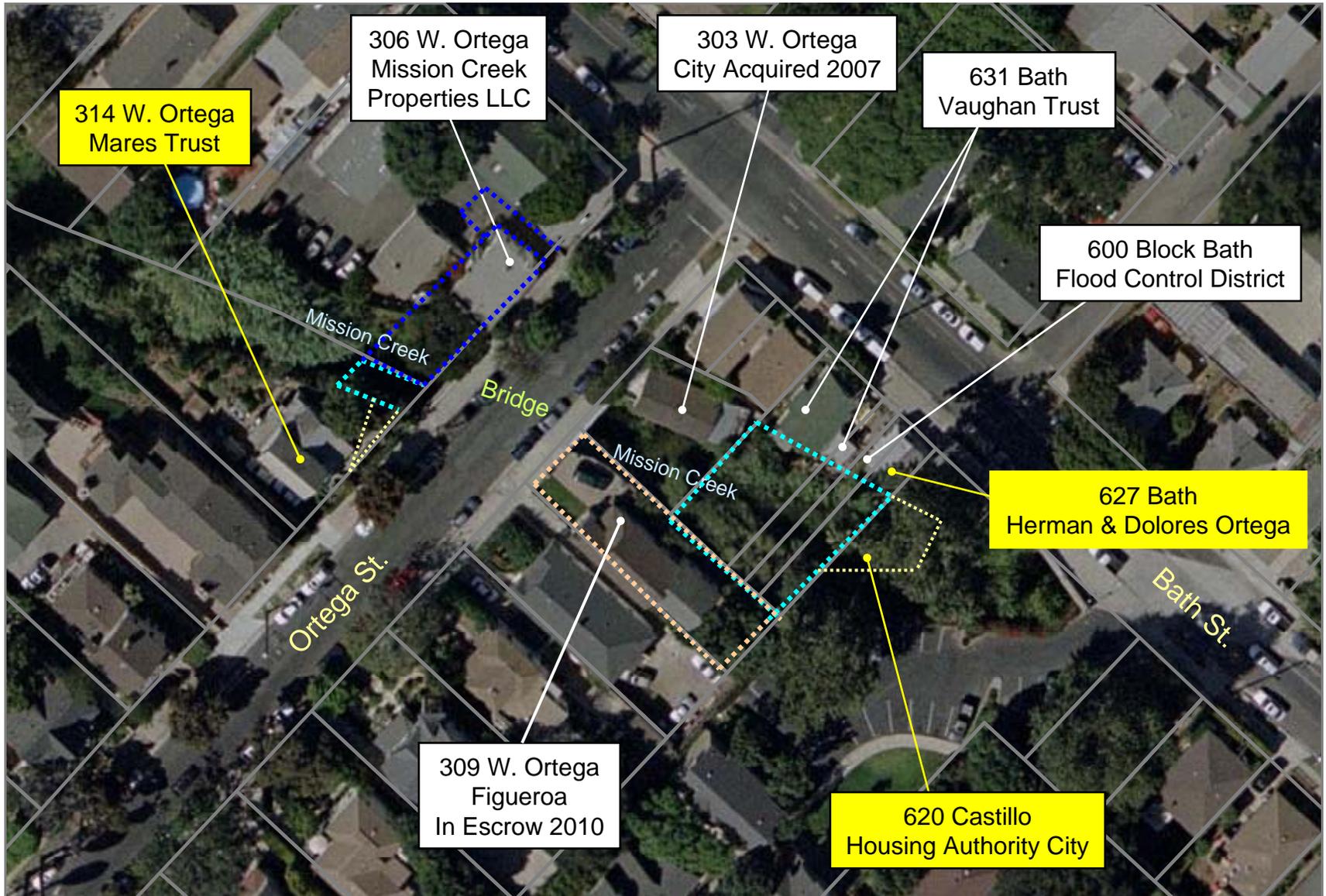
There are sufficient appropriations in the Streets Capital Fund to cover the City's costs. Staff is working with Caltrans to secure construction funding, and contingent on state and federal authorization of grant funding, site work could begin in spring 2011.

ATTACHMENTS: 1) Right of Way Appraisal Map
2) Project Area Aerial Photo
3) Acquisitions And Easements For Ortega Street Bridge
Replacement Project
4) Estimated Total Project Cost

PREPARED BY: John Ewasiuk, Principal Civil Engineer/DI/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



PROJECT AREA AERIAL PHOTO

ATTACHMENT 3

Acquisitions And Easements For Ortega Street Bridge Replacement Project

The properties and easements needed for the Ortega Street Bridge Replacement Project are identified below.

Address	Description	Status
303 West Ortega Street, City Property	Entire Property; Structure Located Within Mission Creek Work Area	City Acquired 2007
306 West Ortega Street, Mission Creek Properties LLC	Portion Property in Fee; Vehicle Easement; Structure Located Within Mission Creek Work Area	Offer Pending Await 2 nd Appraisal Proposed Resolution for Interim Agreements Item April 27, 2010
309 West Ortega Street, City Property	Entire Property; Structure Within Mission Creek Work Area	Agreement 23,296 Closed April 7, 2010
314 West Ortega Street, Mares Family Trust	Temporary Construction Easement; Mission Creek Easement	Proposed Resolution and Ordinance for Quitclaim This Item April 27, 2010
620 Castillo Street, Housing Authority of City	Temporary Construction Easement for Work in Mission Creek	Proposed Resolution This Item April 27, 2010
627 Bath Street, Herman & Dolores Ortega	Mission Creek Easement	Proposed Resolution This Item April 27, 2010
600 Block Bath Street, County Flood Control District	Encroachment Permit for Work in Mission Creek	Permit Pending
631 Bath Street, Vaughan Trust	Mission Creek Easement	Proposed Resolution This Item April 27, 2010

ESTIMATED TOTAL PROJECT COST

PROJECT PHASE	HBP* SHARE	CITY SHARE	ESTIMATED COSTS
Design Phase	\$783,225	\$101,475	\$884,700
Right-of-way Phase	\$1,903,395	\$246,605	\$2,150,000
Construction Phase	\$3,324,920	\$430,780	\$3,755,700
Totals	\$6,011,540	\$778,860	\$6,790,400

* - Federal Highway Bridge Program

The table above shows total estimated Project costs. The Project is currently in the Right of Way Phase and has been authorized up to \$2,150,000 (per written approval by Caltrans).

Caltrans is overseeing the City's steps to purchase all properties and easements for the Project, since 88.53% of the City's eligible project costs and right of way costs will be reimbursed by the Federal Highway Bridge Program (HBP) through Caltrans. The City will be responsible for 11.47% of the eligible costs.

The shared acquisition costs relating to the easements being purchased at 314 West Ortega Street, 627 Bath Street, 631 Bath Street, and 620 Castillo Street are outlined as follows:

City @ 11.47%	=	\$3,090
HBP @ 88.53%	=	<u>\$23,840</u>
Total Combined Easement Costs	=	\$26,930

Based on the approved appraisals, previous acquisition costs, estimated relocation costs, and anticipated management costs, the Project Right-of-way Phase cost is expected to have a surplus of funds.

RESOLUTION OF ACCEPTANCE NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACQUIRE AND ACCEPT VARIOUS PERMANENT AND TEMPORARY EASEMENT INTERESTS LOCATED AT 314 WEST ORTEGA STREET, 627 BATH STREET, 631 BATH STREET, AND 620 CASTILLO STREET, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR, SUBJECT TO REVIEW AND APPROVAL OF THE FORM OF THE FOUR SEPARATE AGREEMENTS BY THE CITY ATTORNEY, TO EXECUTE SUCH AGREEMENTS AND RELATED DOCUMENTS THAT MAY BE REQUIRED, INCLUDING AMONG OTHERS, NECESSARY ESCROW INSTRUCTIONS, ALL RELATING TO THE PROPOSED ORTEGA STREET BRIDGE REPLACEMENT PROJECT, AND CONSENTING TO THE RECORDATION OF THE RELATED DEEDS IN THE OFFICIAL RECORDS, COUNTY OF SANTA BARBARA

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

WHEREAS, the bridge replacement project requires the purchase by the City of a permanent easement for street, bridge and flood control purposes, along with an adjacent temporary construction easement, on a portion of the real property commonly known as 314 West Ortega Street, Santa Barbara County Assessor's Parcel APN 037-073-012, owned by Carolina Mares, as Trustee of The Mares Family Trust, October 6, 1997, due to its location immediately adjacent to the existing bridge and the proposed new Ortega Street bridge at Mission Creek, for monetary consideration in the amount of \$6,880, plus related escrow closing costs, and for non-monetary consideration caused by the quitclaim and release by the City of any interest City may hold in a portion of said real property as poorly described in a deed dated February 13, 1912, and recorded on February 27, 1912, in Book 134 of Deeds, at Page 403, in the Office of the County Recorder of Santa Barbara County, subject to the adoption by the City of an ordinance approving such quitclaim and release;

WHEREAS, the bridge replacement project requires the purchase by the City of a permanent easement for street, bridge and flood control purposes, on a portion of the real property commonly known as 627 Bath Street, Santa Barbara County Assessor's Parcel APN 037-113-014, owned by Herman and Dolores Ortega, husband and wife as community property, due to its location adjacent and downstream of the proposed new Ortega Street bridge at Mission Creek, for monetary consideration in the amount of \$2,900, plus related escrow closing costs;

WHEREAS, the bridge replacement project requires the purchase by the City of a permanent easement for street, bridge, and flood control purposes, on a portion of the real property commonly known as 631 Bath Street, Santa Barbara County Assessor's Parcels APN 037-113-011 and APN 037-113-012, owned by Richard L. Vaughan and Teresa N. Vaughan, as Trustees of The Vaughan Trust, dated March 10, 2006, as community property, due to its location adjacent and downstream of the proposed new Ortega Street bridge at Mission Creek, for monetary consideration in the amount of \$16,900, plus related escrow closing costs;

WHEREAS, the bridge replacement project requires the purchase by the City of a temporary construction easement for ingress and egress for all purposes necessary relative to the construction of upstream bridge and flood control improvements within Mission Creek, near the Bath Street frontage of the real property commonly known as 620 Castillo Street, Santa Barbara County Assessor's Parcel APN 037-113-033, owned by Housing Authority of the City of Santa Barbara, a political subdivision of the State of California, due to its location adjacent and downstream of the proposed new Ortega Street bridge at Mission Creek, for monetary consideration in the amount of \$250;

WHEREAS, as authorized by FHWA and Caltrans, the respective permanent and temporary easements have been appraised by an independent fee appraiser, and in accordance with applicable laws and guidelines, subject to final approval by the Council of the City of Santa Barbara, written offers and required appraisal summaries and agreements have been delivered to the respective owners;

WHEREAS, the written purchase offers have been accepted by the respective owners and their agreements have been signed voluntarily to allow the City to purchase the property interests, subject to final approval by the Council of the City of Santa Barbara;

WHEREAS, this Resolution will provide authorization by the Council of the City of Santa Barbara for the Public Works Director to execute the agreements with the affected owners, subject to approval as to form by the City Attorney;

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

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

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

SECTION 1. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement and Joint Escrow Instructions with Carolina Mares, as Trustee of the Mares Family Trust, October 6, 1997, to accomplish the purchase by the City of the permanent easement for street, bridge, and flood control purposes, along with the purchase of an adjacent temporary construction easement, on a portion of the real property commonly known as 314 West Ortega Street, Santa Barbara County Assessor's Parcel APN 037-073-012, for monetary consideration in the amount of \$6,880, plus related escrow closing costs, and for non-monetary consideration caused by the quitclaim and release by the City of any interest City may hold in a portion of said real property as poorly described in a deed dated February 13, 1912, and recorded on February 27, 1912, in Book 134 of Deeds, at Page 403, in the Office of the County Recorder of Santa Barbara County, subject to the adoption by the City of an ordinance approving such quitclaim and release.

SECTION 2. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement and Joint Escrow Instructions with Herman and Dolores Ortega, husband and wife as community property, to accomplish the purchase by the City of the permanent easement for street, bridge, and flood control purposes on a portion of the real property commonly known as 627 Bath Street, Santa Barbara County Assessor's Parcel APN 037-113-014, for monetary consideration in the amount of \$2,900, plus related escrow closing costs.

SECTION 3. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement and Joint Escrow Instructions with Richard L. Vaughan and Teresa N. Vaughan, as Trustees of The Vaughan Trust, dated March 10, 2006, as community property, to accomplish the purchase by the City of the permanent easement for street, bridge, and flood control purposes on a portion of the real property commonly known as 631 Bath Street, Santa Barbara County Assessor's Parcels APN 037-113-011 and APN 037-113-012 , for monetary consideration in the amount of \$16,900, plus related escrow closing costs.

SECTION 4. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Agreement with Housing Authority of the City of Santa Barbara, a political subdivision of the State of California, to accomplish the purchase by the City of the temporary construction easement for ingress and egress for all purposes necessary relative to the construction of upstream bridge and flood control

improvements within Mission Creek, near the Bath Street frontage of the real property commonly known as 620 Castillo Street, Santa Barbara County Assessor's Parcel APN 037-113-033, for monetary consideration in the amount of \$250.

SECTION 5. The City of Santa Barbara hereby accepts the interests on the real properties mentioned above, as more particularly described in the Mission Creek Exclusive Easement Deed signed by Carolina Mares, Trustee, on February 10, 2010, and as particularly described in the Mission Creek Exclusive Easement Deed signed by Herman and Dolores Ortega on February 11, 2010, and as particularly described in the Easement Agreement signed by Robert G. Pearson, Executive Director/CEO of Housing Authority of the City of Santa Barbara on February 10, 2010, which have been executed and delivered hereunder.

SECTION 6. The City of Santa Barbara hereby consents to the recordation by Fidelity National Title Company of each of the Mission Creek Exclusive Easement Deeds by Carolina Mares, Trustee, and by Herman and Dolores Ortega, in the Official Records, County of Santa Barbara, at the close of the respective escrows.

SECTION 7. This Resolution shall become effective immediately upon its adoption.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A QUITCLAIM DEED TO RELEASE ANY FEE INTEREST WITHIN MISSION CREEK LOCATED ON A PORTION OF THE REAL PROPERTY AT 314 WEST ORTEGA STREET, AS DESCRIBED IN A DEED RECORDED ON FEBRUARY 27, 1912, IN BOOK 134 OF DEEDS, AT PAGE 403, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR OF THE CITY TO EXECUTE THE SAME

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

SECTION 1. That the Quitclaim Deed by the City of Santa Barbara, a municipal corporation, to Carolina Mares, as Trustee of The Mares Family Trust, October 6, 1997, to quitclaim and release any and all right, title and interest, if any, City may hold in and have to that portion of land that lies within the real property located at 314 West Ortega Street, as poorly described without specificity in a deed dated February 13, 1912, and recorded on February 27, 1912, in Book 134 of Deeds, at Page 403, in the Office of the County Recorder of Santa Barbara County, is hereby approved pursuant to the City Charter of the City of Santa Barbara, and the Public Works Director of the City is authorized to execute the same.

SECTION 2. That the Quitclaim Deed executed by the City of Santa Barbara is in consideration for the execution by Carolina Mares, as Trustee of The Mares Family Trust, October 6, 1997, of a certain Mission Creek Exclusive Easement Deed to be recorded at or about the same time as the recordation of the Quitclaim Deed authorized by this ordinance, which when recorded in the Official Records of said County, will in exchange, grant a permanent easement to the City for public street, bridge and flood control improvements.

SECTION 3. That upon the effective date of this ordinance, the City Clerk is authorized to transmit a certified copy of this ordinance together with the said Quitclaim Deed to an escrow being conducted on behalf of the City by Fidelity National Title Company (Escrow No. 10-420104556-SL) for recordation at the close of an escrow concurrently with the said Mission Creek Exclusive Easement Deed in the Official Records.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 27, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Interim Agreements For Possession And Use Of Property Interests For The Ortega Street Bridge Replacement Project

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Authorize the Public Works Director to Negotiate, Subject to Review and Approval by the City Attorney of their Forms, Two Interim Agreements with Mission Creek Properties, LLC, the Owner of the Property Commonly Known as 306 West Ortega Street, Namely an Agreement for Possession and Use, and an Interim Vacancy Agreement, and to Subsequently Execute such Agreements, Relating to the Proposed Ortega Street Bridge Replacement Project;
- B. Accept Federal Highway Administration (FHWA) Highway Bridge Program grant funding in the total amount of \$197,015; and
- C. Authorize the increase of estimated revenues and expenditures by \$197,015 in the Fiscal Year 2010 Streets Capital Fund for the Ortega Street Bridge Replacement Project (Project).

DISCUSSION:

Background

The Ortega Street Bridge Replacement Project will replace the old bridge over Lower Mission Creek. The Project is an approved Federal Highway Bridge Program project with oversight provided through the State of California Department of Transportation (Caltrans). The Project is scheduled to begin construction in spring 2011.

The City must purchase various property interests for the Project. Written offers have been made to affected owners. The properties and their status in the acquisition process are shown on Attachments 1 and 2, and the interests are outlined on Attachment 3. To date, the City's purchase offers have been accepted by the owners of the following properties: 309 West Ortega Street, 314 West Ortega Street, 627 Bath Street, 631 Bath Street, and 620 Castillo Street. The respective purchase agreements were recommended for approval by Council and steps are ongoing by Staff to finalize these purchases.

Interim Agreements at 306 West Ortega Street

Efforts are ongoing to obtain a signed purchase agreement with Mission Creek Properties, LLC (Mission Creek Properties), the owner of the property at 306 West Ortega Street. Because the timeline to obtain the remaining interest could delay the Project schedule, it is recommended that the City negotiate and execute interim agreements with the respective owners. Such interim agreements would allow other Project milestones to be completed on schedule, while efforts continue to acquire the remaining property by the deadline set by Caltrans for advertising the Project.

The property at 306 West Ortega Street is a portion of the property having residential rental units at 306, 308, and 310 West Ortega Street, and 701, 705, and 709 Bath Street, all owned by Mission Creek Properties. The rental unit known as 306 West Ortega Street is required for the Project, and Staff awaits receipt of a signed purchase agreement with Mission Creek Properties, pending its receipt of an independent appraisal.

The Resolution recommended above is proposed to allow the Public Works Director to negotiate and execute an Agreement for Possession and Use with Mission Creek Properties, subject to review as to the form by the City Attorney. If successfully executed, with advice by Caltrans, such an agreement would allow the City's early possession of the necessary property.

The Resolution will also allow the Public Works Director to negotiate and execute an Interim Vacancy Agreement with Mission Creek Properties, subject to review as to the form by the City Attorney. An Interim Vacancy Agreement is proposed because the tenants of the rental unit will be relocated to comparable replacement housing in accordance with applicable laws, to make way for the Project. If successfully executed, an Interim Vacancy Agreement will enable the City to rent, with no intent to occupy, the vacant unit after the current tenants have moved to avoid possible occupancy by new tenants. The proposed Interim Vacancy Agreement would remain in effect until the City obtains ownership of the property by a deed, possession of the property under a superseding possession and use agreement, or possession of the property in accordance with eminent domain procedures, if necessary.

BUDGET/FINANCIAL INFORMATION:

The table shown on Attachment 4 summarizes all estimated Project costs. The total cost is estimated at \$6,790,400, with combined costs estimated at \$2,150,000 for acquiring the necessary property interests. Acceptance of \$197,015 in FHWA grant funding is required for associated Project right of way expenses.

In addition to payment of costs for the purchase of properties and easements required for the Project, it is necessary to pay costs for the relocation of displaced occupants pursuant to federal and state laws and guidelines. A relocation plan has been prepared. Once all displaced occupants have been relocated to replacement dwellings, the final costs will be known. The associated costs will also be shared between the City (11.47%), and grant funding (88.53%), in accordance with applicable guidelines and the formula shown on Attachment 4.

The tenants at 306 West Ortega Street will be displaced because the rental unit is located within the work area and will not be habitable during the Project. If an Interim Vacancy Agreement is executed, as recommended, the City's rental of the unit is proposed in the amount of \$1,675 per month (\$55.83 per day), to begin after the tenants vacate the unit.

There are sufficient appropriations in the Streets Capital Fund to cover the City's costs.

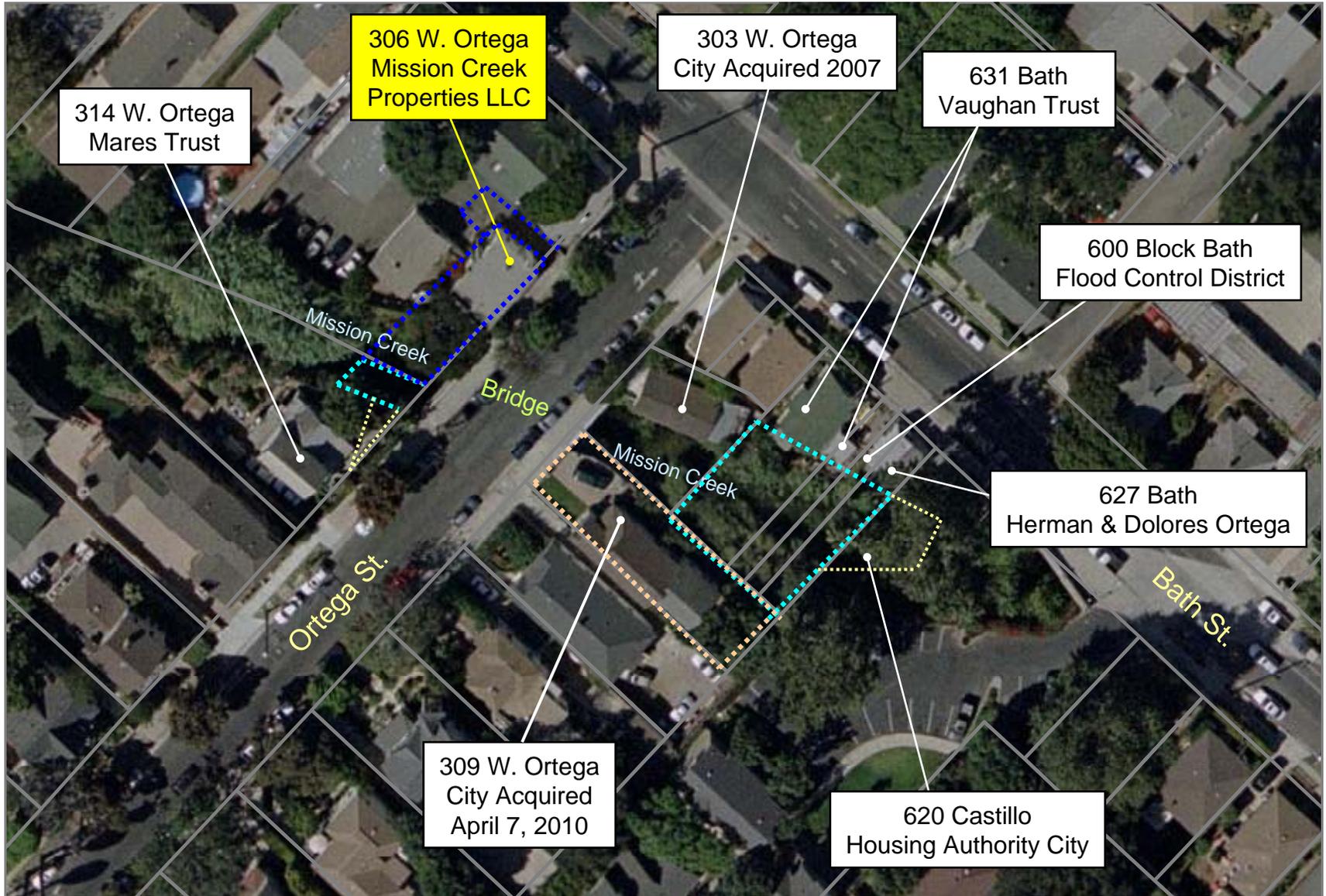
ATTACHMENTS:

- 1) Right of Way Appraisal Map
- 2) Project Area Aerial Photo
- 3) Acquisitions And Easements For Ortega Street Bridge Replacement Project
- 4) Estimated Total Project Cost

PREPARED BY: John Ewasiuk, Principal Civil Engineer/DI/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



PROJECT AREA AERIAL PHOTO

ATTACHMENT 3

Acquisitions And Easements For Ortega Street Bridge Replacement Project

The properties and easements needed for the Ortega Street Bridge Replacement Project are identified below.

Address	Description	Status
303 West Ortega Street, City Property	Entire Property; Structure Located Within Mission Creek Work Area	City Acquired 2007
306 West Ortega Street, Mission Creek Properties LLC	Portion Property in Fee; Vehicle Easement; Structure Located Within Mission Creek Work Area	Offer Pending Await 2nd Appraisal Proposed Resolution for Interim Agreements This Item April 27, 2010
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631 Bath Street, Vaughan Trust	Mission Creek Easement	Proposed Resolution Scheduled April 27, 2010

ESTIMATED TOTAL PROJECT COST

PROJECT PHASE	HBP SHARE*	CITY SHARE	ESTIMATED COSTS
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Totals	\$6,011,540	\$778,860	\$6,790,400

* *Federal Highway Bridge Program (HBP)*

The table above shows total estimated Project costs. The Project is currently in the Right of Way Phase and has been authorized up to \$2,150,000 (per written approval by Caltrans).

Caltrans is overseeing the City's steps to purchase all properties and easements for the Project, since 88.53% of the City's eligible project costs and right of way costs will be reimbursed by the Federal Highway Bridge Program through Caltrans. The City will be responsible for 11.47% of the eligible costs.

Based on the approved appraisals, previous acquisition costs, estimated relocation costs, and anticipated management costs, the Project Right-of-way Phase cost is expected to have a surplus of funds.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 13, 2010

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: 2010 Legislative Platform

RECOMMENDATION: That Council

- A. Adopt the 2010 Legislative Platform that guides the City's support of or opposition to state and federal legislation; and
- B. Authorize the Mayor, Councilmembers, and staff, on behalf of the City of Santa Barbara, to contact state and federal representatives to advocate for legislation consistent with the goals of the Legislative Platform.

DISCUSSION:

The City's Legislative Platform outlines the City's position on legislative matters. It serves as the foundation for the City to support, remain neutral or oppose positions on state and federal legislation.

Each year, the Legislative Platform is reviewed by staff and the Council Committee on Legislation to ensure the platform reflects current policy issues and positions of the Council. The Council Committee met on February 18th and March 4th to review the platform and recommend revisions to City Council. The proposed platform (Attachment) is marked with additions and deletions to assist Council in identifying the changes. The Committee recommended that the Council adopt the proposed 2010 Legislative Platform.

Council approval of the Legislative Platform allows the Mayor and Councilmembers, as well as staff, to advocate for state and federal legislation on behalf of the City. In cases where a legislative issue is not addressed in the platform, staff will return to the Committee on Legislation and/or the City Council for direction as necessary. Therefore, platform revisions are recommended so that Council can engage in advocacy efforts without returning to Council. A platform that is comprehensive and current will enable the City to act quickly when advocacy is needed. Additionally, platform positions are recommended to change or be deleted when the legislation or policy is obsolete or not applicable to the City of Santa Barbara.

Changes to the platform fall primarily under the following policy areas:

- Revenue and Taxation
- Public Safety
- Housing, Community, and Economic Development
- Environmental Quality
- Employee Relations
- Airport
- Waterfront

Legislative Advocacy

We will continue to use previously established guidelines for legislative advocacy. The guidelines are designed to produce timely and effective communication with legislators. Advocacy efforts generally occur in one of the following ways:

1. Advocacy Letters

- Upon referral from the Mayor and Council, City Administrator's Office, department staff, League of California Cities or other sources, staff will compare legislative proposals against the City's Legislative Platform. If the proposed bill raises legal issues, department staff will consult with the City Attorney's Office.
- If a legislative matter is covered in our legislative platform and correspondence is determined to be appropriate, the Mayor will send a letter to the appropriate legislators. In cases where proposed legislation is not addressed in the platform, staff will return to the City Council for final direction as necessary.
- As needed, the Mayor and/or staff will contact legislators via telephone, e-mail or in person to reinforce the City's position or to provide additional information.

2. Committee on Legislation

- The Committee on Legislation has regularly scheduled meetings on the third Thursday of every month but meets only as needed.
- During the legislative session, staff may consult with and enlist the Council's Committee on Legislation and/or the Mayor if efforts beyond the standard position letter are required. The Mayor and Committee on Legislation may undertake direct contact with legislators or recommend to the City Council that more extensive actions be taken. The Mayor and Committee members may also communicate with other parties who may have an interest in proposed bills.

3. Meetings with State and Federal Representatives, legislative advocates and coordination with others

- We will continue to work closely with advocacy partners. As an example, Dave Mullinax, Regional Public Affairs Manager with the League of California Cities Channel Counties Division has appeared before the Committee on Legislation to update the City on State legislation and priority issues. We will continue to work closely with the League.
- As part of the legislative action process, the Committee on Legislation may invite members of our State Assembly, State Senate and Congress, or legislative advocates, to committee meetings to discuss legislative positions and interests. The Mayor and Councilmembers will be invited when such meetings are scheduled.

ATTACHMENT: Draft 2010 Legislative Platform

PREPARED BY: Nina Johnson, Assistant to the City Administrator

SUBMITTED BY: James L. Armstrong, City Administrator

APPROVED BY: City Administrator's Office



DRAFT Legislative Platform 2010

City of Santa Barbara

Revision Date: 04/05/2010

III. CITY OF SANTA BARBARA 2010 LEGISLATIVE PLATFORM

Proposed: ~~March~~ April 5, 2010

REVENUE AND TAXATION		
SCOPE		Issues and recommendations related to finance administration, taxation reform, and revenue needs, and revenue sources at the federal, state and local levels.
EFFECTIVE FINANCING	Finance	Support meaningful fiscal reform that allows each level of government to adequately finance its service responsibilities.
BEST USE OF FUNDS	Finance	Support the emphasis on efficiency and effectiveness, encouraging governments to achieve the best possible use of public resources.
ALLIANCES	Finance	Support alliances with counties, schools, other cities, employee organizations, other local agencies, and business and professional organizations to support cooperation, sound financial policies and joint action.
ECONOMIC STIMULUS	Finance	Support an economic stimulus package that creates a balance between investments and tax incentives.
LOCAL CONTROL <ul style="list-style-type: none"> • Sales Tax • Rights-of-Way • Local Revenues • Preservation • Property Tax • Fees • VLF • Simple Majority 	Finance	Support state and local authority to collect legally due sales tax on remote transactions; and Support continued local control over public rights-of-way. Support local, political authority and accountability for revenues raised and services provided. Support the preservation of local authority and accountability for cities, and state policies that: <ul style="list-style-type: none"> • Ensure the protection of existing city revenue sources for all cities, including the local share of property tax, sales tax, vehicle license fees, and Redevelopment Agency revenues, among others. • Allow every level of government to enjoy budgetary independence from programs and costs imposed by other levels of government. • <u>Support the League of California Cities and other associations in the placement of the Local Taxpayers, Public Safety and Transportation Protection Act on the November 2010 ballot.</u> • <u>Support legislation to prevent the State of California from borrowing or redirecting funding that voters have dedicated for local public safety, transportation, transit and essential local government services.</u>

		<ul style="list-style-type: none"> Authorize a simple majority of the voters in a city or county to establish local priorities, including the right to increase taxes or issue general obligation bonds.
STATE MANDATES REIMBURSEMENT	Finance	Support full and prompt reimbursement to all local agencies for all state-mandated programs and/or infractions and losses associated with local revenue shifts and reforms to accomplish such objectives.
ADDITIONAL REVENUE FOR LOCAL NEEDS	Finance	Support efforts to bring additional revenue to the state/local revenue structure to meet the needs of a growing population and deteriorating services and facilities.
SITUS-BASED SALES TAX – BRADLEY BURNS	Finance	Support efforts to preserve and protect the existing situs-based sales tax under the Bradley Burns 1% baseline.
REGIONAL REVENUES	Finance	Support the identification and implementation of multi-jurisdictional revenues in cases where regional issues, programs, and services are identified.

PUBLIC SAFETY		
SCOPE		Federal and state legislation and issues related to law enforcement, fire and life safety policies including emergency communications and emergency services including ambulance and disaster preparedness.
FIRE AND EMERGENCY MEDICAL SERVICES <ul style="list-style-type: none"> Mission Local Control Transport Staffing 	Fire	<p>Support the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities authority and discretion to provide all emergency services in their communities.</p> <p>Support local control of emergency medical services and authorize cities and fire districts to prescribe and monitor the manner and scope of pre-hospital emergency medical services, including ambulance transport services, provided within local boundaries to improve pre-hospital emergency medical service.</p> <p>Oppose legislation, regulations and standards that impose minimum staffing and response time standards for city fire and emergency medical services since such determinations should reflect the conditions and priorities of individual cities.</p>
DISASTER RESPONSE		Support funding for improved public notification mechanisms including continuous radio reporting during natural disasters and other emergencies.
FEDERAL FUNDING	Police <u>Fire</u>	Support federal funding for <u>public safety, including</u> the Local Law Enforcement Block Grant, Homeland Security Block Grant, the COPS program, <u>and other law enforcement programs Assistance for Firefighters Grant, Staffing for Firefighters and Emergency response Grant, Fire Prevention and Safety Grants as well as other public safety funding sources.-</u>
FEDERAL HOMELAND	Police	Support direct federal funding to cities, without any match requirements to support local

<p>PROTECTION</p> <ul style="list-style-type: none"> • Matching Funds • Communication • Standards • Local Control 		<p>protection efforts with incentives for regional collaboration without any match requirements.</p> <p>Support direct communication between federal agencies and local authorities on critical homeland issues.</p> <p>Support federal standards, guidelines, and protocols to ensure reliable, consistent, timely, and redundant preparedness on the front lines.</p> <p>Support local control over front line responses.</p>
<p>LAW ENFORCEMENT</p> <ul style="list-style-type: none"> • Penalties • Violent Offenders • Cost Reimbursement • Booking Fees • Parking Citations • Data Collection • Predators • Racial Profiling • Deportable Criminals • Smoking 	<p>Police</p>	<p>Support the promotion of public safety through:</p> <ul style="list-style-type: none"> • Stiffer penalties for violent offenders; and • Additional funding for local agencies to recoup the costs of crime and increase community safety. <p>Oppose booking fees and seek their repeal, while encouraging localities to pursue resolution of the issues with their respective counties.</p> <p>Support legislation that allows mailing parking citations to violators.</p> <p>Support data collection on hate crimes based on race, national origin, religion, gender, or sexual orientation and improved federal-local communication and coordination on hate crimes.</p> <p>Support federal action to identify predatory lending practices and increase federal enforcement action against lenders who target the elderly, low-income families, and racial minorities.</p> <p>Support federal anti-racial profiling legislation that provides financial support to state and local law enforcement agencies for training, equipment, and data collection.</p> <p>Support reimbursement by the federal government to local agencies, specifically cities, for the costs associated with incarcerating deportable criminals.</p> <p>Support legislation that reduces the impacts of environmental tobacco smoke on residents in outdoor settings and in multiple family housing.</p>
<p>NUISANCE CONTROL</p> <ul style="list-style-type: none"> • Adult Entertainment • Alcohol • Drugs 	<p>Police</p>	<p>Support enhanced local control over public nuisances including, but not limited to:</p> <ul style="list-style-type: none"> • Adult entertainment facilities; • Problem alcohol establishments; and • Properties where illegal drugs are sold. <p><u>Support</u> <u>legislation to allow cities and counties to designate "Alcohol Impacted Areas" and impose strict local review and controls on the issuance of new Alcohol and Beverage Control (ABC) permits within such areas.</u></p>
<p>VIOLENT CRIMES</p>	<p>Police</p>	<p>Support the reduction of violence through strategies that address domestic violence, youth access to tools of violence, including but not limited to firearms, knives, etc., and those outlined</p>

		in the California Police Chiefs Policy Paper endorsed by the League of California Cities' Board of Directors.
GRAFFITI	Police	Support the "Tag You Lose" anti-graffiti campaign. Support increased authority and resources devoted to cities for abatement of graffiti and other acts of public vandalism.
CHILDREN/YOUTH	Police Parks and Recreation, Community Development, and Library	See page 25 for the following issues in this category: • Job Training • Prenatal Care • Youth Program • Federal Grants • Natural Policy • After School • Equal Access • Educational Programs • Parks and Recreation Facilities • Library funding • Universal Health Care

TRANSPORTATION, PUBLIC WORKS and COMMUNICATIONS

SCOPE		Review both state and federal legislation as it relates to issues of transportation funding, construction, public works, telecommunications, and other related areas.
TRANSPORTATION <ul style="list-style-type: none"> • Funding • TEA 21 • Alternative Transportation • Fund on Merit • Directly Appropriate • Unmet Infrastructure • Housing • Gas tax • Local Autonomy 	Public Works/ Community Development	<p>Support continued funding for surface transportation programs authorized in the Transportation Equity Act: for the 21st Century (TEA 21). <u>Moving Ahead for Progress in the 21st Century (MAP 21).</u></p> <p>Support additional funding for local public transportation, other transportation alternatives to single occupancy vehicles, and other critical unmet infrastructure needs.</p> <p>Support funding projects on their merit in accordance with identified criteria.</p> <p>Support the adoption and implementation of a long-term capital investment plan and budget to upgrade and repair vital infrastructure.</p> <p>Support a continuous appropriation of new funds directly to cities and counties for the preservation, maintenance and rehabilitation of the local street and road system.</p> <p>Support maximizing investments in infrastructure and reinforce local land use practices to accomplish strategic local growth objectives such as compact land development patterns, revitalizing urban cores, transit-oriented development and preservation of open space.</p> <p>Support leveraging state investments to fund affordable housing and critical local and regional infrastructure projects to accomplish regional priorities.</p> <p>Support a permanent shift of the sales tax on gasoline for transportation purposes and an allocation formula equivalent to a 40/40/20 split with 40% to cities and counties, 40% to STIP and 20% to public transit and other alternative transportation modes.</p> <p>Support enhanced autonomy for local transportation decision-making and pursue transportation policy changes that move more funding and decision-making to local policy leaders or fund</p>

<ul style="list-style-type: none"> • Bicycle/ Pedestrians • Commuter Rail • Measure D • On TRAC 		<p>urban infrastructure needs.</p> <p>Support bicycle and pedestrian access with maximum local flexibility to prioritize this transportation need, as long as funding is available directly for it and other transportation priorities are not affected.</p> <p>Support legislation that would provide funding to explore the feasibility of establishing commuter-rail service within the region.</p> <p>Support legislation and policies that promote the goals, objectives, and continuation of Measure D programs.</p> <p>Support legislation and policies that promote the goals and objectives of the On-TRAC program.</p> <p><u>Support federal funding of Highway 101 improvements as a top regional priority, not precluding federal funding for local priority projects and other funding categories.</u></p> <p><u>Support legislation that maintains or increases local funding including State gas tax, Highways Users' Tax (HUTA) Proposition 42 and Proposition 1B funding.</u></p> <p><u>Support legislation that prevents “borrowing” or taking of local transportation funds by the State of California.</u></p>
<p>PUBLIC WORKS PROJECTS</p> <ul style="list-style-type: none"> • Flexibility • Partnerships • Innovations • Lower Mission Creek 	<p>Public Works</p>	<p>Support retaining maximum flexibility for timely and cost-effective completion of public works projects.</p> <p>Support innovative strategies including public-private partnerships at the state and local levels to enhance public works funding.</p> <p>Support changes to law that allow cities options to use design-build contracting and other innovations designed to enhance efficiency with public contracting.</p> <p>Support continued funding for the Lower Mission Creek project in annual federal appropriations and authorized by the Water Resource Development Act.</p>
<p>VEHICLES</p> <ul style="list-style-type: none"> • Road Damage • Local Control • Safety 	<p>Public Works/ Community Development</p>	<p>Oppose all efforts that allow vehicles that will jeopardize the integrity of the public infrastructure or the health and safety of the motoring public, cyclists or pedestrians on the road.</p> <p>Support retention of maximum City control of the local street and road system.</p> <p>Support traffic safety enhancements such as motorcycle helmets, child restraints, seat belt and speed limit laws. Allow for greater local discretion for setting lower speed limits.</p>
<p>CABLE TELEVISION – ACCESS AND REVENUES</p>	<p>Finance</p>	<p>Support the ability of cities to retain public, educational and government access channels, institutional networks and franchise revenues from cable television and other video providers.</p>
<p>TELECOMMUNICATIONS</p>	<p>Public Works</p>	<p>Oppose any state or federal efforts to erode the ability of local governments to maintain existing</p>

<ul style="list-style-type: none">• Local Control/ Taxes• Infrastructure • Right-of-Way		<p>taxes on telecommunication services.</p> <p>Support the authority of cities to zone and plan for the deployment of telecommunications infrastructure.</p> <p>Support the ability of cities to maintain and manage the public right-of-way and receive compensation for its use.</p>
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ENVIRONMENTAL QUALITY

SCOPE: Issues related to air and water quality, CEQA, integrated waste management, hazardous materials, coastal issues, energy, water conservation, and utilities.

<p>Air Quality</p> <ul style="list-style-type: none"> • Improvements • Regulations • Land Use • Local Involvement • Fund Diversion • Programs/Standards • Health/Safety Code 	<p>Public Works/Community Development</p>	<p>Support regulatory changes and infrastructure improvements that will reduce air pollution.</p> <p>Oppose legislation that will reduce air quality standards or restrict a city’s permitting authority for land uses that may negatively affect air quality.</p> <p>Support inclusion of city officials on the governing boards of air districts.</p> <p>Support cities having the authority to establish local air quality standards and programs that are stricter than state and federal standards and oppose efforts to restrict such authority, while reserving the right to question or oppose stronger standards on the merits.</p> <p>Oppose legislation redirecting the funds authorized by Health and Safety Code Section 44223, which currently are used by local governments for locally based air quality programs.</p> <p><u>Support funding for infrastructure improvements required via regulatory changes that will reduce air pollution.</u></p>
<p>WATER QUALITY</p> <ul style="list-style-type: none"> • Infrastructure investment • Standards • Liability • Federal Safe/Clean Water • “Bounty Hunters” • Water Softeners • Watershed Management 	<p>Public Works/Community Development</p>	<p>Support a renewed federal financial commitment to water infrastructure investment.</p> <p>Support <u>a state and</u> federal financial commitments to surface water quality improvement and urban creek restoration.</p> <p>Support the ability of cities to enact discharge and water quality requirements or standards that are stricter than state or federal standards, while reserving the right to question or oppose stronger standards on the merits.</p> <p>Support legislation to protect public agencies that provide wastewater treatment services, from liability for pollution or contamination to groundwater from chemicals unlawfully discharged into the collection system.</p> <p>Support efforts to improve the Federal Safe Drinking Water Act and the Federal Clean Water Act and their implementation procedures to protect public health and the environment in an efficient and effective manner.</p> <p>Oppose legislation to enact “bounty-hunter” rewards for individuals who identify water quality or water pollution violators.</p> <p>Support the rights of cities to enact ordinances that restrict the use of water softeners.</p> <p>Support regulations and legislation that promote watershed management as a water quality tool that appropriately spreads the responsibility for clean water beyond the requirements that apply to point source dischargers and publicly owned treatment works.</p>

<p>WATER QUALITY, CONT'D</p> <ul style="list-style-type: none"> • Treatment • Reclaimed Water • Reuse • Graywater • Numeric Limits • Diversion • Financial Commitment • Frivolous Lawsuits • Fees/Penalty Revenues • NPDES • State/Regional Discretion 	<p>Public Works/Community Development</p>	<p>Support legislation that encourages the treatment of municipal wastewater for non-potable reuse and maximizes the responsible use of reclaimed water as an alternative to California's fresh water supply.</p> <p>Support legislation that removes barriers to gray water systems in public, commercial, industrial, multi-family, and single family projects.</p> <p>Support legislation that updates gray water standards, and encourages simple and cost effective permitting process of gray water systems.</p> <p>Oppose legislation that requires the use of unreasonable numeric limits in waste discharge permits and storm water permits.</p> <p>Support efforts to set clear water quality goals as occurred with solid waste diversion legislation.</p> <p>Support federal financial commitment to cities that have a history of effective management of water or wastewater infrastructure requirements/investments.</p> <p>Support, as appropriate, state and federal legislative and administrative remedies that would:</p> <ul style="list-style-type: none"> • Limit frivolous citizen lawsuits for personal financial gain but continue to allow injunctive relief for documented violations of the Clean Water Act if the violations are not the subject of enforcement proceedings by state agencies or by local water quality control boards; • Ensure that the majority of funds collected from a city as fees, penalties, or judgments are directed toward correcting the cause of past, current and projected violations of a city's National Pollution Discharge Elimination System permit; • Return limited discretion to state and regional water quality control boards in setting penalties to allow fairness based on severity and circumstances of the violation; and • Encourage the state and regional water quality control boards to use their existing discretionary authority, in keeping with the requirements of the Clean Water Act, to issue permits that are reasonably achievable. <p><u>Support legislation that promotes water conservation.</u></p> <p><u>Support funding for mandated infrastructure improvements that will reduce water pollution.</u></p>
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<p>HAZARDOUS MATERIALS</p> <ul style="list-style-type: none"> • Local Control/Standards • Streamlining • Administrating Agencies • Building Permits • Land Use • Biodiesel 	<p>Public Works/ Community Development and Fire</p>	<p>Support the ability of local governments to enact local standards or regulations that are stronger than those enacted by the state and federal governments.</p> <p>Support efforts to streamline and coordinate hazardous materials regulation among various levels of government, including city fire departments and county environmental health departments.</p> <p>Support the ability of city fire departments to be administrating agencies for any of the major hazardous materials laws or to be the lead agency (the Certified Unified Program Agency) under the SB 1082 program.</p> <p>Oppose legislation or regulations to restrict such authority.</p> <p>Oppose efforts to restrict the ability of cities to issue building or other permits it is now authorized to issue, relative to hazardous materials laws, as long as such facilities comply with established health and safety standards.</p> <p>Oppose any proposals that would preempt the ability of a city to deny a land use permit or restrict its ability to issue a conditional use permit for the siting of a hazardous waste facility.</p> <p>Support regulation that allows the storage of biodiesel (up to blends of B20) in existing Underwriters Laboratory (UL) rated in ground tanks that have secondary containment and working leak detection systems, at the discretion of the local jurisdiction.</p>
<p>REVITALIZATION OF BROWNFIELDS</p> <ul style="list-style-type: none"> • Local Control • Additional Funding • Mitigation • Remediation • Restrictions • State Involvement • Owner Responsibility 	<p>Community Development</p>	<p>Support protecting cities' ultimate say on whether a proposed brownfield remediation project is consistent with local land use policy.</p> <p>Support additional fiscal resources and options to restore and develop urban and industrial brownfields contaminated by hazardous materials.</p> <p>Support the clean up level of a project being based on its proposed use (i.e., parking garage, as opposed to residential development).</p> <p>Support placing and keeping mechanisms, such as restrictive covenants or deed restrictions, in place to ensure that a future use for the property is appropriate given the level of remediation.</p> <p>Support state agencies having the responsibility to do the technical evaluation for site assessment and remediation plans.</p> <p>Support a property owner being required to do the necessary site assessment and clean up if the owner plans to develop the site.</p>

<p>INTEGRATED WASTE MANAGEMENT</p> <ul style="list-style-type: none"> • Integrated Waste Management Act • Local Control • AB 939 • CIWMB • Market development • E-waste • Curbside recycling • AB 2020 • Multi-Unit Housing Recycling • Local LEA • Land Use • Landfill Certification 	<p>Finance / Community Development</p>	<p>Support retention of local authority for decisions on how to achieve the recycling and diversion requirements of the Integrated Waste Management Act of 1989 (AB 939).</p> <p>Support continued efforts to streamline provisions of AB 939 and to assist in its compliance.</p> <p>Oppose efforts to dismantle the California Integrated Waste Management Board (CIWMB) and transfer its functions to another department. Support inclusion of a designated local government representative on the CIWMB.</p> <p>Support legislation and other efforts to increase the markets for recycled materials, including advance disposal fees, minimum content laws, and recycling market development zones.</p> <p>Support legislation implementing the concept of manufacturer responsibility for electronic waste.</p> <p>Support efforts to strengthen curbside recycling programs.</p> <p>Support legislation to expand the container types included in the AB 2020-bottle bill program.</p> <p>Support legislation that promotes reduced packaging and Extended Producer Responsibility (EPR).</p> <p>Support legislation that requires owners of multi-unit housing to provide recycling to the tenants.</p> <p>Support legislation to develop a permit process for solid waste anaerobic digestion and/or conversion technologies (including gasification, pyrolysis, plasma arc and refuse derived fuel) that are capable of minimizing the amount of solid waste landfill and do not impede or impair existing and planned recycling and waste reduction programs.</p> <p>Support the ability of jurisdictions to impose a fee or tax on single-use bags.</p> <p>Support the right of cities under existing law to be designated as Local Enforcement Agencies for solid waste facility permitting, inspection, and enforcement.</p> <p>Oppose legislation that would preempt local land use authority over solid waste facilities, restrict the ability of a city to issue a land use permit for a solid waste facility, or restrict the ability of a city to condition such facilities through the conditional use permit process.</p> <p>Oppose legislation that would authorize the Waste Board to consider landfill capacity as a reason for denying concurrence of a solid waste facility permit.</p>
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<p>UTILITIES</p> <ul style="list-style-type: none"> • Local Control • PUC • Rate Setting 	<p>Public Works</p>	<p>Support the constitutional right of municipal utilities to operate outside the jurisdiction of the California Public Utilities Commission (PUC) and oppose any legislation that would erode the ability of municipal utilities to operate, or place them under PUC control.</p> <p>Oppose any legislation that interferes with local utility rate setting authority and oppose any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to a city’s general fund.</p>
<p>CLIMATE PROTECTION</p> <ul style="list-style-type: none"> • Incentives • Fuel Efficient • Renewable Energy 	<p>Public Works/ Community Development</p>	<p>Support grants, loans, tax credits, and other incentives to assist local governments, businesses, and the public invest in energy efficient equipment and renewable energy technology.</p> <p>Support incentives for local governments to complete an inventory of local government facility greenhouse gas emissions, and to conduct an inventory of their whole jurisdiction.</p> <p>Support legislation that streamlines permitting requirements and costs for energy producing facilities on federal land or which exempts small energy plants (less than 5 mW) from FERC licensing requirement, and require only state and local regulations as applicable.</p> <p>Support grants, loans, tax credits, and other incentives to assist the public and local governments in using alternative fuels and purchasing fuel efficient vehicles.</p> <p>Support legislation that increases energy efficiency requirements as part of the building codes.</p> <p>Support legislation to permit assignment of the Public Goods Charge to local governments for implementation of energy conservation programs and projects.</p> <p>Support legislation and measures that encourage renewable energy generation, remove roadblocks to renewable resource development, and provide incentives for small renewable generation projects.</p> <p>Support legislation or regulations allowing wheeling of power and or appropriate remuneration for energy provided to the grid by municipalities.</p>

<p>CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)</p> <ul style="list-style-type: none"> • Fair Argument Test • Master EIR Funding • Notification • Duty to Respond • Timelines for CEQA Contract • Arbitration • Bounty Hunter • Re-Circulation • Notices • Effect on Environment • Significant Thresholds • Indirect and Cumulative Effects 	<p>Community Development</p>	<p><u>Procedures and Notices</u></p> <p>Oppose the elimination of the fair argument test as the threshold for determining whether to prepare an Environmental Impact Report (EIR).</p> <p>Support the development of a funding source for Master EIRs as proposed in the Little Hoover Commission report.</p> <p>Oppose shifting the responsibility to notify responsible agencies from the Lead Agency to the State Clearing House.</p> <p>Oppose shielding Lead Agencies from responding to comments received more than 30 days after a Notice of Preparation (NOP) or received verbally.</p> <p>Support eliminating subdivision (b) of Public Resources Code Section 21151.5, which mandates the timeline for entering into CEQA contracts.</p> <p>Support adding a “CEQA arbitrator” option to the requirement that each county over 200,000 designate a “CEQA judge.”</p> <p>Support voluntary efforts and encouragement of arbitration/mediation in CEQA disputes but not mandatory arbitration.</p> <p>Support limitations on lawsuits that have little merit by eliminating the availability of provisions for fee recovery by petitioners or by authorizing cities to collect their fees and costs in cases where they are the prevailing party.</p> <p>Support raising the threshold for re-circulation of EIRs so that only new “significant unavoidable impacts” would necessitate re-circulation.</p> <p>Support requiring that all projects proposed by any state or local public agencies comply with the identical local public notice requirements that would be applicable to projects sponsored by private developers in the jurisdiction where the project is located.</p> <p><u>Definition of a Project</u></p> <p>Support narrowing the definition of “project” to discourage CEQA lawsuits on non-environmental matters.</p> <p><u>Significant Environmental Effects</u></p> <p>Oppose the creation of a new mandate requiring cities to develop boilerplate significance thresholds.</p> <p>Oppose a single statewide set of standards for determining significance at the local level.</p> <p>Support focusing CEQA review by limiting analysis to physical environmental effects.</p> <p>Oppose amending the definition of effects to eliminate the analysis of indirect and cumulative environmental effects.</p>
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HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT		
SCOPE		Policies that foster local control of community planning decisions as they relate to land use, affordable housing, cultural arts, human and neighborhood services, redevelopment and the community's economic health.
AIR QUALITY	Community Development /Public Works	See page 8 for the following issues under this category: • Improvements • Regulations • Standards • Land Use • Local Control • Fund Diversion • Governance • Health/Safety Code.
WATER QUALITY	Community Development/ Public Works	See page 8 for the following issues under this category: • Infrastructure investment • Local Control • Standards • Liability • Streamlining reform • “Bounty Hunters” • Water Softeners • Watershed Management • Treatment • Reuse • Reclaimed Water • Numeric Limits • Diversion • Frivolous lawsuits • Remedies • Fees/Penalty revenues • NPDES • State/regional discretion.
HAZARDOUS MATERIALS	Community Development /Public Works	See page 9 for the following issues under this category: • Local control/standards • Streamlining • Administating agencies • Lead agency • Building permits • Land use.
INTEGRATED WASTE MANAGEMENT	Community Development /Public Works	See page 11 for the following issues under this category: • Local control • AB 939 • Streamline • Green Waste • CIWWB • Diversion • Measurement • Requirements • Non-burn transformation • Market development • Staffing • Variable can rates • E-waste • Curbside recycling • AB 2020 • Packaging • Local LEA • Authority • Landfills • Land use • Landfill certification.
TOURISM • Identity/Funds	Community Development	Support federal and state efforts to foster tourism policy development and coordination, and raise awareness of the economic impact of travel and tourism. Support funding to create a national identity for the U.S. as a premier travel destination with funds to be allocated directly to local governments. Support federal and state assistance to the travel and tourism industry.
ARTS • National Support • Funding • Museums, Humanities, Education	Community Development	Support the National Endowment for the Arts, National Endowment for the Humanities, and the Office of Museum Services within the Institute of Museum and Library Services. Support funding for these agencies at levels to sustain the nation's cultural infrastructure. Support funding for Arts in Education in the U.S. Department of Education's Fund for Improvement of Education to encourage high quality arts instruction in schools.

<p>PLANNING AND ZONING</p> <ul style="list-style-type: none"> • General Plans • Water Supply/Land Use • Zoning 	<p>Community Development</p>	<p>Support the use of the general plan as a guide to meeting community planning needs. A city’s general plan should not be subject to mandatory review by regional or state agencies.</p> <p>Support having the best information available on the reliability of water supplies when land use decisions are made by local agencies, while protecting and retaining local land use decision-making authority.</p> <p>Support protection of local zoning as a primary function of cities and an essential component of home rule. State agency siting of facilities, including campuses and office buildings, should be subject to local notice and hearing requirements, and local land use policy and zoning requirements in order to meet concerns of the local community.</p>
<p>AFFORDABLE HOUSING</p> <ul style="list-style-type: none"> • Financing • CDBG/Home • Federal Funding • Legal Protections • HOPE VI • Section 202 • Elderly Housing • Non-Profits • Section 8 • Section 811 Funding • McKinney Act • Fair Market Rents 	<p>Community Development</p>	<p>Support legislation and state and federal programs that assist in providing financing for affordable housing, including the development of fiscal tools and incentives to assist local governments in their efforts to encourage housing and finance the infrastructure to support housing.</p> <p>Support federal funding for the Community Development Block Grant Program (CDBG) and the HOME Investment Partnerships Program.</p> <p>Support federal funding of: 1) HOPE VI for an additional ten years; 2) Section 202 for new construction and rental assistance, modernization of units of elderly housing; 3) efforts to preserve elderly housing, permitting nonprofit organizations to purchase elderly housing projects with expiring Section 8 contracts; 4) Section 811 funding for the disabled; and 5) McKinney Act homeless assistance grants.</p> <p>Support and encourage legislation that establishes additional legal protections to local agencies that approve affordable housing and that establish local pro-active affordable housing policies.</p> <p>Support the preservation of Section 8 Program Funding.</p> <p>Support at the federal level, the calculation of Section 8 “fair market rents” and “area median income” on a sub-regional basis, rather than on a countywide basis.</p>

<p>HOUSING</p> <ul style="list-style-type: none"> • General Plan • Housing Element • Growth • Allocation of • Accountability • Performance Standard • Incentives • Streamlining • Reforms • Growth • RHNA Units • Disputes • Consistency 	<p>Community Development</p>	<p>Support the following housing principles:</p> <p>Housing issues should be addressed in the general plan as other planning issues are. The housing element should be prepared for the benefit of local governments and should have equal status with the other elements of the general plan.</p> <p>The projections of regional and local growth and the allocation of housing units should account for state and local planning factors and should be subject to a formal hearing and appeal process to ensure that they are realistic and fair. Cities or cities and counties should be allowed to work together to allocate housing units among themselves within a sub-region. Politically accountable officials at the state and regional levels should hear appeals to ensure that all public entities in the South Coast region receive an equitable allocation of housing units.</p> <p>Local government efforts should be subject to realistic performance standards not to arbitrary state agency review of the housing element. Local government housing efforts should be rewarded by incentives. These incentives should include streamlining by not being subject to HCD review, priority ranking for discretionary funds, and new discretionary funds available for general fund purposes.</p> <p>Support and encourage legislation that implements comprehensive reforms to the housing element process to:</p> <ul style="list-style-type: none"> • Address conflicts between local growth projections and state regional housing need numbers; • Resolve the problems associated with the distribution of RHNA units within a council of governments; • Achieve improvements to the housing element review process; and • Develop a neutral dispute resolution process and fair enforcement alternatives to deal with disputes over questions of compliance. <p>Support and encourage legislation that requires state laws and policies, which affect housing and land use, to be internally consistent and consistent with each other.</p>
<p>REDEVELOPMENT</p> <ul style="list-style-type: none"> • Flexibility • Liability • Project Area • Redevelopment Plan 	<p>Community Development</p>	<p>Support legislation that increases the flexibility in the use of redevelopment authority.</p> <p>Oppose limiting authority or increasing the liability of redevelopment agencies.</p> <p>Support legislation that provides for the appropriate extension of existing redevelopment project areas that face statutory expiration.</p> <p>Support legislation that allows redevelopment agencies to continue to collect tax increment and extend project area activities in pursuit of Redevelopment Plan goals and to provide affordable housing beyond existing statutory deadlines.</p>

REDEVELOPMENT (CONTINUED) <ul style="list-style-type: none"> • ERAF • RDA Sunset 	Community Development	<p>Oppose legislation such as Educational Revenue Augmentation Fund (ERAF) <u>and Supplemental Educational Revenue Augmentation Fund (SERAF)</u> that diverts locally-generated tax increment funds from redevelopment agencies.</p> <p>Support legislation to retain redevelopment agency authority to collect and use the increment for affordable housing beyond the current RDA sunset.</p>
RENT CONTROL <ul style="list-style-type: none"> • Ordinances • Mobile Homes 	Community Development	<p>Oppose any legislation that restricts the ability of cities to enact rent control ordinances for mobile homes and other forms of housing that are tailored to meet local conditions and circumstances.</p> <p>Oppose any legislation that would require a city to adopt a mobile home rent control ordinance.</p> <p>Support local control of mobile home rent control ordinances.</p>
SUBDIVISION MAP ACT <ul style="list-style-type: none"> • Local Control • Antiquated subdivisions 	Community Development	<p>Support maximizing local control over subdivisions and public improvement financing. Discretion over the conditions and length of subdivision and parcel maps should be retained by cities.</p> <p>Support reversal of legislation recognizing antiquated subdivisions as legal lots.</p>
RESIDENTIAL CARE FACILITIES <ul style="list-style-type: none"> • Permitting • Regulating • Licensing • Restrictions 	Community Development	<p>Support permitting cities to exercise review and land use regulation of group home facilities and residential care facilities in residential neighborhoods including the application of zoning, building, and safety standards. State and county licensing agencies should be required to confer with a city’s planning agency in determining whether to grant a license to a community care facility. Better review and regulation of residential care facilities will protect both the community surrounding a facility and the residents within a facility from a poorly managed facility or the absence of state oversight.</p>
DEVELOPMENT FEES <ul style="list-style-type: none"> • Local authority • Infrastructure • Mitigation • Condition and Deny Authority 	Community Development	<p>Support providing local discretion in the assessment, collection, and usage of development fees. Support the state provision of infrastructure funding to help local communities meet California’s growth demands and to increase housing affordability.</p> <p>Oppose limiting the ability of cities to levy fees to provide for infrastructure or services.</p> <p>Support maintaining city discretion over the extent to which legislative authority should be exercised to fully mitigate impacts from development to the adequacy of school facilities.</p> <p>Support maintaining the cities’ ability to condition and deny projects that determine to inadequately mitigate impacts to community schools.</p>

ANNEXATION AND INCORPORATION	Community Development	Support strengthening city control over urban boundaries. Sphere of Influence law should be modified to limit urban development in unincorporated areas of a county and to facilitate the annexation of urban areas to cities. The Revenue and Taxation Code should not allow counties to block annexations in exchange for unreasonable property tax sharing agreements. In addition, cities should have expanded authority over adjacent lands outside their sphere of influence regardless of jurisdictional lines so long as the land is not within another city's sphere.
DEVELOPMENT AGREEMENTS	Community Development	Support voluntary development agreements as one tool for providing flexibility in development approvals.
BUILDING STANDARDS <ul style="list-style-type: none"> • Health and Safety • Occupancy • Licensing 	Community Development	Support flexibility in the adoption and implementation of health and safety standards contained in the building codes. Support authorizing cities to adopt independent occupancy standards to prevent overcrowding and associated health and safety hazards, including fire-related fatalities. Oppose legislation that would remove licensing requirements for professionals such as architects, landscape architects, contractors, and others related to building and development.
MILITARY BASE CLOSURE AND REUSE <ul style="list-style-type: none"> • Local Involvement • Reuse 	Community Development	Support local decision-making over closed military base reuse. Support incentives for the reuse of closed military facilities to meet local community needs as determined by local governments.
MOBILE HOME REGULATION AUTHORITY	Community Development	Support initiatives that maintain cities as the enforcement authority for mobile home park regulation.
SIGN REGULATION	Community Development	Support the authority of cities to regulate billboards and other signage.
ARTS, CULTURAL RESOURCES, HISTORIC PRESERVATION AND ACTIVITIES	Community Development, Parks and Recreation	Support the continued state funding for local arts activities and historic preservation.
CHILDREN/YOUTH	Community Development, Parks and Recreation, Police, and Library	See page 26 for the following issues in this category: • Job Training • Prenatal Care • Youth Program • Foster Care • Federal Grants • Natural Policy • After School • Equal Access • Educational Programs • Parks and Recreation Facilities • Library funding • Universal Health Care.

AIRPORT		
SCOPE	Issues related to federal and state legislation affecting airport operations, funding regulation, and implementation of the Aviation Facilities Plan.	
FUNDING	Airport	<p>Support legislation reauthorizing FAA and the Airport Improvement Program (AIP), including support of the following provisions:</p> <ul style="list-style-type: none"> ○ Increase AIP funding and maintain or reduce the 5% AIP match requirement for small airports; ○ Strengthen or maintain budget protections for AIP funding. ○ Eliminate the competition plan requirement for AIP. ○ Eliminate unnecessary AIP grant assurances; and ○ Maintain or expand revenue sources that contribute to AIP. <p>Support federal legislative efforts to maintain or increase appropriations to the AIP for infrastructure projects relating to safety, security, aviation operations and capacity, and noise abatement.</p> <p>Support dedicated aviation security operations and infrastructure funding sources separate from the AIP.</p> <p>Support efforts to reimburse airports for operational and infrastructure costs associated with implementation of federal security and other mandates.</p> <p>Support bankruptcy reform legislation that helps protect airports from the impact of airline bankruptcies.</p> <p>Support reclassification of all airport bonds as ‘governmental’ instead of ‘private activity.’</p> <p>Support continuation of the elimination of the Alternative Minimum Tax (AMT) penalty on Airport Private Activity Bonds.</p> <p>Support efforts to provide airports with greater flexibility in the use of AIP and Passenger Facility Charge (PFC) funds, including elimination of the mandated loss of entitlement funds from imposing a higher PFC.</p> <p>Support an increase or elimination of the cap on PFC charges.</p> <p>Support efforts to streamline the airport PFC application and reporting process.</p> <p>Support equitable distribution of jet fuel tax revenues.</p> <p>Support efforts to restructure the Airport Disadvantaged Business Enterprise (DBE) program.</p> <p><u>Support legislation that provides individual airports flexibility in establishing rental car Customer Facility Charges (CFC) based on local market conditions and debt service needs.</u></p>
<ul style="list-style-type: none"> • AIP • Funding • <u>FAA</u> • <u>Customer Facility Charges</u> 		
<ul style="list-style-type: none"> • Security 		
<ul style="list-style-type: none"> • Bankruptcy • Bonds • Alternative Minimum Tax • Passenger Facility Charge • Cap on PFC Charges • PFC Application • Jet fuel tax • DBE Program 		

		<u>Support funding for modernization of the FAA air traffic control equipment to improve the safety and efficiency of the national air transportation system.</u>
SAFETY AND SECURITY <ul style="list-style-type: none"> • Streamlining • Cargo Screening • Staffing • TSA • <u>Ground Transportation</u> 	Airport	<p>Support streamlining the airport security screening process to reduce passenger inconvenience and improve customer service, while maintaining security and safety.</p> <p>Support a threat based (risk-based) system of air cargo inspection and screening.</p> <p>Support local primacy in granting access to airport restricted areas.</p> <p>Support efforts to preserve current staffing levels for Aircraft Rescue and Fire Fighting (ARFF) crews.</p> <p>Support an adequately funded Transportation Security Administration (TSA).</p> <p><u>Support timely, secure and cost effective background screening for Airport employees.</u></p> <p><u>Support measures to improve Santa Barbara Airport’s ability to regulate and enforce rules established for ground transportation providers.</u></p>
ENVIRONMENT <ul style="list-style-type: none"> • Noise standards • Greenhouse Gases • Airport Noise • Environmental Review 	Airport	<p>Support measures to alleviate noise impacts on communities surrounding airports that benefit both the community and the airport such as the implementation of a phased Stage 3 requirement for lighter jet aircraft and the phase-out of noisy Stage 1 and Stage 2 jet aircraft weighing less than 75,000 lbs.</p> <p>Support efforts to reduce potential greenhouse gas emissions resulting from aircraft operations and airport ground service equipment.</p> <p>Oppose efforts to expand state airport noise standard variance requirements.</p> <p>Support additional steps to expedite the airport environmental review and approval process while preserving environmental protections.</p>
AIR SERVICE	Airport	<p>Support legislation that stimulates the airline industry’s ability to provide air service to Santa Barbara.</p> <p>Support legislation that recognizes or encourages aviation’s contributions to the economy that result from air travel, <u>tourism</u>, commerce, freight transport, and manufacturing.</p> <p><u>Support a passenger bill of rights that is consistent with Airport and SBA passenger needs.</u></p> <p><u>Support changes that would enhance Santa Barbara Airport’s ability to improve air service options for local travelers.</u></p>
TRANSPORTATION/ INFRASTRUCTURE	Airport	Support legislation funding connectivity between air and ground transportation through improved infrastructure and enhancement of alternative transportation options.

PLANNING <ul style="list-style-type: none"> • Land Use • Planning CEQA • Coordination 	Airport	<p>Support efforts to ensure that development around airports is consistent with land use planning guidelines and compatible with airport operations.</p> <p>Support development of a clear methodology for preparing CEQA analysis of potential global warming impacts of proposed projects.</p> <p>Support coordination between FAA and sponsor airports on NEPA compliance issues and preparation of joint NEPA/CEQA documents.</p>
RENTAL CAR CONCESSIONS	Airport	<p>Support airport interests in proposed legislation that may impact the terms under which rental car concessions operate at the airport.</p>
EDUCATION	Airport	<p>Support aviation education that informs students about career opportunities in aviation and encourages interest in a math and science curriculum.</p>

WATERFRONT		
SCOPE		<p>Issues related to federal and state legislation affecting harbor operations, funding, and regulation.</p>
PUBLIC ACCESS	Waterfront	<p>Support continued public access to marinas, state tidelands, waterfront facilities, and marine resources.</p>
ECONOMIC CONTRIBUTIONS	Waterfront	<p>Support legislation that recognizes economic contributions of ports and harbors to state and federal economies, through maritime trade, maritime industries and commercial fishing.</p>
CONGRESSIONAL OVERSIGHT	Waterfront	<p>Support Congressional oversight of Executive Agencies to ensure timely permitting of statutorily mandated Civil Works projects, and contain regulatory demands that inflate project costs.</p>
SEARCH AND RESCUE OPERATIONS	Waterfront	<p>Support the U.S. Coast Guard's services mission to conduct search-and-rescue operations as an agency priority.</p>

<p>ENVIRONMENTAL</p> <ul style="list-style-type: none"> • Local Authority • Disposition of Crafts • Non-Native Marine Species • Waste • Seabirds • Water Pollution • Fuel Tank • Oil Spills • Recycling • Boat Paint 	<p>Waterfront</p>	<p><u>General</u></p> <p>Support enhanced local authority over disposition of wrecked, derelict, abandoned, non-operable or non-seaworthy craft.</p> <p>Support legislation that encourages and/or funds eradication or control of non-native marine species in ports and harbors.</p> <p>Support physical alternatives or grant funds for disposal of marina-generated household wastes, dredge materials or treated building materials.</p> <p>Support efforts to ensure seabird protection while allowing ports and harbors to control or abate nuisance fowl.</p> <p><u>Water Pollution</u></p> <p>Support state or federal funding for retrofits or rehabilitation of underground marine-fuel tanks or systems.</p> <p>Support state or federal funding of mitigation or remediation of non-point source pollution that affects harbor water quality.</p> <p>Support and advance programs and state funding aimed at reducing or eliminating point-source pollution in California ports and harbors.</p> <p>Support efforts to fund oil-spill prevention and/or recovery in ports and harbors.</p> <p>Support efforts to fund recycling and/or disposal options for waste oil and other byproducts of maritime activities or vessel maintenance.</p> <p>Support efforts to research and test alternatives to copper-based anti-fouling paints for boat bottoms.</p>
<p>FISHERIES</p> <ul style="list-style-type: none"> • Fishing • Ecological Health • Planning 	<p>Waterfront</p>	<p>Support environmentally compliant commercial and recreational fishing, as essential to the fabric of working ports and harbors.</p> <p>Support legislative efforts to sustain the ecological health of aquatic biological systems, including fish, and shellfish, <u>and marine mammals.</u></p> <p>Support a planning process for the Marine Life Protection Act in Southern California that includes input from the science community and all interested stakeholders to protect the marine heritage and ensure long term viability of coastal communities and fisheries.</p> <p><u>Support- protection of the California Gray Whale and efforts to assess its population, mortality rates and migration rates.</u></p>

<p>LOCAL CONTROL</p> <ul style="list-style-type: none"> • Revenues • Use • Preservation • Environment • Sanctuaries • Local Control • Cruise Ships • Air Quality 	<p>Waterfront</p>	<p>Support compliance with the California Constitution as it relates to preservation of tideland revenues, as well as the return of local user fees, locally collected property taxes and similar funds to the California ports and harbors of origin.</p> <p>Support legislation allowing ports and harbors to establish or designate local control over special-use areas for vessels or related recreational equipment of a specific type or use.</p> <p>Support the preservation of ocean resources through established marine sanctuaries, while reserving the ability to comment on potential sanctuary expansion by the Harbor District that could affect activities including but not limited to dredging, vessel traffic, wastewater disposal, general construction, and maintenance and repair.</p> <p>Support local jurisdictional control and environmental/regulatory oversight of cruise ship visits near ports and harbors.</p> <p>Support state and federal efforts to reduce air and water quality impacts of shipping in the Santa Barbara Channel.</p>
<p>DREDGING</p> <ul style="list-style-type: none"> • Funding • Material • Corps of Engineers • Federal Initiatives • Obligation 	<p>Waterfront</p>	<p>Support policies and funding for dredging small-craft ports and harbors, including the use of dredged materials for beach nourishment.</p> <p>Support opportunities, when environmentally feasible, for the removal and disposition of dredged materials.</p> <p>Support full execution by the Corps of Engineers of its basic navigation, shore and flood protection mission, as well as environmental restoration and recreation authorized by Congress.</p> <p>Support federal initiatives that benefit Congressionally authorized marine infrastructure needs including: Maritime Infrastructure Banks; Marine Transportation System Vision 2020; expanded ocean dredge disposal sites; and development of new upland dredge disposal and reuse sites with provisions of federal ownership and cost sharing for such sites.</p> <p>Oppose any action that would prohibit U.S. Army Corps of Engineers from realizing its mission obligation to dredge Santa Barbara Harbor.</p>

<p>FACILITIES</p> <ul style="list-style-type: none"> • Funding • Abandoned Watercraft • Utilities • Boat Launching • Repair and Maintain Harbor Facilities 	<p>Waterfront</p>	<p>Support legislation granting federal funds (or low-interest, no-interest loans) for development of harbor infrastructure facilities.</p> <p>Oppose legislative or administrative efforts to eliminate the state Department of Boating and Waterways and/or reduce/reallocate its budget.</p> <p>Oppose legislative or administrative efforts to reallocate or divert funds from the intended purposes of the Harbors and Watercraft Revolving Fund, as described in Sections 85-88 of the California Harbors and Navigation Code.</p> <p>Support legislation expanding and/or increasing the budget of the state’s Abandoned Watercraft Abatement Fund.</p> <p>Oppose legislative or administrative efforts to decrease the budget of the state’s Abandoned Watercraft Abatement Fund.</p> <p>Support legislation providing harbor managers a financially feasible means of supplying utilities, such as electricity to berths and marinas.</p> <p>Support legislation that funds construction and/or maintenance of boat-launching facilities.</p> <p>Oppose legislation that seasonally restricts ability to repair and maintain harbor facilities, while considering impact to sensitive species.</p>
<p>BOATING SAFETY</p> <ul style="list-style-type: none"> • Education • Enforcement 	<p>Waterfront</p>	<p>Support boating safety, including education and enforcement or regulation of boating practices, vessel types and equipment.</p> <p>Support legislation implementing a boater-safety certification program.</p> <p>Support public safety and enforcement efforts through funding of equipment utilized by Harbor Patrol Officers.</p>
<p>ENFORCEMENT</p> <ul style="list-style-type: none"> • Public Safety • Homeland Security 	<p>Waterfront</p>	<p>Support legislation that promotes public safety and law-enforcement efforts in or near California ports and harbors through funding resources.</p> <p>Support Homeland Security legislation, programs and/or grants that benefit and protect small ports and harbors.</p>
<p>EDUCATION</p>	<p>Waterfront</p>	<p>Support programs that utilize the California Department of Boating and Waterways as an educational vehicle for non-regulatory boating and harbor-management programs.</p>

COMMUNITY SERVICES		
SCOPE		Issues related to childcare, parks and recreation, libraries, cultural arts, and community and human services programs.
PARKS FUNDING <ul style="list-style-type: none"> • Programs • Community Park Land • Partnerships • Coastal Access 	Parks and Recreation	<p>Support full federal funding for the Forest Service's Urban and Community Forestry Program, the Land and Water Conservation Fund, and the Urban Parks and Recreation Recovery Program.</p> <p>Support legislation that promotes the acquisition, development or redevelopment of park land to meet community park and recreation needs.</p> <p>Support regional multi-agency open space acquisition initiatives.</p> <p>Support the continuation of funding for Coastal Access Projects.</p>
ARTS, CULTURAL RESOURCES, HISTORIC PRESERVATION AND ACTIVITIES	Parks and Recreation and Community Development	Support the continued state <u>and federal</u> funding for local arts activities and historic preservation.
CHILD CARE <ul style="list-style-type: none"> • Child Care 	Parks and Recreation	<p>Support the creation of more affordable, innovative, and quality local child care options for parents and concurrently encourage adherence to strict regulations and guidelines.</p> <p>Support legislation that encourages child care facilities throughout the community.</p> <p>Support state and federal efforts to provide high quality, safe, and affordable childcare for all who need it.</p>
CHILDREN/YOUTH <ul style="list-style-type: none"> • Job Training • Prenatal Care • Youth Program • Foster Care • Federal Grants • National Policy • After School 	Parks and Recreation/ Police/ Community/ Development/ Library	<p>Support state and federal funding for school-based job training programs in order to produce more job placement opportunities and collaborations with municipal services.</p> <p>Support increased state and federal funding for prenatal care, early health care, preschool, and childcare programs to ensure healthy children and school readiness.</p> <p>Support increased funding for foster care.</p> <p>Support creation of permanent state or federal funding sources for youth programs.</p> <p>Support federal reauthorization and full funding of the Individuals with Disabilities Education Act (IDEA), the Child Care and Development Block Grant, and the Temporary Assistance to Needy Families (TANF) block grant, including after-school recreation and tutoring programs.</p> <p>Support formation of a President's national youth cabinet to create a comprehensive national policy for children.</p> <p>Support increased state and federal funding for affordable after-school programs <u>and programs that promote and enhance physical fitness and well-being of children and youth.-</u></p>

<p>CHILDREN/YOUTH (CONTINUED)</p> <ul style="list-style-type: none"> • Equal Access • Parks and Recreation Facilities • Educational Programs • Library funding • Universal Health Care • Health Care 	<p>Parks and Recreation/ Police/ Community Development /Library</p>	<p>Support legislation that would provide state and federal funding for increased access for children with disabilities to after-school and other recreation programs, including required staff support related to medications, mobility, and activity integration.</p> <p>Support legislation that would provide state and federal funding for the development and operation of park and recreation facilities that serve underprivileged children, families, and older adults <u>and which promote and enhance physical health and well-being of children, youth, adults and seniors.</u></p> <p>Support legislation providing state and federal funding for improving pre-school reading readiness, for supporting public library services assisting elementary and secondary school students with information, research, and curriculum materials, for adult literacy and computer literacy instruction, and for acquisition of learning materials.</p> <p>Oppose legislation or administrative efforts to decrease the state’s budgets for First 5 and K through 12 programs that support children and families.</p> <p>Support the concept of universal health care for all Californians.</p> <p>Support incentives to improve coordination of public health considerations with community land use planning.</p>
<p>PARK BOND FUNDS</p> <ul style="list-style-type: none"> • Eligibility • Distribution • Release 	<p>Parks and Recreation</p>	<p>Oppose tying local eligibility for park bond grant funds to non-park related issues, such as rent control or housing element status. Statewide park bond measures should include a component that provides per capita grants to cities and counties.</p> <p>Monitor quarterly state actions regarding distribution or hold-up of allocated bond funds and other state funding sources related to Creeks Program and park capital projects.</p> <p>Work with League of California Cities to assure bond funds are not held for other state funding needs.</p>
<p>PUBLIC LIBRARIES</p> <ul style="list-style-type: none"> • Funding • Computers 	<p>Library</p>	<p>Support full funding of the State Public Library Foundation so that the state’s full share of funding is provided to the program, understanding how libraries play an integral role in building and sustaining our communities.</p> <p>Support legislation providing federal funding for improving pre-school reading readiness, for supporting public library services assisting elementary and secondary school students with information, research, and curriculum materials, for adult literacy and computer literacy instruction, and for acquisition of learning materials.</p> <p>Support federal funding for telecommunications equipment and services in public libraries in order to provide equal access to information to all residents; oppose requirements on use of federal funds for Internet access services for adults that mandate installation of filtering software.</p>

<p>PUBLIC LIBRARIES (CONTINUED)</p> <ul style="list-style-type: none"> • State Public Library • Foundation Privacy Rights 	<p>Library</p>	<p>Support efforts to maintain and restore the State Public Library Foundation.</p> <p>Oppose reductions of funding for library services.</p> <p>Oppose any further reduction of the State Public Library Foundation.</p> <p>Oppose legislation that requires public libraries to install and maintain computer-filtering software for use on computers in the library that, in an attempt to block obscene materials, also prevents access to material protected by the First Amendment.</p> <p>Oppose legislation, regulations, and guidelines that erode privacy, information access and Constitutional rights, and oppose the use of governmental authority to suppress the free and open exchange of information and ideas.</p>
<p>SENIORS</p> <ul style="list-style-type: none"> • Programs • Care Facilities • Wellness 	<p>Parks and Recreation</p>	<p>Support efforts to develop and improve intergenerational recreation programs and activities that include seniors.</p> <p>Support legislation that would provide funding for side-by-side day care facilities for California’s youth, adults, and seniors.</p> <p>Support legislation that facilitates development of senior residential and day care facilities integrated within the community-at-large.</p> <p>Support funding for wellness, physical activity, and recreational programs for seniors on low or fixed incomes.</p> <p>Support funding for senior daycare facilities and programs.</p>
<p>NATURAL RESOURCE PROTECTION</p>	<p>Parks and Recreation</p>	<p>Support legislation that fosters protection and restoration of natural resources, including streams, stream and riparian habitat, wetlands, estuaries, rural and urban open space, etc.</p> <p>Support legislation that provides local agencies with matching grants and/or technical support from California Resources Agency or other state agencies to revise and implement new resource protection policies and programs.</p>
<p>PARKS AND YOUTH EDUCATION</p>	<p>Parks and Recreation</p>	<p>Support legislation that establishes new grants or expands scope of existing grants (currently limited to urbanized areas with populations over 100,000) for which the City would be eligible for park development, park improvement, and youth recreation programs.</p>
<p>PROPOSITION 40/50/84</p> <ul style="list-style-type: none"> • Distribution 	<p>Parks and Recreation</p>	<p>Support legislation that distributes bond funds as competitive monies to a range of State agencies and does not limit funds based on geographic location or scope of need.</p> <p>Support legislation that allows grantee opportunity to receive grant funds for project design and permitting, in addition to construction, and also provides a mechanism to extend completion schedules.</p>

EMPLOYEE RELATIONS		
SCOPE		Issues related to the field of labor relations and human resource management.
LABOR RELATIONS <ul style="list-style-type: none"> • Local Authority <ul style="list-style-type: none"> • Strikes • Arbitration <ul style="list-style-type: none"> • MOU <ul style="list-style-type: none"> • State Board <ul style="list-style-type: none"> • Mutual Agreement 	City Administrator	<p>Support efforts to promote, initiate, and improve both public and private sector labor-management relations.</p> <p>Oppose interference with management rights or the ability of cities and their employees to bargain on matters within the scope of representation.</p> <p>Support legislation that specifically exempts local public agencies from the requirement to negotiate with any labor or special interest group about matters submitted to the voters of that jurisdiction as initiatives or Charter amendments.</p> <p>Support the long-held position of California courts that public employees cannot engage in strikes.</p> <p>Oppose any system of compulsory and binding interest arbitration, including state mandates and the imposition of binding arbitration through the initiative process.</p> <p><u>Support local government control of the budget process related to compensation.</u></p> <p>Oppose any legislative action that requires the continuation of the terms of any Memorandum of Understanding (MOU) between a public agency and an employee organization until a successor MOU is agreed upon.</p> <p>Oppose any extension of the State Public Employment Relations Board jurisdiction over local public agency labor relation disputes and charges of unfair labor practices, and to any interference or intervention in local collective bargaining by any labor-management relations councils or boards.</p> <p>Oppose state-mandated compulsory mediation or fact-finding processes that are not mutually agreed upon by the local public agency and its employee organizations, except as provided by local law.</p>

<p>EQUAL EMPLOYMENT OPPORTUNITY</p> <ul style="list-style-type: none"> • Civil Rights/EEO • Sexual Harassment • Standards <ul style="list-style-type: none"> • CFCL/FMLA <ul style="list-style-type: none"> • Sexual Orientation 	<p>City Administrator</p>	<p>Support legislation furthering the purpose and clarifying the application of state and federal civil rights and equal employment opportunity laws.</p> <p>Support a consistent standard for hostile sexual harassment cases by adopting the federal "reasonable victim" standards in matters before the FEHC. Support changing the standard from the "viewpoint of a reasonable victim" to a standard utilizing the "perception of reasonable persons of the same gender as the claimant," in order to shift from a gender-based sexual harassment standard to a plaintiff-based standard.</p> <p>Support efforts to conform the California Family Care Leave Laws to the federal Family and Medical Leave Act (FMLA).</p> <p>Support the amendment of federal civil rights legislation to prohibit employment discrimination on the basis of sexual orientation.</p>
<p>PUBLIC EMPLOYEES' RETIREMENT SYSTEM</p> <ul style="list-style-type: none"> • Coalition • Public Pension Systems • Exemptions <ul style="list-style-type: none"> • Limitations • Fraud <ul style="list-style-type: none"> • PERS Credit <ul style="list-style-type: none"> • Disability <ul style="list-style-type: none"> • Airport Patrol 	<p>Administrative Services</p>	<p>Support the PERS Coalition (PERS/PAC) and its efforts to maintain or further the interests of contracting agencies.</p> <p>Oppose preemption of charter city authority over their public pension systems.</p> <p>Support an exemption for retired PERS employees, allowing them to work for a PERS agency under contract or appointment by the local agency.</p> <p>Support certain limitations upon recoveries under judgments against public retirement systems.</p> <p>Support a requirement that the PERS Board adjust or cancel the retirement allowance of any person convicted of making fraudulent benefit claims.</p> <p>Support extending the period for which employees may purchase PERS service credit for periods of lay off to five years.</p> <p>Support: (a) reducing all disability retirement payments for employees hired after a certain date; (b) imposing an earnings test for persons receiving industrial disability retirement; (c) requiring state departments to identify annual unemployment and disability payments in separate budget items; (d) requiring persons receiving disability retirement payments to obtain an annual medical examination; (e) prescribing a 60% cap on payments for either job-related or non-job-related disabilities; (f) eliminating the tax-exempt status of disability retirement payments; (g) requiring mandatory reinstatement for employees certified able to work by medical exam; and (h) discontinuing disability retirement payments if the employee rejects reinstatement.</p> <p>Support legislation to allow a PERS contracting agency to voluntarily elect to amend its PERS contract to provide safety retirement benefits to California peace officers serving as armed Airport Patrol Officers.</p>

<p>PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)</p> <ul style="list-style-type: none"> • Pension System Reform • Employer Rate • Part-Time Work • Mandates • Benefits • CalPERS Board 	<p>Administrative Services</p>	<p>Support pension system reform that will reduce long term costs while remaining effective in recruiting and retaining a skilled, quality work force.</p> <p>Oppose a requirement that all plan assets of an employer plan, including “excess assets” be used in the determination of the employer rate.</p> <p>Support allowing local agencies to make an exclusive determination of whether to utilize excess assets to offset costs of plan amendments.</p> <p>Oppose declaring eligible for PERS benefits those part-time employees who have satisfied a minimum requirement of service, thereby defeating the intent and value of part-time employment.</p> <p>Oppose legislation that mandates large increases in compensation during the final year of employment, which have the effect of increasing retirement benefits.</p> <p>Oppose requiring an employer to continue to pay the salary of a member while PERS makes its decision on the member’s application for involuntary disability retirement.</p> <p>Support expansion of the membership of the CalPERS Board of Administration to include one new member appointed by the League of California Cities.</p>
<p>WORKERS' COMPENSATION</p> <ul style="list-style-type: none"> • Injuries • Workers' Compensation • Claim • Medical • Presumptive Injury • Legal process 	<p>Finance</p>	<p>Support the principles of narrow causation and definition of injury.</p> <p>Support requiring the employee to prove by clear and convincing evidence that sudden or extraordinary employment conditions were the predominant causes for the injury.</p> <p>Support existing workers' compensation laws to be liberally construed only after an injury is deemed "specific" and consists of serious physical or bodily harm.</p> <p>Support the cost containment of medical expenses for workers' compensation claims.</p> <p>Oppose regulations or legislation that would require increased employer medical costs for workers' compensation.</p> <p>Oppose regulations or legislation that would expand the definition of a “presumptive” injury, or create new “presumptive” injury categories that lack a basis in current proven medical science.</p> <p>Oppose legislation that would permit an employee to use more than one legal process in regard to disability claims (i.e., ADA, workers' compensation, DFEH), or any other erosion of the “exclusive remedy” principle as it relates to disability claims covered under workers' compensation.</p>

<p>EMPLOYMENT-RELATED ISSUES</p> <ul style="list-style-type: none"> • Harassment • Mandates • OSHA • FEHC 	<p>Administrative Services</p>	<p>Support the special protection of elected officials, county public defenders, public figures and public employees acting in their official capacity against threats of death or serious bodily injury.</p> <p>Support federal and state legislation affirming the establishment of tax exempt employee savings accounts for retirement health expenses.</p> <p>Support state-funded recruitment and succession planning programs to address expected high levels of employee retirement turnover within state and local government service.</p> <p>Oppose a mandatory Social Security tax on any public sector employees or employers by the federal government.</p> <p>Oppose any state or federal mandate of benefits on local agency employers, including, but not limited to, benefits for temporary or part-time employees, domestic partner benefits and veterans' preferences.</p> <p>Oppose the mandated inclusion of governmental entities for Occupational Safety and Health Agency (OSHA) violations without appropriate compensation for the mandates.</p> <p>Oppose extending the filing dates for Fair Employment and Housing Commission (FEHC) charges from one to two years, and oppose permitting the FEHC to provide affirmative or prospective relief to prevent the recurrence of an unlawful practice.</p> <p>Oppose legislation limiting the ability of public agencies to monitor public employees' use of public assets and resources.</p>
<p>FEDERAL FAIR LABOR STANDARDS ACT (FLSA)</p>	<p>Administrative Services</p>	<p>Support federal legislation to modify inappropriate sections of the FLSA as it relates to local governments, including, but not limited to, the administrative and professional exemptions, salary tests, and the definition of hours worked.</p> <p>Support the position that the FLSA was inappropriately applied to state and local governments through court decisions and was never designed to regulate public sector employment.</p>
<p>DOMESTIC PARTNERSHIP</p>	<p>Administrative Services</p>	<p>Support legislation that would delete the current state criteria that persons in a Domestic Partnership must be members of the same sex or be over 62 years of age.</p>

CITY ADMINISTRATION		
SCOPE		Issues regarding election law and administration, insurance and tort reform, open meeting law, (the Brown Act), the Public Records Act, the Political Reform Act, and other conflict of interest laws, and regulation of smoking and tobacco products.
OPEN MEETING LAW (THE BROWN ACT) <ul style="list-style-type: none"> • Open Meetings • Restrictions • Closed Session • Privacy Rights • Personnel Issues • Property Acquisitions • Attorney/Client Privilege 	Administrative Services	<p>Support legislation that recognizes the need to conduct the public’s business in public. To this end, the City supports the regulation of the state and other public agencies to ensure conformance to the principles of the open meetings provision in the Ralph M. Brown Act.</p> <p>Support legislation that extends application of the Brown Act to the State.</p> <p>Oppose legislation claiming to enhance open and public meetings that in practice unnecessarily complicates the ability of a city to properly communicate with the public and that discourages communications among governing body members through unproductive restrictions and inappropriate activities.</p> <p>Oppose legislation that would impose further unnecessary restrictions on the action that a governing body can take in closed sessions.</p> <p>Support legislation that recognizes the realities of other constraints under which a local governing body must operate that necessitates judicious use of closed sessions, including:</p> <ul style="list-style-type: none"> • The privacy rights granted to individuals under the U.S. and California constitutions; • The personnel issues that have a potential impact on an individual’s career and potential earning capacity and that raise serious liability questions for a local jurisdiction; • The protection of the taxpayer’s interests over property and other acquisitions by a public agency; and • The proper maintenance of the same attorney-client privilege enjoyed by the private sector.

<p>ELECTIONS</p> <ul style="list-style-type: none"> • Costs/Procedures • Mail Ballots • Ballot measures • Challenges 	<p>Administrative Services</p>	<p>Support legislation that reduces any unnecessary and costly procedures for conducting a municipal election. Oppose legislation that mandates costly and unnecessary procedures related to the local election process.</p> <p>Support municipal mail ballot elections.</p> <p>Support the requirement that the intent and text of a local ballot measure is to be filed with the City Clerk and published in a newspaper of general circulation, and a filing fee. With regard to any land use measure, support allowing the City Council to refer it to the planning agency for a report on the measure's effects.</p> <p>Oppose any legislation or regulation that would prohibit legal action from being filed by any person(s) challenging the validity of the local initiative petition or ordinance after the date of the election.</p>
<p>RECALL ELECTIONS</p>	<p>Administrative Services</p>	<p>Support legislation that maintains the integrity of the municipal recall process.</p> <p>Support legislation that reduces the amount of local recall abuse while improving, streamlining, and ensuring that the public has full knowledge of the issues.</p>
<p>INSURANCE</p> <ul style="list-style-type: none"> • Proof • Penalties • Earthquake 	<p>City Administrator</p>	<p>Support the statewide administrative program that requires a motorist to have proof of insurance to register a vehicle with the Department of Motor Vehicles.</p> <p>Support uninsured vehicles being subject to impoundment, and redeemed only with proof of insurance, with unredeemed vehicles being sold to pay for the cost of the program.</p> <p>Support the creation of a state non-profit corporation to issue earthquake insurance policies to cover the cost of replacement or repairs to structures damaged by earthquake. The primary concern of the City in this issue should be maintaining an affordable housing market in local communities.</p>
<p>POLITICAL REFORM ACT</p> <ul style="list-style-type: none"> • Practices • Local Authority • Prop 208 • Reproduction Costs 	<p>Administrative Services</p>	<p>Support legislation and regulations that establish sound practices and principles related to municipal political campaigns.</p> <p>Oppose regulations and legislation that would restrict or preempt local authority.</p> <p>Support appropriate efforts to improve and streamline the Political Reform Act and its implementation through regulations.</p> <p>Support a legislative amendment to Proposition 208 that permits a candidate with excess campaign funds to give those excess funds to a charity of his or her choice in addition to all of the options provided in Proposition 208.</p> <p>Support an increase in the fee for the reproduction of statements required under the Political Reform Act from ten cents (\$0.10) per page to twenty-five cents (\$0.25) per page.</p>

<p>SMOKING AND TOBACCO CONTROL</p> <ul style="list-style-type: none"> • Statewide • Minors 	<p>City Administrator</p>	<p>Support legislation that establishes a statewide smoking and tobacco control standard, as long as such legislation does not preempt the ability of cities and counties to enact local laws that are stronger than the statewide standard or to regulate in areas not covered in the statewide standard. Oppose legislation that would restrict such local authority.</p> <p>Support legislation that limits the ability of minors to obtain tobacco products.</p> <p>Support legislation providing that all 477 California cities be equitably included in the distribution of moneys that the state receives from the Tobacco Settlement Memorandum of Understanding.</p>
<p>TORT REFORM</p> <ul style="list-style-type: none"> • Local Exposure • Liability • Business Climate 	<p>City Attorney</p>	<p>Support legislation that limits the exposure of local governments to lawsuits related to liability, including but not limited to such areas as unimproved natural conditions, design immunity, hazardous recreational activities, and injuries due to wild animals in public places.</p> <p>Support modifications to the joint and several liability laws that require the responsible parties in a civil action to pay only their fair share of judgment based on their relative responsibility.</p> <p>Support civil justice reform measures designed to improve the business climate in California. The City Attorney will evaluate these measures on a case-by-case basis.</p>

END OF LEGISLATIVE PLATFORM



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 27, 2010
TO: Mayor and Council
FROM: Planning Division, Community Development Department
SUBJECT: Neighborhood Preservation Ordinance (NPO) Two-Year Review
RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Titles 22 and 28 of the Santa Barbara Municipal Code Relating to the Neighborhood Preservation Ordinance, Single Family Residence Parking Design Standards, and the Expiration of Design Review Approvals; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Adopt Revised Single Family Residential Design Guidelines and Revised Single Family Design Board Guidelines.

EXECUTIVE SUMMARY:

The original Neighborhood Preservation Ordinance (NPO) was adopted in 1991 and established design review standards for some two-story single-family residential projects for in-fill neighborhoods and provided new guidelines for hillside projects. In 2004 to 2007, the City completed an extensive update to the NPO, resulting in creation of the Single Family Design Board (SFDB), updated Single Family Residential Design Guidelines (SFRDG) and new ordinance provisions, including house size limits and guidelines by lot size (Floor to Lot Area Ratios, or "FARs"). When the Council adopted the NPO Update package in May 2007, direction was given for a brief review of the updates to occur in two years so that any necessary adjustments could be made.

Staff has followed direction provided by Council on December 15, 2009 to implement ordinance and guideline amendments related to a two-year review of the NPO Update. Staff has met with the Single Family Design Board (SFDB), the Planning Commission (PC), the Ordinance Committee and the Historic Landmarks Commission (HLC) for review of proposed changes. The SFDB, PC, Ordinance Committee and HLC unanimously supported the majority of proposed changes presented. The two uncovered parking space option elicited concern from some SFDB and PC members due to issues of minimum required storage, screening, square footage distribution, and neighborhood compatibility. Staff adjusted the two uncovered parking proposal to address each item of

concern. One member of the Ordinance Committee is opposed to increasing the Built Green requirement from two to three stars for large residences. For other topics, the proposed updates are not controversial and unanimous support among the hearing bodies was expressed.

DISCUSSION:

On December 15, 2009, City Council:

- Initiated changes recommended in the “Two-Year Review of Neighborhood Preservation Ordinance/Single Family Design Guidelines Update (NPO Update)”; with staff to work with a subcommittee of the SFDB and the Ordinance Committee; and
- Directed staff to return to Council with ordinance and guideline amendments for adoption.

Staff has followed the direction provided by Council on December 15, 2009.

I. Public Review Process

Following is a list of the meetings which occurred in 2009 to formulate the NPO Update Two-Year Review revisions list.

- Meetings with concerned organizations: late Summer/early Fall ‘09
- SFDB: 9/14/09, 10/12/09, and 11/9/09
- Public workshop at Santa Barbara Public Library: 10/24/09
- Initial Council direction: 12/15/09

Following is a list of the meetings which occurred in 2010 to finalize the language in guideline and ordinance documents to implement the list of revisions.

- SFDB: 3/1/10, 3/15/10 & 4/12/10, as well as three SFDB Subcommittee meetings.
- PC review of subdivision grading project guidelines and uncovered parking space proposals: 3/4/10
- Ordinance Committee: 3/30/10
- HLC: 4/14/10

II. Ordinance and Guideline Revisions Summary

Revisions to the ordinance and guidelines are listed below by topic. Additional minor corrections and revisions have also been included in the SFRDG and SFDB Guidelines.

A. Revisions directed by Council 12-15-10

Noticing. Eliminate noticing for additions of less than 150 square feet to existing second stories or higher (SBMC 22.69.040.A.3 and .4). Reduce hand-delivered noticing to the closest 10 lots, rather than the closest 20 lots (SBMC 22.22.132.C and 22.69.040.C). Maintain the standard 300 foot mailing noticing radius.

Design Review Triggers. Clarify and simplify the trigger for Design Review for roof alterations in the Hillside Design District (SBMC 22.69.020.B.2.b). Change the trigger for Design Review for walls, fences or gates in front yards from six feet and greater in height to greater than 3.5 feet in height (SBMC 22.69.020.C.8).

Staff Administrative Approvals. Broaden staff authority to approve:

- more types of site walls
- black chain link fencing outside of front yards
- projects that are not “publicly visible”, as newly defined in the SFDB Guidelines

One Uncovered Parking Space Encroachments. Disallow uncovered parking encroachments on large lots for single-family residential projects that propose an uncovered parking space. Also, permeable paving is required where feasible (SBMC 28.90.100.G.1.b).

Green Building Standard for Large Residences. Update the Ordinance to clarify that green building programs equivalent to the Santa Barbara Contractor Association’s Built Green program are acceptable for homes over 4,000 square feet (See SBMC 22.69.055 and 22.22.131). Exempt additions of less than 500 square feet from the green building requirement (SBMC 22.69.055 and 22.22.131). Clarify that both Historic Landmarks Commission and SFDB single family home projects resulting in over 4,000 square feet are subject to the Built Green requirement (SBMC 22.22.131). In addition, per December 15th, 2009 Council direction, the Ordinance proposes a three-star Built Green requirement for applicable large home projects, rather than the current two-star built green requirement. One Ordinance Committee member opposes the change from two to three stars due to potential increased costs to applicants to meet this requirement. Green building proponents assert that up-front green building costs are typically only two percent and that the utility cost savings and increased structure valuations more than make up for the additional initial investment due to long term improved building performance as well as health benefits due to improved indoor air quality (see attachment).

SFRDG Revisions

- Additional covered porches, decks and loggia guidelines
- Further guidance in applying Floor to Lot Area Ratio (FAR) guidelines to lots over 15,000 square feet
- 20 closest homes data usage information
- Glass railing guideline revision
- Additional basement design guidance
- Lighting guidelines revisions
- Fence and wall additions in “Good Neighbor Guidelines and Tips” section

SFDB Guideline Revisions

- New subdivision grading plan review guidelines
- Eliminate vacant lot review procedure
- Artificial plants and turf specified as not allowed in landscaping guidelines

SFDRG and SFDB Guidelines Revisions

- Additional parking design guidelines
- Additional creeks and water conservation references

B. Additional Revisions

In addition to the changes directed by Council in December, the following changes are included in the ordinance and guideline revisions. These changes were recognized as necessary during implementation of the other revision items.

Design Review Expirations. Clarification as to how Design Review expirations are handled for projects, in particular for projects with multiple approvals, is included in proposed sections 22.22.180, 22.68.110, and 22.69.090 and a refinement to the basement net floor area calculation procedures is included in 28.15.083.B.1.b. SFDB Guidelines updates also reflect these clarifications. These changes also affect multi-family and commercial projects which the HLC and ABR review.

Basement Net Floor Area Calculation Clarification. Refine the basement net floor area calculation procedures allow for a five-foot entry (28.15.083.B.1.b).

Modification procedures in SFDB Guidelines. New guidance for the SFDB and HLC as to their role and procedures for commenting on modifications of yard, lot and floor area regulations is provided in the SFDB Guidelines. Vote procedures for FAR zoning modifications requests is also clarified.

Municipal Code & Tree Information Updates to SFRDG & SFDB Guidelines. Recent changes to the Santa Barbara Municipal Code (Chapters 15.24 and 22.11) related to yard, setback, open yard and tree preservation requirements are now reflected in the "Supplemental Information" chapter of the SFRDG. SFDB Guidelines Appendices A & B regarding water conservation and fire sprinkler requirements are also updated.

C. Portable Accessory Structures.

In December 2009, Council requested a response regarding the issue of portable accessory structures or storage containers being placed in front of residences. Accessory structures are only allowed to be located outside of front yards, not within interior yards and not allowed to block access to parking. Placement of these portable structures in prohibited locations would constitute a zoning violation. Accessory structures are also subject to design review when another project aspect triggers design review, such as a two-story project component or steep hillside site condition. Incorrect portable accessory placement is an enforcement issue which is addressed on a case by case basis. New regulations to limit the use of portable accessory structures are not recommended at this time.

III. Two Uncovered Parking Spaces

This option allows case by case waivers which could be granted by the SFDB for two uncovered parking spaces for homes under 80% of the maximum FAR outside any front yards. Design Review would be required for the uncovered parking spaces. Two uncovered parking spaces typically require only 333 square feet (18' by 18.5'), whereas a two-car garage requires 400 square feet (interior 20' by 20'). During the review of the NPO Update, staff recognized that defining when two uncovered parking spaces may be acceptable could bring substantial benefits in achieving storm water quality goals, street friendly home facades, increased housing affordability and flexibility for constrained and non-conforming lots. However, modifications to the covered parking ordinance requirement to allow two uncovered spaces have traditionally not been supported for single family development. Staff presented potential benefits and disadvantages of studying this provision to the Council as an option for further consideration in December 2009. Council directed staff to study the option.

Minimum standards were drafted for consideration as well as supporting factors for the exception for inclusion in the SFDB Guidelines. Initial response from some SFDB and PC members regarding a modification process for two uncovered parking spaces was negative and staff worked to address concerns. The proposed ordinance contains revisions crafted to address concerns expressed by PC and SFDB members. The ordinance proposal requires the following for an exception to allow two-uncovered rather than the standard two covered parking spaces (SBMC 28.90.100.G.1.c, 22.69.020.C.12, and 22.22.132.A.9):

- no more than 80% of the maximum floor to lot area for the property's lot size is allowed
- 120 square feet minimum of exterior storage
- screening of the parking space
- permeable paving
- SFDB review and approval for appropriate high quality design and details. Also, the SFDB must find the project consistent with Neighborhood Preservation Ordinance findings, including neighborhood compatibility findings

The ordinance changes, including creating an exception requiring SFDB approval rather than a modification process, resulted in a majority positive vote from the SFDB on this option at the SFDB's March 15, 2010 and April 12, 2010 meetings. The Ordinance Committee also recommends this option for Council adoption.

BUDGET/FINANCIAL INFORMATION:

Guideline changes reduce staff's workload in response to budget constraints. The guideline changes include some shifts of projects away from full board SFDB review toward either less labor intensive Consent Calendars or Administrative (staff) review. Some changes proposed in the ordinance revisions will result in slight decreases in staff workload (noticing, Design Review triggers and green building requirement adjustments) and some will result in insignificant increases (Design Review triggers).

NOTE: Copies of the following documents have been provided to the Mayor and Council and are available for public viewing at the City Clerk's office:

- Existing adopted versions of the SFRDG and SFDB Guidelines (available on-line at www.santabarbaraca.gov/Resident/Home/Guidelines/)
- December 15, 2009 Council Agenda Report: Two-Year Review of Neighborhood Preservation Ordinance Update (available on-line at www.santabarbaraca.gov/CAP/)
- Guideline Revisions for the SFRDG and SFDB Guidelines (available on-line at www.santabarbaraca.gov/Resident/Major_Planning_Efforts/NPO/)
- Public comment letters submitted to the SFDB for its 4-12-10 hearing and Ordinance Committee for its 3-30-10 hearing.

ATTACHMENT: Letter from Santa Barbara Built Green regarding green building costs

PREPARED BY: Heather Baker, AICP, Project Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office



April 22, 2010

City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93101

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HOW MUCH DOES GREEN BUILDING REALLY COST?

Green building skeptics sometimes argue that it's difficult or even impossible to build green without paying a big cost premium. But real-world examples show that you can complete a Built Green certified green building project for an average of 2 percent more in upfront costs, and often times even below standard market construction costs. Plus, any extra first costs you pay can be recovered through faster lease-up rates, rental premiums and increased market valuation. And by making experienced green building professionals a part of your team and learning to control costs, you can escape paying any green premium at all.

A green building saves through lower operating costs over the life of the building. The green building approach applies a project life cycle cost analysis for determining the appropriate up-front expenditure. This analytical method calculates costs over the useful life of the asset. Even with a tight budget, many green building measures can be incorporated with minimal or zero increased up-front costs and they can yield enormous savings. A Built Green 3-Star versus 2-Star rating roughly doubles the energy savings and reduces the monthly debt and utility costs.

A 2004 study by Davis Langdon Adamson, a construction cost-planning and management company, found that the first costs of constructing a sustainable building tend to match or only slightly exceed those of comparable non-green buildings. The study, *Costing Green: A Comprehensive Cost Database and Budgeting Methodology*, measured the square-foot construction costs of 61 buildings seeking certification under the USGBC - LEED green building rating system against those of buildings of similar type that did not aim for sustainability. Taking into account a range of construction factors including climate, location, market conditions and local standards, the study found that for many of the green projects, pursuing LEED certification had little or no budgetary impact.

The study's findings also underline that incorporating and integrating green features into a project early is critical to the success of any green building project. "It is the choices made during design which will ultimately determine whether a building can be sustainable, not the budget set," the report concluded.

In addition, in order to accurately evaluate the impact of green building on your budget, it's important to look beyond first costs. Increasingly, architects, builders and procurement specialists are using "life-cycle assessments" (LCA) to evaluate and quantify the economic and environmental costs and benefits of materials and products over their lives. LCA analysis methods are becoming more standardized and tools are emerging to provide comparable product-level evaluations.

We welcome your questions and comments.

Sincerely,

Karin Perissinotto
President, Built Green Santa Barbara

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COUNCIL INTRODUCTION DRAFT 4/27/10
SHOWING CHANGES FROM EXISTING CODE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLES 22 AND 28 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO THE NEIGHBORHOOD PRESERVATION ORDINANCE, SINGLE FAMILY RESIDENCE PARKING DESIGN STANDARDS, AND THE EXPIRATION OF DESIGN REVIEW APPROVALS.

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

SECTION 1. Sections 22.22.131, 22.22.132, and 22.22.180 of Chapter 22.22 of Title 22 of the Santa Barbara Municipal Code are amended to read as follows:

22.22.131 Review of Single Family Residential Units.

A. NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS—PROJECTS REVIEWED BY THE HISTORIC LANDMARKS COMMISSION. If a project is

referred to the Historic Landmarks Commission for review pursuant to Section 22.69.030 of this Code, the Historic Landmarks Commission shall, in addition to any review required pursuant to this Chapter 22.22, make the findings required for approval of the project as specified in Section 22.69.050 of this Code prior to approving the project.

B. GREEN BUILDING STANDARD FOR LARGE RESIDENCES. If a project referred to the Historic Landmarks Commission for review pursuant to Section 22.69.030 of this Code proposes 500 square feet or more of new net floor area (new construction,

replacement construction, or additions) and the net floor area of all existing and new buildings on the lot resulting from the application will exceed four thousand (4,000) square feet of net floor area as calculated pursuant to Section 28.04.315, all new square footage (new construction, replacement construction, or additions) proposed as part of the project shall meet or exceed a three-star designation under the Santa Barbara Contractors' Association Built Green program or equivalent standards under another green construction program recognized by the City.

22.22.132 Historic Landmarks Commission Notice and Hearing.

A. **PROJECTS THAT REQUIRE PUBLIC HEARING.** Historic Landmarks Commission review of the following projects must be preceded by a noticed public hearing:

1. New single residential units, residential duplexes, multiple residential units, mixed use (residential and non-residential) buildings, or nonresidential buildings,

2. The addition of over 500 square feet of net floor area to a single residential unit or residential duplex,

3. An addition of a new second or higher story to an existing single residential unit or residential duplex,~~or~~

4. a~~A~~n addition of over 150 square feet of net floor area to an existing second or higher story of a single residential unit or residential duplex,

~~4~~5. The addition of over 500 square feet of net floor area or any change that will result in an additional residential unit to a multiple residential unit,

~~56~~. Small non-residential additions as defined in Section 28.87.300,

~~67~~. Projects involving grading in excess of 250 cubic yards outside the footprint of any main building (soil located within five feet (5') of an exterior wall of a main building that is excavated and recompactd shall not be included in the calculation of the volume of grading outside the building footprint),

~~78~~. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels, ~~or~~

~~89~~. Projects involving the placement or removal of natural features with the apparent potential to significantly alter the exterior visual qualities of real property, or

10. Projects involving an application for an exception to the parking requirements for a single family residential unit as specified in Section 28.90.100.G.1.c. of this Code.

B. MAILED NOTICE. Not less than ten calendar days before the date of the hearing required by Subsection A above, the City shall cause written notice of the hearing to be sent by first class mail to the following persons: (1) the applicant and (2) the current record owner (as shown on the latest equalized assessment roll) of any lot, or any portion of a lot, which is located not more than three hundred feet (300') from the exterior boundaries of the lot which is the subject of the action. The written notice shall advise the recipient of the following: (1) the date, time and location of the hearing, (2) the right of the recipient to appear at the hearing and to be heard by the Historic Landmarks Commission, (3) the location of the subject property, and (4) the nature of the application subject to design review.

C. ADDITIONAL NOTICING METHODS. In addition to the required mailed notice specified in Subsection B, the City may also require notice of the hearing to be

provided by the applicant in any other manner that the City deems necessary or desirable, including, but not limited to, posted notice on the project site and notice delivered to non-owner residents of any of the ~~twenty (20)~~ten (10) lots closest to the lot which is the subject of the action. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

D. PROJECTS REQUIRING DECISIONS BY THE CITY COUNCIL, PLANNING COMMISSION, OR STAFF HEARING OFFICER. Whenever a project requires another land use decision or approval by the City Council, the Planning Commission, or the Staff Hearing Officer, the mailed notice for the first hearing before the Historic Landmarks Commission shall comply with the notice requirements of this Section or the notice requirements applicable to the other land use decision or approval, whichever are greater. However, nothing in this Section shall require either: 1. notice of any hearing before the Historic Landmarks Commission to be published in a newspaper, or 2. mailed notice of hearings before the Historic Landmarks Commission after the first hearing conducted by the Historic Landmarks Commission, except as otherwise provided in the Historic Landmarks Commission Guidelines adopted by resolution of the City Council.

22.22.180 Expiration of Approval.

~~**A. TWO-YEAR EXPIRATION.** A final approval by the Commission, as defined in the Historic Landmarks Commission Guidelines, shall expire by limitation and become~~

~~null and void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Commission or the City Council, on appeal.~~

~~—B. **COMMUNITY DEVELOPMENT DIRECTOR EXTENSION.** Upon a written request from the applicant prior to the expiration of the approval, the Community Development Director may grant one (1) twelve month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.22, the Historic Landmarks Commission Guidelines, and applicable City ordinances, resolutions and other laws.~~

~~—C. **EXTENSIONS BY THE HISTORIC LANDMARKS COMMISSION.** In addition to the twelve month extension by the Community Development Director, upon a written request from the applicant prior to the expiration of the approval, the Commission may grant up to two (2) twelve month extensions of the final approval. Extensions of time may be granted by the Commission upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.22, the Historic Landmarks Commission Guidelines, and applicable City ordinances, resolutions and other laws.~~

A. **CONCEPT REVIEW.** Conceptual comments by the Commission are valid for one year from the date of the last conceptual review.

B. **PRELIMINARY APPROVAL.**

1. **One Year Expiration.** A preliminary approval from the Commission or the City Council, on appeal, shall expire by limitation and become null and void if final approval is not granted by the Commission or the City Council, on appeal, within twelve (12) months of the granting of the preliminary approval by the Commission or the City Council, on appeal.

2. **Community Development Director Extension.** Upon a written request from the applicant submitted prior to the expiration of the preliminary approval, the Community Development Director may grant one (1) twelve-month extension of a preliminary approval.

C. **FINAL APPROVAL.**

1. **Two Year Expiration.** A final approval from the Commission or the City Council, on appeal, shall expire by limitation and become null and void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Commission or the City Council, on appeal.

2. **Community Development Director Extension.** Upon a written request from the applicant submitted prior to the expiration of the approval, the Community Development Director may grant one (1) twelve-month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the

proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.69, the Commission Guidelines, and applicable City ordinances, resolutions and other laws.

3. **Extensions by the Commission.** In addition to the twelve-month extension by the Community Development Director, upon a written request from the applicant submitted prior to the expiration of the approval, the Commission may grant up to two (2) twelve-month extensions of the final approval. Extensions of time may be granted by the Commission upon finding that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.22, the Commission Guidelines, and applicable City ordinances, resolutions and other laws.

4. **Projects with Multiple Approvals.** Notwithstanding the two-year expiration specified in paragraph 1 above, if a project requiring Design Review pursuant to this Chapter also requires discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the expiration date of the final approval of the Historic Landmarks Commission or City Council, on appeal, shall correspond with the expiration date of the longest discretionary approval granted for the project. If a building permit for the building or work authorized by the final approval is not issued before the expiration date of the longest discretionary approval for the project, the final approval shall expire by limitation and become null and void.

D. **EXCLUSIONS OF TIME.** For projects that do not require discretionary

approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the time periods specified in this section for preliminary approval or final approval shall not include any period of time during which either 1. a moratorium on the issuance of building permits, imposed after the preliminary or final approval, is in effect; or 2. a lawsuit involving the preliminary or final approval is or was pending in a court of competent jurisdiction.

SECTION 2. Section 22.68.110 of Chapter 22.68 of Title 22 of the Santa Barbara Municipal Code is amended to read as follows:

22.68.110 Expiration of Approval.

~~—A. **TWO-YEAR EXPIRATION.** A final approval of the Architectural Board of Review, as defined in the Architectural Board of Review Guidelines, shall expire by limitation and become null and void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Architectural Board of Review or the City Council, on appeal.~~

~~—B. **COMMUNITY DEVELOPMENT DIRECTOR EXTENSION.** Upon a written request from the applicant prior to the expiration of the approval, the Community Development Director may grant one (1) twelve month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.68 and applicable City ordinances, resolutions and other laws.~~

~~—C. **EXTENSIONS BY THE ARCHITECTURAL BOARD OF REVIEW.** In addition to the twelve month extension by the Community Development Director, upon a written request from the applicant prior to the expiration of the approval, the Architectural Board of Review may grant up to two (2) twelve month extensions of the final approval. Extensions of time may be granted by the Architectural Board of Review upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.68 and applicable City ordinances, resolutions and other laws.~~

A. **CONCEPT REVIEW.** Conceptual comments by the Architectural Board of Review are valid for one year from the date of the last conceptual review.

B. PRELIMINARY APPROVAL.

1. One Year Expiration. A preliminary approval from the Architectural Board of Review or the City Council, on appeal, shall expire by limitation and become null and void if final approval is not granted by the Architectural Board of Review or the City Council, on appeal, within twelve (12) months of the granting of the preliminary approval by the Architectural Board of Review or the City Council, on appeal.

2. Community Development Director Extension. Upon a written request from the applicant submitted prior to the expiration of the preliminary approval, the Community Development Director may grant one (1) twelve-month extension of a preliminary approval.

C. FINAL APPROVAL.

1. Two Year Expiration. A final approval from the Architectural Board of Review or the City Council, on appeal, shall expire by limitation and become null and void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Architectural Board of Review or the City Council, on appeal.

2. Community Development Director Extension. Upon a written request from the applicant submitted prior to the expiration of the approval, the Community Development Director may grant one (1) twelve-month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development

with this Chapter 22.69, the Architectural Board of Review Guidelines, and applicable City ordinances, resolutions and other laws.

3. Extensions by the Board. In addition to the twelve-month extension by the Community Development Director, upon a written request from the applicant submitted prior to the expiration of the approval, the Architectural Board of Review may grant up to two (2) twelve-month extensions of the final approval. Extensions of time may be granted by the Architectural Board of Review upon finding that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.68, the Architectural Board of Review Guidelines, and applicable City ordinances, resolutions and other laws.

4. Projects with Multiple Approvals. Notwithstanding the two-year expiration specified in paragraph 1 above, if a project requiring Design Review pursuant to this Chapter also requires discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the expiration date of the final approval of the Architectural Board of Review or City Council, on appeal, shall correspond with the expiration date of the longest discretionary application granted for the project. If a building permit for the building or work authorized by the final approval is not issued before the expiration date of the longest discretionary approval for the project, the final approval shall expire by limitation and become null and void.

D. EXCLUSIONS OF TIME. For projects that do not require discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council

pursuant to Title 27 or 28 of this Code, the time periods specified in this section for preliminary approval or final approval shall not include any period of time during which either 1. a moratorium on the issuance of building permits, imposed after the preliminary or final approval, is in effect; or 2. a lawsuit involving the preliminary or final approval is or was pending in a court of competent jurisdiction.

SECTION 3. Sections 22.69.020, 22.69.040, 22.69.055, and 22.69.090 of Chapter 22.69 of Title 22 of the Santa Barbara Municipal Code are amended to read as follows:

22.69.020 Neighborhood Preservation - Single Family Residential Unit Design

Review.

A. **APPROVAL REQUIRED BEFORE ISSUANCE OF PERMIT.** No building permit, grading permit, vegetation removal permit, or subdivision grading plan, the application for which is subject to the review of the Single Family Design Board pursuant to this Chapter 22.69, shall be issued without the approval of the Board or the City Council, on appeal.

B. BUILDING PERMITS - SPECIAL DESIGN DISTRICTS.

1. **Mission Area Special Design District and Lower Riviera Survey Area - Bungalow District.** Applications for building permits to construct, alter, or add to the exterior of a single family residential unit or a related accessory structure on a lot or lots within the Mission Area Special Design District or the Lower Riviera Survey Area - Bungalow District identified in Section 22.68.060 shall be referred to the Single Family Design Board for design review in accordance with the requirements of this Chapter and the approved Single Family Design Board Guidelines.

2. **Hillside Design District.** Applications for building permits to construct, alter, or add to the exterior of a single family residential unit or a related accessory structure on a lot or lots within the Hillside Design District identified in Section 22.68.060 shall be referred to the Single Family Design Board for design review in accordance with the requirements of this Chapter and the approved Single Family Design Board Guidelines if either:

a. The average slope of the lot or the building site is 20% or more as calculated pursuant to Section 28.15.080 of this Code; or

b. The application involves ~~a structural alteration to the roof form or the replacement of the roof covering of a building on the lot~~ the replacement of an existing roof covering with a roof covering of different materials or colors.

C. **BUILDING PERMITS - SINGLE FAMILY RESIDENTIAL UNITS.**

Applications for building permits to construct, alter, or add to the exterior of a single family residential unit or a related accessory structure on any lot shall be referred to the Single Family Design Board for design review in accordance with the requirements of this Chapter and the Single Family Design Board Guidelines if the project for which the building permit is sought involves any of the following:

1. The construction of a new building or structure where any portion of the proposed construction is either: (i) two or more stories tall, or (ii) seventeen feet (17') or taller in building height (for purposes of this paragraph 1, building height shall be measured from natural grade or finished grade, whichever is lower), or

2. An alteration to an existing building or structure where any portion of the proposed alteration either: (i) alters the second or higher story of the building or structure,

or (ii) alters a point on the existing building or structure that is seventeen feet (17') or higher in building height (for purposes of this paragraph 2, building height shall be measured from natural grade or finished grade, whichever is lower), or

3. An addition to an existing building or structure where any part of the proposed addition is either: (i) two or more stories tall, or (ii) seventeen feet (17') or taller in building height (for purposes of this paragraph 3, building height shall be measured from natural grade or finished grade, whichever is lower), or

4. The net floor area of all floors of all existing and new buildings on the lot will exceed four thousand (4,000) square feet as calculated pursuant to Section 28.15.083 of this Code, or

5. The project requires a net floor area modification pursuant to Section 28.92.110.A.6 of this Code, or

6. The construction, alteration, or addition of a deck on the second or higher floor (including roof decks) or a balcony on the second or higher floor of any building that will extend perpendicularly more than three feet (3') from the adjacent exterior wall or will be more than seven feet (7') in length in the dimension parallel to the adjacent exterior wall, or

7. The construction, alteration, or addition of a retaining wall that is six feet (6') or greater in height, or

8. The construction, alteration, or addition of a wall, fence or gate in the front yard of the lot that is ~~six feet (6')~~ or greater than three and one half feet (3.5') in height, excluding walls, fences, or gates that are constructed along the interior lot lines of the lot,

shall be referred to the Single Family Design Board for a review of the proposed wall, fence or gate, or

9. The installation of a manufactured home, mobile home or factory-built home (as those terms are defined in the California Health and Safety Code), subject to the limitations on review specified in Government Code section 65852.3 et seq., or

10. The installation of a single family residential unit that was, as a whole or in part, previously located on another lot, or

11. Grading outside the footprint of the main building on the lot that exceeds either: (i) fifty (50) cubic yards on a lot within the Hillside Design District identified in Section 22.68.060, or (ii) two hundred fifty (250) cubic yards on a lot that is not within the Hillside Design District. For purposes of this paragraph 11, soil located within five feet (5') of an exterior wall of a main building that is excavated and recompact shall not be included in the calculation of the volume of grading outside the main building footprint.

[12. Projects involving an application for an exception to the parking requirements for a single family residential unit as specified in Section 28.90.100.G.1.c. of this Code.](#)

D. SUBDIVISION GRADING PLANS. All subdivision grading plans involving grading on a lot or lots located in any of the single family zones listed in Chapter 28.15 of this Code shall be referred to the Single Family Design Board for a review of the proposed grading.

E. GRADING PERMITS. Applications for grading permits that propose grading on a vacant lot or lots located within a single family zone listed in Chapter 28.15 of this Code or on any lot that is developed exclusively with a single family residence and

related accessory buildings, and which are not submitted in connection with an application for a building permit for the construction or alteration of a building or structure on the same lot or lots, shall be referred to the Single Family Design Board for a review of the proposed grading.

F. **VEGETATION REMOVAL PERMITS.** Applications for vegetation removal permits pursuant to Chapter 22.10 of this Code on a lot or lots located within a single family zone listed in Chapter 28.15 of this Code, or on any lot that is developed exclusively with a single family residence and related accessory buildings, shall be referred to the Single Family Design Board for a review of the proposed vegetation removal.

G. **RETAINING WALLS.** The following types of retaining wall improvements, if located on a lot or lots within a single family zone listed in Chapter 28.15 of this ~~Code, or Code, or~~ on any lot that is developed exclusively with a single family residence and related accessory buildings, shall be referred to the Single Family Design Board for design review of the proposed retaining walls in accordance with the requirements of this Chapter and the approved Single Family Design Board Guidelines:

1. The construction of a retaining wall on a lot or a building site with an average slope of 15% or more (as calculated pursuant to Section 28.15.080 of this Code), or
2. The construction of a retaining wall on a lot that is adjacent to or contains an ocean bluff, or
3. The construction of multiple terracing retaining walls that are not separated by a building or a horizontal distance of more than ten feet (10') where the combined height of the walls exceeds six feet (6').

H. SUBSTANTIAL ALTERATIONS TO APPROVED LANDSCAPE PLANS.

The Single Family Design Board shall review any substantial alteration or deviation from the design, character, plant coverage at maturity, or other improvements specified on an approved landscape plan for any lot within the City of Santa Barbara that is developed with a single-family residence where the conditions of approval for the development on the lot require the installation and maintenance of trees or landscaping in accordance with an approved landscape plan, whether or not such alteration or deviation to the landscape plan is proposed in connection with an alteration to a building or structure on the lot that is subject to design review by the Single Family Design Board. Whether a proposed alteration or deviation is substantial shall be determined in accordance with the Single Family Design Guidelines.

I. SUBMITTAL REQUIREMENTS. Applications for review by the Single Family Design Board shall be made in writing in such form as is approved by the Director of Community Development. No application shall be considered complete unless accompanied by the application fee in the amount established by resolution of the City Council.

J. ADMINISTRATIVE APPROVAL. Minor design alterations, as specified in the Single Family Design Guidelines or the Single Family Design Board Guidelines approved by a resolution of the City Council, may be approved as a ministerial action by the Community Development Director or the Director's designee without review by the Single Family Design Board. The Community Development Director (or the Director's designee) shall have the authority and discretion to refer any minor design alteration to the Single Family Design Board if, in the opinion of the Community Development

Director, the alteration has the potential to have an adverse effect on the architectural or landscape integrity of the building, structure or surrounding property.

K. PRESUMPTION REGARDING PRIOR GRADING, TREE REMOVAL, AND CONSTRUCTION. There shall be a presumption that any grading, removal of trees, or construction that occurred on the lot within two years prior to the submittal of an application for a building permit to construct, alter, or add to a single family residential unit or a related accessory structure was done in anticipation of such application, and said activities will be included in determining whether the project is subject to review by the Single Family Design Board pursuant to this Chapter. For purposes of this presumption, if the prior work required a permit from the City, the prior work shall not be considered complete unless a final inspection has occurred or a certificate of occupancy has been issued. An applicant has the burden to rebut this presumption with substantial evidence sufficient to convince the Single Family Design Board that such work was not done in an effort to avoid review of the entirety of the project by the Single Family Design Board.

L. SINGLE FAMILY DESIGN GUIDELINES. The Single Family Design Guidelines adopted by resolution of the City Council shall provide direction and appropriate guidance to decision makers and City staff in connection with applications reviewed pursuant to this Chapter.

22.69.040 Single Family Design Board Notice and Hearing.

A. **PROJECTS THAT REQUIRE A NOTICED PUBLIC HEARING.** Single Family Design Board review of the following projects must be preceded by a noticed public hearing:

1. New single family residential unit,
2. The addition of over 500 square feet of net floor area to a single residential unit, including any related accessory structures,
3. An addition of a new second or higher story to a single residential unit or a related accessory structure. ~~or~~
4. An addition of over 150 square feet of net floor area to an existing second or higher story of a single residential unit or a related accessory structure,
5. Projects involving grading in excess of 250 cubic yards outside the footprint of any main building (soil located within five feet (5') of an exterior wall of a main building that is excavated and recompact shall not be included in the calculation of the volume of grading outside the building footprint), ~~or~~
6. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels, or
7. Projects involving an application for an exception to the parking requirements for a single family residential unit as specified in Section 28.90.100.G.1.c. of this Code.

B. **MAILED NOTICE.** Not less than ten calendar days before the date of the hearing required by Subsection A above, the City shall cause written notice of the project hearing to be sent by first class mail to the following persons: (1) the applicant, and (2)

the current record owner (as shown on the latest equalized assessment roll) of any lot, or any portion of a lot, which is located not more than three hundred feet (300') from the exterior boundaries of the lot which is the subject of the action. The written notice shall advise the recipient of the following: (1) the date, time and location of the hearing, (2) the right of the recipient to appear at the hearing and to be heard by the Single Family Design Board, (3) the location of the subject property, and (4) the nature of the application subject to design review.

C. ADDITIONAL NOTICING METHODS. In addition to the required mailed notice specified in Subsection B, the City may also require notice of the hearing to be provided by the applicant in any other manner that the City deems necessary or desirable, including, but not limited to, posted notice on the project site and notice delivered to non-owner residents of any of the ~~twenty (20)~~ten (10) lots closest to the lot which is the subject of the action. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

D. PROJECTS REQUIRING DECISIONS BY THE CITY COUNCIL, PLANNING COMMISSION, OR STAFF HEARING OFFICER. Whenever a project requires another land use decision or approval by the City Council, the Planning Commission, or the Staff Hearing Officer, the mailed notice of the first hearing before the Single Family Design Board shall comply with the notice requirements of this Section or the notice requirements applicable to the other land use decision or approval, whichever are greater. However, nothing in this Section shall require either: 1. notice of any hearing before the Single Family Design Board to be published in a newspaper, or 2. mailed

notice of hearings before the Single Family Design Board after the first hearing conducted by the Single Family Design Board, except as otherwise provided in the Single Family Design Board Guidelines adopted by resolution of the City Council.

22.69.055 Green Building Standard for Large Residences.

~~—All new square footage (new construction or additions) proposed in a project referred to the Single Family Design Board for design review pursuant to this Chapter shall meet or exceed the standards for a two-star rating under the Santa Barbara Contractor Association's Built Green Program as adopted by the Single Family Design Board Guidelines if the net floor area of all existing and new buildings on the lot resulting from the application will exceed four thousand (4,000) square feet as calculated pursuant to Section 28.04.315.~~

If a project proposes more than 500 square feet of new net floor area (new construction, replacement construction, or additions) and the net floor area of all existing and new buildings on the lot resulting from the application will exceed four thousand (4,000) square feet of net floor area as calculated pursuant to Section 28.04.315, all new square footage (new construction, replacement construction, or additions) proposed as part of the project shall meet or exceed a three-star designation under the Santa Barbara Contractors' Association Built Green program or equivalent standards under another green construction program recognized by the City.

22.69.090 Expiration of Approval.

A. **CONCEPT REVIEW.** Conceptual comments by the Single Family Design Board are valid for one year from the date of the last conceptual review.

B. PRELIMINARY APPROVAL.

1. **One Year Expiration.** A preliminary approval from the Single Family Design Board or the City Council, on appeal, shall expire by limitation and become null and void if final approval is not granted by the Single Family Design Board or the City Council, on appeal, within twelve (12) months of the granting of the preliminary approval by the Single Family Design Board or the City Council, on appeal.

2. **Community Development Director Extension.** Upon a written request from the applicant submitted prior to the expiration of the preliminary approval, the Community Development Director may grant one (1) twelve-month extension of a preliminary approval.

C. FINAL APPROVAL.

1. ~~**TWO-YEAR EXPIRATION.**~~ A final approval of the Single Family Design Board, as defined in the Single Family Design Board Guidelines, **Two Year Expiration.** A final approval from the Single Family Design Board or the City Council, on appeal, shall expire by limitation and become null and void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Single Family Design Board or the City Council, on appeal.

~~___ B2. COMMUNITY DEVELOPMENT DIRECTOR EXTENSION~~

Community Development Director Extension. Upon a written request from the applicant submitted prior to the expiration of the approval, the Community Development Director may grant one (1) twelve-month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.69, the Single Family Design Guidelines, and applicable City ordinances, resolutions and other laws.

~~___ C3. EXTENSIONS BY THE BOARD~~Extensions by the Board. In addition to the twelve-month extension by the Community Development Director, upon a written request from the applicant submitted prior to the expiration of the approval, the Single Family Design Board may grant up to two (2) twelve-month extensions of the final approval. Extensions of time may be granted by the Single Family Design Board upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.69, the Single Family Design Guidelines, and applicable City ordinances, resolutions and other laws.

4. Projects with Multiple Approvals. Notwithstanding the two-year expiration specified in paragraph 1 above, if a project requiring Design Review pursuant to this Chapter also requires discretionary approvals from the Staff Hearing Officer, Planning

Commission, or City Council pursuant to Title 27 or 28 of this Code, the expiration date of the final approval of the Single Family Design Board or City Council, on appeal, shall correspond with the expiration date of the longest discretionary approval granted for the project. If a building permit for the building or work authorized by the final approval is not issued before the expiration date of the longest discretionary approval for the project, the final approval shall expire by limitation and become null and void.

D. EXCLUSIONS OF TIME. For projects that do not require discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the time periods specified in this section for preliminary approval or final approval shall not include any period of time during which either 1. a moratorium on the issuance of building permits, imposed after the preliminary or final approval, is in effect; or 2. a lawsuit involving the preliminary or final approval is or was pending in a court of competent jurisdiction.

SECTION 4. Section 28.15.083 of Chapter 28.15 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.15.083 Maximum Net Floor Area (Floor to Lot Area Ratio).

A. APPLICATION. The provisions of this Section shall only apply to lots within these zones that have less than 15,000 square feet of net lot area and which are, or are proposed to be, developed with a main or accessory building that is either: (1) two or more stories tall, or (2) has a building height of seventeen feet (17') or more.

B. **DEFINITIONS.** For purposes of this Section, the following definitions shall apply:

1. **Net Floor Area of a Building.** The net floor area of a building shall be calculated in accordance with the following general rule and any applicable special rules:

a. General Rule: Net floor area is the area in square feet of all floors confined within the exterior walls of a building, but not including the area of the following: exterior walls, vent shafts, courts, and any areas with a ceiling height of less than five (5) feet above the finished floor.

b. Special Rules: (i) Stairs and Elevators. The area occupied by stairs or an elevator shaft within the exterior walls of a building shall be counted only on one floor of the building. (ii) Small Accessory Buildings. Freestanding accessory buildings that do not require a building permit for construction or installation are excluded from the net floor area calculation. (iii) Basements and Cellars. The net floor area calculation for a basement or cellar shall be reduced by 50% if the vertical distance from grade to ceiling is four feet (4') or less for at least one-half of the length of the perimeter circumference of the exterior walls of the basement or cellar. ~~If the floor area of a basement or cellar shall be excluded from the calculation of net floor area if~~ the vertical distance from grade to the ceiling is four feet (4') or less for the entire ~~circumference of the exterior walls of~~ length of the perimeter of the basement or cellar, ~~the area of the basement or cellar shall be excluded from the net floor area calculation. See Sections 28.04.110 and 28.04.165 of this Code for the definitions of "Basement" and "Cellar."~~ For purposes of the exclusion of floor area, one (1) section of the basement or cellar perimeter length, not exceeding five (5) feet in length, may have a distance from grade to ceiling greater than four feet in

order to allow for an exterior door and the basement or cellar may still qualify for the exclusion if the door is located outside the required front setback. (iv) Secondary Dwelling Units. Net floor area within a portion of a building that is designed and permitted as a secondary dwelling unit pursuant to Section 28.94.030.Z of this Code shall be excluded from the net floor area calculation. (v) Carports. The area within the exterior walls or supporting columns of a carport shall be included in the calculation of net floor area.

2. **Net Floor Area on a Lot.** The net floor area on a lot shall be the sum of the net floor area of all existing and proposed buildings on the lot.

3. **Net Lot Area.** The total horizontal area within the lot lines of a lot subtracting the horizontal area within any public rights-of-way on the lot.

C. **MAXIMUM NET FLOOR AREA (Floor to Lot Area Ratio).** For purposes of this Section, the maximum net floor area of a lot shall be calculated according to the following formulae:

NET LOT AREA (SQ. FT.)	MAXIMUM NET FLOOR AREA (SQ. FT.)
Less than 4,000	2200
4,000 to 9,999	1200 + (.25 multiplied by the net lot area)
10,000 to 14,999	2500 + (.125 multiplied by the net lot area)

D. PRECLUDED DEVELOPMENT. No application for a building permit may be approved for any project that will: (1) result in an increase of the net floor area on the lot, (2) change the location of any floor area on the second or higher story of any building on the lot, or (3) increase the height of any portion of a building on the lot to a building height of seventeen feet (17') or higher if either of the following is true regarding the project:

1. The net floor area on the lot will exceed the maximum net floor area for the lot as calculated pursuant to this Section, or

2. The net floor area on the lot will exceed eighty-five percent (85%) of the maximum net floor area for the lot as calculated pursuant to this Section and any of the following conditions apply to the lot:

a. The average slope of the lot or the building site (as calculated pursuant to Section 28.15.080 of this Code) is thirty percent (30%) or greater, or

b. The building height of any new or existing building or structure on the lot is in excess of twenty-five feet (25'), or

c. The lot is located in the Hillside Design District established in Section 22.68.080 of this Code and the application proposes five hundred (500) or more cubic yards of grading outside the footprint of the main building (soil located within five feet (5') of an exterior wall of a main building that is excavated and recompacted shall not be included in the calculation of the volume of grading outside the building footprint).

SECTION 5. Section 28.90.100 of Chapter 28.90 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.90.100 Parking Requirements.

A. GENERAL. Parking shall be provided for any use in the City of Santa Barbara.

B. DEFINITIONS. As used in this section of the code, certain words and phrases have the following meanings:

1. INDUSTRIAL USE. An industrial use is a use permitted in the C-M or M-1 zones, but not permitted in more restrictive zones.

2. SENIOR HOUSING. Senior Housing is housing that is restricted to residential uses by elderly and senior persons, sixty-two (62) years of age or older. In order to qualify, such restrictions must be made by recorded instrument, regulations of the United States Department of Housing and Urban Development or by similar enforceable methods.

3. LOW INCOME SENIOR HOUSING. Low income Senior Housing is housing that is restricted to residential uses by low income elderly and senior persons, sixty-two (62) years of age or older, and/or disabled or handicapped persons at affordable low income rents or sale prices in conformance with the City's adopted affordability criteria. In order to qualify, such restrictions must be for at least thirty (30) years, and be made by recorded instrument, regulations of the United States Department of Housing and Urban Development or by similar enforceable methods.

C. CUMULATIVE REQUIREMENTS. All standards set forth herein are cumulative in nature. For properties containing more than one use, the requirements for

each use shall be met.

D. BUILDINGS IN EXCESS OF 10,000 SQUARE FEET. For industrial and office uses, a reduction of the required parking will be allowed for those buildings or building complexes containing in excess of 10,000 square feet of net floor area at the following rate:

1. Buildings containing 10,000 to 30,000 square feet of net floor area shall provide 90% of the required parking.

2. Buildings containing 30,000 to 50,000 square feet of net floor area shall provide 80% of the required parking.

3. Buildings in excess of 50,000 square feet of net floor area shall provide 70% of the required parking.

E. FRACTIONS. Fractions of one-half ($\frac{1}{2}$) or greater shall be considered to require one space.

F. SMALL CARS. Thirty percent (30%) of all required parking may be for small cars for parking lots containing more than 10 spaces with the layout to be approved by the City Transportation Engineer.

G. RESIDENTIAL PARKING REQUIREMENTS. In any zone, for every residential unit or units, and every residential building or structure occupied or intended to be occupied as sleeping quarters or dwellings, all of the required parking spaces shall be made available for all occupants to use as parking spaces on an assigned or unassigned basis. There shall be provided on the same lot or parcel of land a minimum ratio of parking space for each unit or occupant as follows:

1. Single Residential Unit or Group Home.

a. General Rule. Two (2) required. Both of the required spaces shall be provided within a garage or carport located on the lot. If two or more single family dwellings legally exist, or are proposed on a single lot in any zone except the A, E, or R-1 zones, one covered space and one uncovered space may be provided for each single-family dwelling.

b. Exception for One Uncovered Space. Any lot developed with less than 85% of the maximum net floor area for the lot (as calculated pursuant to Section 28.15.083), whether or not the maximum net floor area specified in Section 28.15.083 applies to the lot as a standard, may provide the required parking in one covered space and one uncovered space under the following conditions:

(1) The uncovered space shall not be located in any front yard on the lot, and-

(2) If new pavement is proposed for the uncovered space and the site has an appropriate slope for permeable paving, then the new pavement shall be permeable.

(23) If the lot is located in the A, E, or R-1 zones and has less than 15,000 square feet of net lot area, ~~the~~ the uncovered space may encroach up to three feet (3') into a required interior yard as close as three feet from the interior lot line if a landscaped buffer is provided between the uncovered space and the adjacent interior lot line.

(34) All other provisions of this Title shall apply to the required parking.

c. Exception for Two Uncovered Spaces. Any lot developed with less than 80% of the maximum net floor area for the lot (as calculated pursuant to Section 28.15.083), whether or not the maximum net floor area specified in Section 28.15.083 applies to the lot as a standard, may provide the required parking in two uncovered spaces

under the following conditions:

(1) The uncovered spaces shall not be located in any front yard on the lot,

(2) The uncovered spaces shall be screened from public view,

(3) If new pavement is proposed for any of the uncovered spaces and the site has an appropriate slope for permeable paving, then the new pavement shall be permeable,

(4) Storage space with exterior access of at least 150 square feet of net floor area shall be provided on the lot, and

(5) The location of the parking and the design of the screening shall be reviewed and approved by the Single Family Design Board or Historic Landmarks Commission, as applicable.

(6) If the lot is located in the A, E, or R-1 zones and has less than 15,000 square feet of net lot area, the uncovered spaces may encroach up to three feet (3') into a required interior yard if a landscaped buffer is provided between the uncovered spaces and the adjacent interior lot line.

(7) All other provisions of this Title shall apply to the required parking.

2. Two-Residential Unit. Four (4) required. Two (2) of the required spaces shall be provided within a garage or carport located on the lot. A development in which 100% of the units are rental units which are affordable to very low or low income households may reduce the number of parking spaces to one uncovered parking space per unit if the following conditions are met:

a. Each unit shall have at least 200 cubic feet of enclosed weatherproofed and lockable private storage space in addition to guest, linen, pantry, and clothes closets customarily provided. Such space shall be for the sole use of the unit tenant. Such space shall be accessible from the exterior of the unit it serves;

b. A covenant is recorded in the County Land Records against the title, which states that all of the dwelling units on the Real Property shall be rented to very low or low income households; the maximum rent and the maximum household income of tenants shall be determined as set forth in the Affordable Housing Policies and Procedures Manual of the City of Santa Barbara, which is adopted by City Council

Resolution from time to time. The rents shall be controlled through recorded documents to assure continued affordability for at least thirty (30) years from the initial occupancy of the dwelling unit. The City shall be a party to the covenant; and

c. A covenant is recorded in the County Land Records against the title which states that the development has received a reduction in the amount of parking required because it is a 100% affordable project. In the event that the Real Property, or any portion thereof, is not or cannot be used solely for very low or low income rental housing, either (i) the structure(s) shall be redesigned and possibly reconstructed and the number of dwelling units shall be reduced so that the maximum number of dwelling units on the Real Property does not exceed the number of dwelling units that would be allowed if there is compliance with the City's parking requirements then in effect, or (ii) the owner shall provide the number of spaces required by the Zoning Ordinance for the new use pursuant to Chapter 28.90. The City shall be a party to the covenant.

3. Multiple Residential Unit.

a. Studio: one and one quarter (1-1/4) spaces per residential unit.

b. One bedroom: one and one-half (1-1/2) spaces per residential unit.

c. Two (2) or more bedrooms: two (2) spaces per residential unit.

d. When there are six (6) or more residential units on a lot or parcel, one (1) space for every four residential units shall be provided for guests.

e. When the parking referred to in Subsections 28.90.100.G.3.a-d. is provided for a condominium, community apartment or stock cooperative, at least one parking space that is in a garage or carport shall be allocated to each residential unit.

f. A development in which 100% of the units are rental units which are affordable to very low or low income households: one uncovered parking space per unit if the following conditions are met:

(1) A covenant is recorded in the County Land Records against the title, which states that all of the residential units on the Real Property shall be rented to very low or low income households; the maximum rent and the maximum household income of tenants shall be determined as set forth in the Affordable Housing Policies and Procedures Manual of the City of Santa Barbara, which is adopted by City Council Resolution from time to time. The rent shall be controlled through recorded documents to assure continued affordability for at least thirty (30) years from the initial occupancy of the residential unit. The City shall be a party to the covenant; and

(2) A covenant is recorded in the County Land Records against the title which states that the development has received a reduction in the amount of parking required because it is a project with 100% affordable units. In the event that the Real Property, or any portion thereof, is not or cannot be used solely for very low or low income rental housing, either (i) the structure(s) shall be redesigned and possibly reconstructed and the number of residential units shall be reduced so that the maximum number of residential units on the Real Property does not exceed the number of residential units that would be allowed if there is compliance with the City's parking requirements then in effect, or (ii) the owner shall provide the number of spaces required by the Zoning Ordinance for the new use pursuant to Chapter 28.90. The City shall be a party to the covenant.

4. Planned Unit Developments for Residential Uses.

a. For each residential unit, not less than two (2) parking spaces, either in a

garage or a carport and one-half (1/2) uncovered space.

5. Senior Housing: one (1) uncovered space per residential unit.

6. Low Income Senior Housing: one-half (1/2) uncovered space per residential unit.

7. Mobilehomes and Recreational Vehicles.

a. Mobilehome on a permanent foundation: two (2) covered spaces for each mobilehome.

b. Mobilehome or permanent recreational vehicle park: two (2) parking spaces on each mobilehome and recreational vehicle space. Tandem parking is acceptable. Guest parking shall be provided at the ratio of one (1) parking space per four (4) mobilehome and recreational vehicle spaces. Each mobilehome and recreational vehicle space shall be within one hundred (100) feet of at least one (1) guest parking space. On-street parking on internal roadways may be counted toward meeting the guest parking requirement.

8. Boarding House, club, fraternity house, sorority house, and dormitory: one (1) space for each bedroom.

9. Community care facility: one (1) space for each two (2) bedrooms.

H. MIXED USE DEVELOPMENTS.

1. Residential Uses. Parking spaces shall be provided in accordance with Subsection 28.90.100.G, subject to the following exceptions:

a. In any mixed use development, where residential uses occupy up to fifty percent (50%) of the development, residential parking requirements may be reduced by fifty percent (50%) and covered parking will not be required, although it will be encouraged. If the residential use is changed to a nonresidential use, the full number of parking spaces as required in this Chapter shall be added.

b. In the delineated areas of the Central Business District (CBD) shown on the map (Figure A) which is part of this code, the residential parking requirement for mixed use developments is one uncovered parking space per dwelling unit, and guest parking is not required. If the residential use is changed to a nonresidential use, the full number of parking spaces as required in this Chapter shall be added.

2. Nonresidential Uses. Parking spaces shall be provided in accordance with Subsections 28.90.100.I., 28.90.100.J. and 28.90.100.K.

I. OFFICE, COMMERCIAL AND INDUSTRIAL USES. In any zone, except as provided in Sections 28.90.100.J and 28.90.100.K of this Chapter, for all office and commercial buildings, one (1) parking space shall be provided for each two hundred fifty (250) square feet of net floor area or fraction thereof. For all general industrial uses, one (1) parking space shall be provided for each five hundred (500) square feet of net floor area or fraction thereof.

J. PARKING REQUIREMENTS FOR SPECIFIC USES. In any zone, for the following uses parking spaces shall be in the following ratios for specific types of use:

1. CENTRAL BUSINESS DISTRICT. Any nonresidential use in the delineated areas of the Central Business District (CBD) shown on the map (Figure A) which is a part of this code: one space per 500 square feet of net floor area. However, any property located in whole or in part in the Central Business District (CBD) and which has a designated "zone of benefit" as shown on Figure A shall also be exempt from the requirements of this chapter (as to the number of parking spaces required) to the extent of

the percentage of the zone of benefit shown for such property on Figure A.

In other words, in applying this subsection, the parking space requirement for the property shall be computed on the basis of floor area ratios as initially required herein. The resulting number of required spaces shall then be reduced by the percentage applicable to the zone of benefit designated for that property, rounded to the nearest whole number. Bicycle parking shall also be required as necessary.

2. Automobile service stations: three (3) parking spaces for each grease rack. Grease racks, pump blocks and other service areas shall not be considered as parking spaces. Bicycle parking not required.

3. Auto repair: As much paved area for outside storage and parking of vehicles as there is area used for servicing of vehicles. Bicycle parking not required.

4. Car wash: Four (4) spaces per washer unit. Bicycle parking not required.

5. Churches, theaters, auditoriums, funeral parlors, stadiums, arenas and similar places of assembly:

One (1) parking space shall be provided for every four (4) seats provided in such building. A seat shall mean eighteen (18) lineal inches of seating space when seats are arranged in rows or pews. For auditoriums with no permanent seats, a seat shall mean seven (7) square feet of net floor area. Bicycle parking required.

6. Amusements:

a. Dance halls and clubs: One (1) parking space shall be provided for each two hundred (200) square feet of net floor area or fraction thereof. Bicycle parking required.

b. Bowling alleys, tennis courts and similar recreation facilities: Two (2) parking spaces shall be provided for each alley, tennis court or similar activity unit. For any restaurant, retail or assembly use within the building, the requirements for that use shall apply in addition to the requirements for each activity unit. Bicycle parking required.

c. Spas and skating rinks: Three (3) spaces per 1000 square feet. Bicycle parking required.

7. Fast food restaurant: one (1) space per 100 square feet. Bicycle parking required.

8. Furniture and antique stores: one (1) space per 1000 square feet. Bicycle parking not required.

9. Hospitals: At least one (1) parking space shall be provided for each bed in the total capacity of such institution. Bicycle parking required.

10. Hotels, motels, and resort hotels: one (1) space per sleeping unit. Bicycle parking required.

11. Liquor store: three (3) spaces per 1,000 square feet. Bicycle parking required.

12. Lumber yard: one (1) space per 250 square feet of retail and office space only. Bicycle parking not required.

13. Manufacturing: one (1) space per 500 square feet. Bicycle parking required.

14. Mini-warehouse: one (1) space per 5000 square feet, except that any office space associated therewith must meet the standard office requirement. Bicycle parking not required.

15. Landscape nursery: one (1) space per 2000 square feet of lot area. Bicycle

parking not required.

16. Restaurant: the greater of four (4) spaces per 1,000 square feet or one (1) space per three (3) seats. Bicycle parking required.

17. Skilled nursing facilities, hospices serving more than six individuals, and similar institutions: one-half (1/2) space per bed. Bicycle parking required.

18. Schools, both public and private:

a. Child Care Centers: one (1) space for each member of the faculty and employee, plus one additional space for every ten (10) children enrolled. In the case of part-time personnel, the requirement shall be equal to the maximum number of personnel present at the facility at any one time. Bicycle parking required, but at a rate determined by the school.

b. Elementary and junior high schools: one (1) space for each member of the faculty and employee, plus one (1) additional space for each one hundred (100) students regularly enrolled. Bicycle parking required, but at a rate determined by the school.

c. High schools: One (1) space for each member of the faculty and employee, plus one (1) additional space for each ten (10) students regularly enrolled. Bicycle parking required, but at a rate determined by the school.

d. Colleges, universities and similar institutions: one (1) space for every two (2) employees, plus one (1) space for every two (2) full-time or equivalent regularly enrolled students in graduate or undergraduate courses. For places of assembly, the requirements of Subsection 28.90.100.J.5 shall apply. Where a university or college presents a development plan which conforms in general with the general parking requirements for employees, students and places of assembly, said plan may be approved by the Zoning Administrator as satisfying the requirements of this chapter. Consideration shall be given to parking spaces that can be utilized by the users of two (2) or more buildings. Bicycle parking required, but at a rate determined by the governing body of the educational institution.

19. Warehousing: one (1) space per 5000 square feet. Any office or retail space associated therewith must meet the standard office or retail requirements. Bicycle parking required.

20. Overnight Recreational Vehicle Parks. There shall be at least one (1) parking space on each recreational vehicle space. Guest parking shall be provided at the ratio of one (1) parking space per ten (10) recreational vehicle spaces. Each recreational vehicle space shall be within one hundred fifty (150) feet of at least one (1) guest parking space. On-street parking on internal roadways may be counted toward meeting the guest parking requirement.

K. PARKING REQUIREMENTS FOR SPECIFIC ZONES. For the following zones, parking spaces shall be on the same lot with the main building or on lots contiguous thereto, and shall be provided in the following ratios unless otherwise provided in Section 28.90.100.J.

1. C-P Zone: One (1) parking space for each two hundred (200) square feet of net floor area.

2. C-X Zone: One (1) parking space for each two hundred fifty (250) square feet of net floor area. No parking area shall be constructed or used within twenty-five feet (25') of any street adjacent to the premises and there shall be no loading or delivery facilities in a front yard on such premises.

3. S-H Zone: For units restricted to Low Income Senior Housing, one (1) parking space for each two (2) residential units. For other units, one (1) space per unit.

4. S-D-2 Zone: One (1) parking space for each two hundred fifty (250) square feet of net floor area. In the event the property is located in a zone or has a use with a requirement for more parking, the greater requirement shall apply.

5. HWMF Overlay Zone: Parking space requirements for Offsite Hazardous Waste Management Facilities shall be determined by the City Transportation and Parking Manager.

6. PR Zone: Except as otherwise provided in Section 28.90.100.J, parking space requirements for park and recreation facilities shall be determined by the City Transportation and Parking Manager in consultation with the Community Development Director.

L. BICYCLE PARKING. In addition to the vehicle parking spaces required under Sections 28.90.100.I, 28.90.100.J and 28.90.100.K, one (1) bicycle parking space shall be required for each seven (7) vehicle parking spaces required therein.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA TO ADOPT REVISED SINGLE FAMILY
RESIDENTIAL DESIGN GUIDELINES AND REVISED
SINGLE FAMILY DESIGN BOARD GUIDELINES

WHEREAS, maintaining the aesthetic beauty and neighborhood compatibility of the City's single-family neighborhoods is an important goal;

WHEREAS, the City of Santa Barbara implemented a Neighborhood Preservation Ordinance (NPO) and Single Family Residential Design Guidelines (SFRDG) in 1992 to direct Design Review of some two-story and some Hillside Design District single-family homes;

WHEREAS, the City of Santa Barbara responded to public requests to update the NPO to further address aesthetics and neighborhood compatibility of single-family neighborhoods by adopting an updated NPO, updated SFRDG and new Single Family Design Board Guidelines (SFDB Guidelines) in 2007;

WHEREAS, the Mayor and Council requested a report be written two years after the NPO Update adoption to identify any needed revisions;

WHEREAS, staff met with interested organizations in 2009 and a public workshop was held on October 24, 2009 to develop a list of needed revisions to the NPO and guidelines;

WHEREAS, the Mayor and Council reviewed a report on the NPO Update on December 15, 2009 and initiated changes recommended in the "Two-Year Review of NPO/Neighborhood Preservation Ordinance/Single Family Design Guidelines Update (NPO Update)"; with staff to work with a subcommittee of the SFDB and the Ordinance Committee; and directed staff to return to Council with ordinance and guideline amendments for adoption;

WHEREAS, Staff has worked with a subcommittee of the SFDB and the Ordinance Committee, as well as the full SFDB, Historic Landmarks Commission (HLC) and Planning Commission (PC) on ordinance and guideline changes;

WHEREAS, it is essential for the SFDB, HLC and public to refer to the SFRDG and SFDB Guidelines during project review to ensure compatible and aesthetically appropriate development;

WHEREAS, the SFDB, HLC, and Ordinance Committee recommend the proposed changes be adopted by Council;

WHEREAS, under the provisions of Article 19, Section 15308 of the California Environmental Quality Act (CEQA) Guidelines; the adoption of the updated Architectural Board of Review Guidelines and new Single Family Design Board Guidelines has been determined by Staff to Qualify for a Categorical Exemption.

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

The revised Single Family Residential Design Guidelines, attached hereto as Exhibit A, and the revised Single Family Design Board Guidelines, attached hereto as Exhibit B, are hereby adopted.

The Exhibits to this Resolution, listed below, are available for public viewing at the City Clerk's Office and on-line at:

www.santabarbaraca.gov/Resident/Major_Planning_Efforts/NPO/.

- Single Family Residential Design Guidelines
- Revised Single Family Design Board Guidelines



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 27, 2010

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Conference With Legal Counsel – Pending Litigation

RECOMMENDATION:

That Council hold a closed session to consider pending litigation pursuant to Subsection (a) of Section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Luke Brost as Trustee for the Luke Brost Living Trust, et al., v. City of Santa Barbara, Case No. 1342979.*

SCHEDULING: Duration, 15 minutes; anytime

REPORT: None anticipated

SUBMITTED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 440.05

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 27, 2010

TO: Mayor and Councilmembers

FROM: Employee Relations, Administrative Services

SUBJECT: Conference With Labor Negotiator

RECOMMENDATION:

That Council hold a closed session, per Government Code Section 54957.6 to consider instructions to City negotiator, Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

SCHEDULING: Duration, 15 minutes; anytime

REPORT: None anticipated

PREPARED BY: Kristy Schmidt, Employee Relations Manager

SUBMITTED BY: Marcelo López, Assistant City Administrator

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 170.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 27, 2010

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Public Employee Performance Evaluation – Government Code Section 54957

RECOMMENDATION:

That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Administrator

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

PREPARED BY: Linda Gunther, Administrator's Office Supervisor

SUBMITTED BY: Helene Schneider, Mayor

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 160.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 27, 2010

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Public Employee Performance Evaluation – Government Code Section 54957

RECOMMENDATION:

That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Attorney

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

PREPARED BY: Linda Gunther, Administrator's Office Supervisor

SUBMITTED BY: Helene Schneider, Mayor

APPROVED BY: City Administrator's Office