

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

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Executive Director*

Stephen P. Wiley
City Attorney/Agency Counsel

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

**MAY 4, 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 and Redevelopment Agency meetings begin at 2:00 p.m. in the Council Chamber at City Hall.

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

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

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

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

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

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

ORDER OF BUSINESS

- 12:00 Noon - Finance Committee Meeting, David Gebhard Public Meeting Room,
630 Garden Street
- 2:00 p.m. - City Council Meeting
- 2:00 p.m. - Redevelopment Agency Meeting

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

1. 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.

2. Subject: Parking And Business Improvement Area Annual Assessment Report, Fiscal Year 2011 - Intention To Levy

Recommendation: That the Finance Committee hear the Fiscal Year 2011 Parking and Business Improvement Area (PBIA) Annual Assessment Report.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through May 31, 2010.

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

CITY COUNCIL

2. Subject: Amendment To The Position And Salary Control Resolution For Fiscal Year 2009-10, Affecting The Airport, Community Development, Library, Public Works, And Waterfront Departments (410.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 09-044, the Position and Salary Control Resolution for Fiscal Year 2009-10, Affecting the Airport, Community Development, Library, Public Works and Waterfront Departments Effective April 20, 2010.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

3. Subject: Records Destruction For Parks And Recreation Department (160.01)

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 Parks and Recreation Department in the Administration, Parks, and Recreation Divisions.

4. Subject: Introduction Of Ordinance For Architectural Board Of Review 2010 Membership Provisions (640.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 22.68.010 of Chapter 22.68 of Title 22 of the Santa Barbara Municipal Code Relating to the Composition of the Architectural Board of Review and Transitioning the Board from Nine Members to Seven Members.

5. Subject: Adoption Of Ordinance Approving Quitclaim Deed For City Strip Of Land At 314 West Ortega Street (330.03)

Recommendation: That Council 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.

6. Subject: Adoption Of Neighborhood Preservation Ordinance (640.02)

Recommendation: That Council 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.

7. Subject: On Patrol License Agreement (520.04)

Recommendation: That Council authorize the Chief of Police to execute a one-year license agreement between the City of Santa Barbara and On Patrol with SBPD, Inc., for the production of "On Patrol with Santa Barbara PD."

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

8. Subject: Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2011 For The Wildland Fire Suppression Assessment (290.00)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Intention to Renew the Wildland Fire Suppression Assessment Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Preliminarily Approving the Updated Engineer's Report; Stating Intention to Levy Assessments for Fiscal Year 2010-2011; and Establishing a Time of 2:00 p.m. on Tuesday, May 25, 2010, in the City Council Chambers for a Public Hearing on the Wildland Fire Suppression Assessment.

9. Subject: Set A Date For Public Hearing Regarding Appeal Of Historic Landmarks Commission Denial For 517 Chapala Street (640.07)

Recommendation: That Council:

- A. Set the date of June 22, 2010, at 2:00 p.m. for hearing the appeal filed by Peikert Group Architects, Agent for H&R Investments, of the Historic Landmarks Commission denial of Preliminary Approval for property located at 517 Chapala Street, Assessor's Parcel Numbers 037-163-007 and 037-163-008, C-2 Commercial Zone, General Plan Designation: General Commerce. The project consists of a lot merger and the construction of a mixed-use development with six residential condominium units and two commercial condominium spaces; and
- B. Set the date of June 21, 2010, at 1:30 p.m. for a site visit to the property located at 517 Chapala Street.

REDEVELOPMENT AGENCY

10. Subject: Minutes

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

NOTICES

11. The City Clerk has on Thursday, April 29, 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.

CONSENT CALENDAR (CONT'D)

NOTICES (CONT'D)

12. A City Council site visit is scheduled for Monday, May 10, 2010, at 1:30 p.m. to the property located at 825 De La Vina Street, which is the subject of an appeal hearing set for May 11, 2010, at 2:00 p.m.

This concludes the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

AIRPORT DEPARTMENT

13. **Subject: Contract For Construction Of The Santa Barbara Airport Airline Terminal Passenger Boarding Bridges (560.04)**

Recommendation: That Council:

- A. Receive a progress report on the Airline Terminal Improvement Project;
- B. Award a contract with JBT AeroTech (JBT), waiving minor irregularities in their low bid amount of \$2,251,639 for the base bid plus bid alternate 1, for construction of the Santa Barbara Airport Airline Terminal Passenger Boarding Bridges Project (Project), Bid No. 3611; and
- C. Authorize the Public Works Director to approve expenditures up to \$225,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

14. **Subject: Conference With Real Property Negotiators (330.03)**

Recommendation: That the Redevelopment Agency Board hold a closed session to consider instructions to its negotiators regarding the possible long-term lease of a Redevelopment Agency-owned property located at 224 Chapala Street/209 State Street, Assessor's Parcel Number 033-042-012, in the City of Santa Barbara. Instructions to negotiators will direct staff regarding the price and terms of payment of a possible lease of the Agency-owned property with FirstGroup America, Inc. ("Greyhound"). Negotiations are held pursuant to the authority of Section 54956.8 of the Government Code. Agency negotiators are: Brian J. Bosse, Housing and Redevelopment Manager; Paul Casey, Assistant City Administrator; and Sarah Knecht, Assistant Agency Counsel. Negotiator for potential lessee is Ruth Ann Costa, District Manager, Greyhound. Under negotiation: Price and terms of payment of a possible ground lease.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

15. **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. Pending litigation considered is: Lawrence Larson v. City of Santa Barbara, WCAB, case number RIV 0081778, RIV 0081741.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

16. **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

(Continued from April 27, 2010)

ADJOURNMENT

To Monday, May 10, 2010, at 1:30 p.m. at 825 De La Vina Street. (See Item No. 12)

CITY OF SANTA BARBARA
FINANCE COMMITTEE
SPECIAL MEETING AGENDA

DATE: May 4, 2010

TIME: 12:00 Noon

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: Finance Committee Review Of Fiscal Year 2011 Recommended Budget

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

2. Subject: Parking And Business Improvement Area Annual Assessment Report, Fiscal Year 2011 - Intention To Levy

Recommendation: That the Finance Committee hear the Fiscal Year 2011 Parking and Business Improvement Area (PBIA) Annual Assessment Report.



Agenda Item No. _____

File Code No. 120.03

CITY OF SANTA BARBARA

FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: May 4, 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 three topics:

1. General Fund departmental proposed fee changes
2. Downtown Parking – Discussion of PBIA proposed rate changes
3. Golf Enterprise Fund proposed fees

The next meeting will be on Tuesday, May 11 from 12:00 p.m. – 2:00 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

FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: May 4, 2010

TO: Finance Committee

FROM: Transportation Division, Public Works Department

SUBJECT: Parking And Business Improvement Area Annual Assessment Report, Fiscal Year 2011 - Intention To Levy

RECOMMENDATION:

That the Finance Committee hear the Fiscal Year 2011 Parking and Business Improvement Area (PBIA) Annual Assessment Report.

DISCUSSION:

The governing body of the PBIA requires the preparation and adoption of an annual report describing any proposed changes to the PBIA District's boundaries, benefit zones, business classifications, and method and basis of levying assessments. The annual report must be prepared prior to the beginning of each fiscal year. There are no proposed changes to the PBIA boundaries or benefit zones for Fiscal Year 2011. However, there are proposed changes to the assessment levels.

The Downtown Parking budget is funded primarily by hourly parking revenues and to a lesser extent, by PBIA and permit sales. The PBIA revenues are directed solely towards employee salaries and utility costs in support of the operation of City parking lots. Other revenues derived from hourly parking charges and permits support the balance of expenses.

The PBIA is the assessment mechanism that allows the City to provide affordable parking rates to customers and clients of the downtown area. These funds partially offset the operating and maintenance costs of the 75 minute free period. This 40-year partnership between the downtown business community and the Downtown Parking Program has helped to keep downtown Santa Barbara viable.

Approximately 4.3 million customer transactions were processed last year. Each of those patrons benefited from the free parking period. Last year's business-paid PBIA assessments contributed approximately \$.20 per ticket towards the maintenance costs for providing the free period.

Prior to the start of Fiscal Year 2007, the Downtown Parking Committee (DPC) requested that staff review the current PBIA Assessment to determine if all of the Downtown businesses were being assessed equitably. The City hired Penfield and Smith to conduct a review of all of the assessment categories. Staff worked with an ad-hoc DPC Subcommittee and presented the results of the review with recommended changes to the DPC at their February 2007 meeting. The DPC recommended moving forward with the changes at that meeting. However, the changes were placed on hold following the April 2007 DPC meeting, where the directors of the Lobero and Granada Theaters expressed concern regarding payment of PBIA. Staff conducted an analysis on the impact to parking during events at the theaters and presented the results to the DPC Subcommittee, who recommended a change to the Performing Arts category that was less than the recommendation given in February 2007. Staff has been working with the DPC over the past three years on the PBIA adjustments and the DPC has consistently recommended moving forward with the changes.

The following are the recommended adjustments to the PBIA categories:

- Theaters (Movie) change from \$.08 per \$100 sales to \$.29 per \$100 sales
- Fitness Facilities/Health Club is a new category with the same applied rate of \$.29 per \$100 sales
- Financial Institutions change from \$32.50 per million on deposit on January 1st to \$.48 per useable square foot annually
- Hotels & Motels change new rate and category from exempt to \$67.50 per guest room per quarter or \$270 per guestroom per year (for rooms without assigned parking)

The DPC reviewed the annual PBIA report draft (attached) and the recommended adjustments at their April 8, 2010 meeting, and also recommended that Council approve the annual PBIA Engineer's Report and rates effective July 1, 2010. The annual PBIA report draft will be presented to Council for approval on May 11, 2010. Additionally, although the non-profit performing arts theaters are not included in the PBIA changes, the DPC recommended that the non-profit performing arts theaters be charged at \$.20 for 50% of the seats in the theater per performance. They recommend this change for Fiscal Year 2012, allowing time for theaters to include the PBIA rate into their booking fees for the following season.

BUDGET/FINANCIAL INFORMATION:

The revenue generated from the PBIA is \$840,000 or 12% of the parking budget. If the PBIA Annual Report is not approved, options such as charging for all parking, even the short-term parking, will need to be considered.

Finance Committee Agenda Report
Parking And Business Improvement Area Annual Assessment Report, Fiscal Year 2011 -
Intention To Levy
May 4, 2010
Page 3

ATTACHMENT: Draft Parking And Business Improvement Area Annual Assessment
Report, Fiscal Year 2011

PREPARED BY: Browning Allen, Transportation Manager/BB/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

DRAFT

City of Santa Barbara

**Parking and Business
Improvement Area
(PBIA)**

**ANNUAL
ASSESSMENT
REPORT**

Fiscal Year 2011

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INTRODUCTION

This report, filed annually as required by the California Parking and Business Improvement Law of 1989, will provide an explanation of any proposed changes, including, but not limited to the boundaries of the adopted City of Santa Barbara Downtown Parking and Business Improvement Area (PBIA) or any benefit zones within the area, the basis for levying the assessments and any changes in the classifications of businesses.

Santa Barbara's Downtown Parking Management Program operates and maintains seven public parking lots and five structures in the Downtown business core area, providing a total of 3,234 parking spaces. The program is oriented towards clients and shoppers, and is directed by the City's Circulation Element to increase the public parking available and reduce the need for employee parking in the Downtown Core. The reduction of employee parking is supported by Alternative Transportation initiatives to increase carpooling, bicycling, and mass transit programs. The Downtown Parking budget is funded primarily by Hourly Parking Revenues, and to a lesser extent, by the PBIA and parking permits. The PBIA revenues are directed solely towards employee salaries and utility costs in support of the operation of the parking lots. Other revenues derived from Hourly Parking charges and permits support the balance of expenses, including Alternative Transportation programs designed to reduce employee parking in the Downtown Core.

For the purpose of the assessment, the "Amendment To" and the "1999 Final Engineer's Report of Formula and Methodology of Assessments" (Engineer's Report), on file at the City Clerk's Office, shall form the basis of the Annual Report.

I. PROPOSED CHANGES

For Fiscal Year 2011, there are no changes to the boundaries or benefit zones. There are changes in the classifications and rates for levying the assessments of the Parking Business Improvement Area as established in the "Amendment To" and the "Engineers Report." These changes are explained in the Rates Section of this report.

II. IMPROVEMENTS AND ACTIVITIES

A parking rate, designed to promote short-term customer/client parking, including 75 minutes of free parking, is currently in effect in all City-operated Downtown Parking facilities. These facilities are maintained and operated by the City's Downtown Parking Program.

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III. ESTIMATED OPERATING COSTS OF THE CITY'S DOWNTOWN PARKING PROGRAM FOR FISCAL YEAR 2011

Expenses	PBIA	Parking Program	Total
Salaries and Benefits	\$1,760,273	\$2,189,216	\$3,949,489
Materials, Supplies & Services	\$230,000	\$600,750	\$830,750
Allocated Costs		\$204,513	\$204,513
Insurance/Overhead		\$767,261	\$767,261
General Fund Transfer		\$312,621	\$312,621
Equipment/Capital		\$25,000	\$25,000
Appropriated Reserves		\$50,000	\$50,000
Alternative Transportation Program		\$483,978	\$483,978
Bikestation		\$25,000	\$25,000
New Beginnings Contract		\$39,150	\$39,150
Total Operating Expenses	\$1,990,273	\$4,697,489	\$6,687,762
Capital Program Expenses		\$660,000	\$660,000
Total Expenses		<u>\$5,357,489</u>	<u>\$7,347,762</u>

IV. PBIA RATES

A more detailed basis for levying the assessment is explained in the Amendment to the Engineer's Report.

I. Retail and/or Wholesale Businesses (Including Restaurants):

Group A: Average sale of less than \$20, \$.56 per \$100 of gross sales.

Group B: Average sale between \$20 and \$100, \$.29 per \$100 of gross sales.

Group C: Average sale of more than \$100, \$.16 per \$100 of gross sales.

Group D: Movie theaters only, \$.29 per \$100 of gross sales.

Group E: Fitness Facilities/Health Clubs, \$.29 per \$100 of gross sales.

Average sale is computed by dividing the total gross sales for the year by the number of sales transactions.

II. Financial Institutions:

\$.48* per square foot of usable space annually.

III. Stock and Bond Brokerage Offices:

\$81.30* per broker.

IV. Bus Depots:

\$.06* cents per square-foot of usable building space.

V. Professional:

\$32.50* per person practicing the profession, and \$16.30 for each non-professional.

VI. All Categories Not Otherwise Provided For:

Group A: \$0.19* cents per square-foot of usable building space.

Group B: Educational Facilities (non-public) \$.19* per square foot of usable building space.

VII. Hotel and Motels

of assessed rooms x \$1.50/day x 30 days x 3 months x .50 occupancy = quarterly charges

Assessed rooms = # of rooms (-) on-site parking spaces provided

No patron parking credit would be offered as it is part of the calculation.

*Rates for these categories are shown for annual assessment. To determine quarterly payments, divide rates by four.

V. REVENUE CARRYOVERS

No excess PBIA revenues will be carried over from 2010 to the 2011 Operating Budget.

VI. PROJECTED DOWNTOWN PARKING PROGRAM REVENUES DERIVED

Revenues:	Hourly Parking.....	\$4,300,000
	Other Parking Fees	\$695,000
	Lobero Garage	\$246,000
	Interest Income.....	\$154,700
	Commuter Parking Lot.....	\$300,000
	TMP/Rents.....	\$78,740
	Downtown Security Support/New Beginnings Contract....	\$59,150
	Miscellaneous/Special.....	\$11,500
	Subtotal	\$5,845,090
	*PBIAS ASSESSMENT (Anticipated – Fiscal Year 2011 collections).....	<u>\$840,000</u>
	Total Revenues	\$6,685,090

Revenues collected from the PBIAS subsidized approximately \$0.20 of the cost of providing parking for each vehicle parked within the Downtown Parking System.

DRAFT



Agenda Item No. _____

File Code No. 410.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 4, 2010

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Employee Recognition – Service Award Pins

RECOMMENDATION:

That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through May 31, 2010.

DISCUSSION:

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

Attached is a list of those employees who will be awarded pins for their service through May 31, 2010.

ATTACHMENT(S): May 2010 Service Awards

SUBMITTED BY: Marcelo A. López, Assistant City Administrator/Administrative Services

APPROVED BY: City Administrator's Office

MAY 2010 SERVICE AWARDS

May 4, 2010 Council Meeting

5 YEARS

Joshua Thompson, PC/Network Technician II, Administrative Services

Curtis Harrison, Plans Examiner, Community Development

Ryan Diguilio, Fire Inspector II, Fire

Mark Cavalier, Welder/Fabricator, Public Works

Theresa Lancy, Water Resources, Public Works

Carole Rollins, Laboratory Analyst II, Public Works

Keven Strasburg, Park Project Technician, Parks and Recreation

Alberto Cuevas, Airport Maintenance Worker II, Airport

Stephen Spurlock, Airport Patrol Office, Airport

10 YEARS

Jeff Deming, Animal Control Officer, Police

Kim Johnson, Custodian, Airport

Michael Kronman, Harbor Operations Manager, Waterfront

15 YEARS

Rogelio Arroyo, Senior Control Systems Operator Specialist, Public Works

20 YEARS

Beatriz Gularte, Project Planner, Community Development

Marisela Salinas, Associate Planner, Community Development

25 YEARS

Hank Homburg, Fire Engineer, Fire

Edward Stetson, Harbor Patrol Officer II, Waterfront

30 YEARS

Francisco Chacon, Fire Captain, Fire

Robert Gardner, Fire Engineer, Fire

Donald Irelan, Senior Real Property Agent, Public Works



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 20, 2010

TO: Mayor and Councilmembers

FROM: Administrative Services Department

SUBJECT: Amendment To The Position And Salary Control Resolution For Fiscal Year 2009-10, Affecting The Airport, Community Development, Library, Public Works, And Waterfront Departments

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 09-044, the Position and Salary Control Resolution for Fiscal Year 2009-10, Affecting the Airport, Community Development, Library, Public Works and Waterfront Departments Effective April 20, 2010.

DISCUSSION:

A. Title Change for the Public Works Administrative Officer:

In August 2009, the Public Works Administrative Officer retired. At that time, this position (salary range 451) was reorganized and filled at the Accounting Manager-level (salary range 437). Public Works would like to change the title of this reorganized position to Public Works Business Manager to make it consistent with other similar positions in the City, such as the Parks & Recreation Business Manager and the Waterfront Business Manager. The new salary range for the Public Works Business Manager is 7% lower than the Public Works Administrative Officer position. Assuming that both employees were at the top step of their ranges, there will be an annual salary savings of \$8,406 with this change.

B. Change Fifteen (15) Supervisory Classifications from Classified to Un-Classified Status When Vacant:

The City has 65 supervisory classifications. 50 of these classifications are Un-classified while the remaining 15 classifications are covered by the Civil Service system (Classified).

Council Agenda Report

Amendment To The Position And Salary Control Resolution For Fiscal Year 2009-10,
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A Classified employee has a “property right” (employment right) to his/her position and may not be disciplined without “due process.” Therefore a regular (non-probationary) Classified employee is entitled to a notice of intended discipline, a *Skelly* hearing (pre-disciplinary meeting) and an appeal hearing before the Civil Service Commission before he/she may be demoted, suspended or dismissed.

An unclassified employee is an “at-will” employee and may be dismissed, demoted or suspended without a Civil Service Commission hearing. It is the industry standard for manager and supervisor positions to be unclassified.

At this time the City would like to change the status of 15 classifications to Un-classified in order to be consistent with the majority of supervisory positions in the City. The Supervisors’ Association has approved these changes.

This change to Un-classified status will only affect new supervisors hired or promoted into one of these 15 classifications, including the new Wastewater Treatment Superintendent and new Water Treatment Superintendent. Employees currently holding these Classified positions will retain their Civil Service status until they vacate the position. The 15 supervisory classifications are:

1. Airport Patrol Supervisor
2. Facilities Maintenance Supervisor
3. Fleet Services Supervisor
4. Laboratory Supervisor
5. Maintenance Supervisor I
6. Maintenance Supervisor II
7. Senior Librarian
8. Senior Planner I
9. Senior Planner II
10. Survey Party Chief
11. Treatment Plant Technician Supervisor
12. Wastewater Treatment Superintendent
13. Wastewater Treatment Supervisor
14. Water Treatment Superintendent
15. Water Treatment Supervisor

C. Reclassification of the Underground Service Alert (USA) Technician position in Water Distribution:

The Water Distribution Division of Public Works requested a reclassification study be conducted of the USA Technician position (salary range 302: \$1,875.72 – \$2,279.94 biweekly). This study was conducted by Human Resources and a recommendation was made to reclassify this vacant position to a Reclamation Specialist. The Reclamation Specialist position will be created at salary range 290: \$1,766.75 - \$2,147.50 bi-weekly.

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BUDGET/FINANCIAL INFORMATION:

The status changes for the 15 supervisory classifications from Classified to Un-classified have no fiscal impact. The title change for the Public Works Business Manager will result in a cost savings. The Underground Service Alert position is currently vacant so there has been a salary savings thus far this fiscal year.

PREPARED BY: Christie Lanning, Human Resources Analyst

SUBMITTED BY: Marcelo Lopez, Assistant City Administrator/Administrative Services

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING RESOLUTION NO. 09-044, THE POSITION AND SALARY CONTROL RESOLUTION FOR FISCAL YEAR 2009-10, AFFECTING THE AIRPORT, COMMUNITY DEVELOPMENT, LIBRARY, PUBLIC WORKS AND WATERFRONT DEPARTMENTS EFFECTIVE APRIL 20, 2010.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT Resolution No. 09-044, the Position and Salary Control Resolution for Fiscal Year 2009-10, is hereby amended as follows:

	<u>Full-Time Positions Authorized</u>	<u>Part-Time Positions Authorized</u>
<u>Section 1, Department / Division Positions:</u>		
<u>PUBLIC WORKS DEPARTMENT</u>		
<u>ADMINISTRATION</u>		
Public Works Business Manager	1	
Public Works Administrative Officer	4	
Division Total	5	
Department Total	292	5.7
<u>WATER RESOURCES</u>		
Reclamation Specialist	1	
Underground Service Alert Technician	4	
Division Total	33	
Department Total	292	5.7
Citywide Total	1023	23.20
Delete when vacant positions (included in total)	1	

Section 2. Classifications & Salary Ranges:

<u>Classification Title</u>	<u>FLSA</u>	<u>Service Status</u>	<u>Unit</u>	<u>Range</u>	<u>Biweekly Salary</u>
<u>Management</u>					
Public Works Business Manager	E	U	M	437	3677.78 – 4470.37
Public Works Administrative Officer	E	U	M	451	3943.76 – 4793.68
<u>Supervisors</u>					
Airport Patrol Supervisor	E	U	S	357	2467.77 – 2999.58
Airport Patrol Supervisor	E	C	S	357	2467.77 – 2999.58
Facilities Maint Supervisor	E	U	S	360	2504.97 – 3044.81
Facilities Maint Supervisor	E	C	S	360	2504.97 – 3044.81
Fleet Services Supervisor	E	U	S	379	2753.95 – 3347.45
Fleet Service Supervisor	E	C	S	379	2753.95 – 3347.45
Laboratory Supervisor	E	U	S	382	2795.46 – 3397.90
Laboratory Supervisor	E	C	S	382	2795.46 – 3397.90
Maintenance Supervisor I	E	U	S	341	2278.48 – 2769.51
Maintenance Supervisor I	E	C	S	341	2278.48 – 2769.51
Maintenance Supervisor II	E	U	S	360	2504.97 – 3044.81
Maintenance Supervisor II	E	C	S	360	2504.97 – 3044.81
Senior Librarian	E	U	S	364	2555.45 – 3106.16
Senior Librarian	E	C	S	364	2555.45 – 3106.16
Senior Planner I	E	U	S	402	3088.69 – 3754.32
Senior Planner I	E	C	S	402	3088.92 – 3754.32
Senior Planner II	E	U	S	412	3246.64 – 3946.32
Senior Planner II	E	C	S	412	3246.64 – 3946.32
Survey Party Chief	E	U	S	376	2713.05 – 3297.73
Survey Party Chief	E	C	S	376	2713.05 – 3297.73
Treatment Plant Technician Supervisor	E	U	S	403	3104.13 – 3773.10
Treatment Plant Tech Supervisor	E	C	S	403	3104.13 – 3773.10

Wastewater Treatment Superintendent	E	U	S	431	3569.35 – 4338.58
Wastewater Treatment Plant Superintendent	E	C	S	431	3569.35 – 4338.58
Wastewater Treatment Supervisor	E	U	S	403	3104.13 – 3773.10
Wastewater Treatment Plant Supervisor	E	C	S	403	3104.13 – 3773.10
Water Treatment Superintendent	E	U	S	431	3569.35 – 4338.58
Water Treatment Plant Superintendent	E	C	S	431	3569.35 – 4338.58
Water Treatment Supervisor	E	U	S	403	3104.13 – 3773.10
Water Treatment Supervisor	E	C	S	403	3104.13 – 3773.10
<u>Treatment and Patrol (TAP)</u>					
Reclamation Specialist	N	C	T	290	1766.75 – 2147.50
Underground Service Alert Technician	N	C	T	302	1874.72 – 2279.94



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 4, 2010
TO: Mayor and Councilmembers
FROM: Parks and Recreation Department
SUBJECT: Records Destruction For Parks and Recreation Department

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 Parks and Recreation Department in the Administration, Parks, and Recreation Divisions.

DISCUSSION:

The City Council adopted Resolution No. 09-098 on December 15, 2009, approving the City of Santa Barbara Records Management Policies and Procedures Manual. The Manual contains the records retention and disposition schedules for all City departments. The schedules are a comprehensive listing of records created or maintained by the City, the length of time each record should be retained, and the legal retention authority. If no legal retention authority is cited, the retention period is based on standard records management practice.

Pursuant to the Manual, the Parks and Recreation Director submitted a request for records destruction to the City Clerk Services Manager to obtain written consent from the City Attorney. The City Clerk Services Manager agreed that the list of records proposed for destruction conformed to the retention and disposition schedules. The City Attorney has consented in writing to the destruction of the proposed records.

The Parks and Recreation Director requests the City Council to approve the destruction of the Parks and Recreation Department records in the Administration, Parks, and Recreation Divisions as listed on Exhibit A of the resolution without retaining a copy.

SUSTAINABILITY IMPACT:

Under the City's Sustainable Santa Barbara Program, one of the City's goals is to increase recycling efforts and divert waste from landfills. The Citywide Records Management Program outlines that records approved for destruction be recycled, reducing paper waste.

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Records Destruction For Parks and Recreation Department
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PREPARED BY: Karla Megill, Executive Assistant

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

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA RELATING TO THE DESTRUCTION OF RECORDS HELD BY THE PARKS AND RECREATION DEPARTMENT IN THE ADMINISTRATION, PARKS, AND RECREATION DIVISIONS

WHEREAS, the City Council adopted Resolution No. 09-098 on December 15, 2009, approving the City of Santa Barbara Records Management Policies and Procedures Manual;

WHEREAS, the City of Santa Barbara Records Management Policies and Procedures Manual contains the records retention and disposition schedules for all City departments. The records retention and disposition schedules are a comprehensive listing of records created or maintained by the City, the length of time each record should be retained, and the legal retention authority. If no legal retention authority is cited, the retention period is based on standard records management practice;

WHEREAS, Government Code section 34090 provides that, with the approval of the City Council and the written consent of the City Attorney, the head of a City department may destroy certain city records, documents, instruments, books or papers under the Department Head's charge, without making a copy, if the records are no longer needed;

WHEREAS, the Parks and Recreation Director submitted a request for the destruction of records held by the Parks and Recreation Department to the City Clerk Services Manager to obtain written consent from the City Attorney. A list of the records, documents, instruments, books or papers proposed for destruction is attached hereto as Exhibit A and shall hereafter be referred to collectively as the "Records";

WHEREAS, the Records do not include any records affecting title to real property or liens upon real property, court records, records required to be kept by statute, records less than two years old, video or audio recordings that are evidence in any claim or pending litigation, or the minutes, ordinances or resolutions of the City Council or any City board or commission;

WHEREAS, the City Clerk Services Manager agrees that the proposed destruction conforms to the City's retention and disposition schedules;

WHEREAS, the City Attorney consents to the destruction of the Records; and

WHEREAS, the City Council of the City of Santa Barbara finds and determines that the Records are no longer required and may be destroyed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA that the Parks and Recreation Director, or her designated representative, is authorized and directed to destroy the Records without retaining a copy.

PARKS AND RECREATION DEPARTMENT**ADMINISTRATION DIVISION**

<u>Records Series</u>	<u>Date(s)</u>
City/County Regional Issues	2007
Complaints	2007
Contract Files	1994 - 2006
Correspondence	2006 –2007
General Administrative Files	2005 –2007
Memberships in Associations, Societies, & Committees	2001 - 2004
Reports and Studies	2007
Personnel Recruitment Files	2005 - 2006
Special Events File	2002 - 2004
Staff Working Papers	1998 - 2004
Subject Files	1994 - 2007

PARKS DIVISION

<u>Records Series</u>	<u>Date(s)</u>
FEMA Grant Files	1999 - 2003

RECREATION DIVISION**ACTIVE ADULTS SECTION**

<u>Records Series</u>	<u>Date(s)</u>
Administrative Subject Files	FY 2003
Facility Use Permit Files	FY 2003, FY 2005, FY 2008
Program Files	FY 2005, FY 2008
Tour Files	FY 2005

CULTURAL ARTS SECTION

<u>Records Series</u>	<u>Date(s)</u>
Facility Use Permits	2004

FACILITIES AND PROGRAM REGISTRATION SECTION

<u>Records Series</u>	<u>Date(s)</u>
Camp Files	2004
Facility Use Permits	2004
Special Event Files	2004

TENNIS

<u>Records Series</u>	<u>Date(s)</u>
Facility Management Files (Facility Use Permits)	July 2003 – June 2004
Program Files	July 2003 – June 2004

YOUTH ACTIVITIES

<u>Records Series</u>	<u>Date(s)</u>
Administrative Files	FY 2007
Program Files	2004 - 2007



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 4, 2010

TO: City Council

FROM: Planning Division, Community Development Department

SUBJECT: Introduction Of Ordinance For Architectural Board Of Review 2010 Membership Provisions

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance Of The Council Of The City Of Santa Barbara Amending Section 22.68.010 Of Chapter 22.68 Of Title 22 Of The Santa Barbara Municipal Code Relating To The Composition Of The Architectural Board Of Review And Transitioning The Board From Nine Members To Seven Members.

DISCUSSION:

Background

On November 3, 2009, City of Santa Barbara voters passed Measure E amending Section 814 of the City Charter to reduce the membership of the Architectural Board of Review (ABR) from nine members to seven members. Measure E also authorized the City Council to adopt an ordinance to properly transition the ABR from nine members to seven members. The Ordinance revisions would make Title 22 consistent with the Charter regarding ABR membership and allow for an eight member transition period until the end of 2010.

The transition period is necessary to maintain a good ABR design review process that functions better when two landscape architects are included in the review of projects. The inclusion of two landscape architects also allows for backup functions if one landscape architect cannot attend a meeting.

Ordinance Committee Review and Vacancy Recruitment

On April 20, 2010, the Ordinance Committee considered the proposed amendments, and voted 3/0 to forward to Council for adoption. No public comments were received regarding the proposed amendments. The Ordinance Committee was informed that the ABR supports the proposal and requests that the change be implemented for 2010.

The proposed interim ABR position vacancy has been announced and recruitment initiated by the Clerk's Office. The appointment for the interim 2010 ABR position is expected to occur at mid-year.

BUDGET IMPACT:

This proposal involves no significant expenditures or staff work to implement.

PREPARED BY: Jaime Limón, Senior Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator/Community Development

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTION 22.68.010 OF CHAPTER 22.68 OF TITLE 22 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO THE COMPOSITION OF THE ARCHITECTURAL BOARD OF REVIEW AND TRANSITIONING THE BOARD FROM NINE MEMBERS TO SEVEN MEMBERS.

WHEREAS, on November 3, 2009, the voters passed Measure E amending Section 814 of the City Charter to reduce the membership of the Architectural Board of Review from nine (9) members to seven (7) members and to allow up to three (3) members of the Board to not be electors of the City, as long as they are electors of the County of Santa Barbara; and

WHEREAS, Measure E authorized the City Council to adopt an ordinance to implement the provisions of the amended Charter Section 814, including those provisions deemed necessary to properly transition the Board from nine (9) members to seven (7) members.

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

SECTION 1. Section 22.68.010 of Chapter 22.68 of Title 22 of the Santa Barbara Municipal Code is amended to read as follows:

22.68.010 Architectural Board of Review.

A. **PURPOSE.** Section 814 of the Santa Barbara City Charter creates and establishes an Architectural Board of Review for the City to promote the general public welfare of the City and to protect and preserve the natural and historical charm and beauty of the City and its aesthetic appeal and beauty.

B. **MEMBERSHIP.** The Architectural Board of Review shall be composed of ~~nine~~seven (9~~7~~) members to be appointed as provided in the Charter. ~~At least two (2) members of the Board shall be licensed architects, at least two (2) members of the Board shall be licensed landscape architects, and at least three (3) other members shall~~

~~possess professional qualifications in related fields, including, but not limited to, building design, structural engineering or industrial design. These members shall be electors of the City and shall hold office at the pleasure of the City Council.~~

C. **OFFICERS - QUORUM.** The members of the Architectural Board of Review shall elect from their own members a chair and vice-chair. The Community Development Director or his or her designee shall act as secretary and record Board actions and render written reports thereof for the Board as required by this Chapter. The Board shall adopt its own rules of procedure. Four (4) members shall constitute a quorum, one (1) of which shall be an architect.

SECTION 2. Pursuant to Measure E, approved by the voters on November 3, 2009, the City Council is authorized to adopt an ordinance implementing the provisions of the amended Charter Section 814, including those provisions deemed necessary to properly transition the Board from nine (9) members to seven (7) members. In order to properly administer the Board's functions and maintain the Board's effectiveness, the City Council chooses to have the Board transition from nine (9) members to seven (7) members incrementally, reaching a membership of seven (7) members upon the appointment of new members in December 2010. From the effective date of this ordinance until December 31, 2010, the Board shall have eight (8) members. This transition period is necessary to maintain a sufficient number of qualified landscape architects and to ensure proper landscape plan reviews.

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.

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 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.** 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,
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 residential duplex,

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,
6. Small non-residential additions as defined in Section 28.87.300,
7. 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 recompacted shall not be included in the calculation of the volume of grading outside the building footprint),
8. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels,
9. 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 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. 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. **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 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 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 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,
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 recompacted shall not be included in the calculation of the volume of grading outside the building footprint),
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 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.

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 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.

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 Single Family Design 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 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 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 22.69, 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 of the basement or cellar. 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 length of the perimeter of the basement or 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 recompactd 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 (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.

(3) 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 space may encroach up to three feet (3') into a required interior yard if a landscaped buffer is provided between the uncovered space and the adjacent interior lot line.

(4) 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.



Agenda Item No. _____

File Code No. 520.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 4, 2010
TO: Mayor and Councilmembers
FROM: Chief's Staff, Police Department
SUBJECT: On Patrol License Agreement

RECOMMENDATION:

That Council authorize the Chief of Police to execute a one-year license agreement between the City of Santa Barbara and On Patrol with SBPD, Inc., for the production of "On Patrol with Santa Barbara PD."

DISCUSSION:

On Patrol with SBPD, Inc., with the assistance and cooperation with the Santa Barbara Police Department, produces a local tri-county TV program called "On Patrol with Santa Barbara PD" (hereinafter "On Patrol"). "On Patrol" is a 30 minute program which airs on local network and cable channels in the Tri-Counties area. It features the Santa Barbara Police Department and has received very favorable reviews from the public. Production started in early 2009, and the first shows started airing soon thereafter. It became apparent that a more formal license agreement needed to be drafted between the producers of "On Patrol" and the Santa Barbara Police Department in order to address such issues as use of City trademarks, use of Police Department property, assistance by Police employees, appropriate compensation, record keeping, and accounting. The Santa Barbara City Attorney's Office has drafted a license agreement with On Patrol with SBPD, Inc., based on similar contracts in use by the LAPD and LA County Sheriff's office which addresses these issues. The term of the agreement is one year, and either party may terminate the agreement upon 90 days written notice.

BUDGET/FINANCIAL INFORMATION:

Under the terms of the proposed license agreement, On Patrol with SBPD, Inc. agrees to compensate the Santa Barbara Police Department the sum of \$1,000 per original episode and \$500 for each rebroadcast thereafter. Depending upon the continued success of the program, it is anticipated the General Fund would receive approximately \$25,000-\$50,000 per year. The Police Department has virtually no production responsibilities or production costs.

PREPARED BY: Frank Mannix, Deputy Chief of Police

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office

LICENSE AGREEMENT

**By and between
The City of Santa Barbara
and
On Patrol with SBPD, Inc.**

This License Agreement (“License Agreement”) is entered into by and between the City of Santa Barbara (through the Santa Barbara Police Department), a Municipal corporation organized and existing under the laws of California, having an address at 735 Anacapa Street, Santa Barbara, California 93101 (hereinafter the “City”), and On Patrol with SBPD, Inc., a California corporation, with offices at 3609 State Street, Santa Barbara, California 93109 (hereinafter referred to as “LICENSEE.”)

WHEREAS, CITY is the sole and exclusive owner and holder of the right to use the names, insignias, badges, and logos of the Santa Barbara Police Department (“SBPD”) as identified and shown in the attached Exhibit “A” (“City Trademarks”) and the City has established substantial goodwill and reputation in the City Trademarks through their use; and

WHEREAS, LICENSEE desires to obtain a license to use the Trademarks in connection with a television series, showcasing the work of the men and women of the Santa Barbara Police Department and highlighting the various departments thereof entitled “*On Patrol with Santa Barbara PD*” a reality television series, including without limitation, pre-production, production, post-production, and/or the pilot(s) and series episodes therefore (the “Series”); and

WHEREAS, LICENSEE seeks permission to enter upon and use the exterior and interior of the SBPD Police station for the purpose of filming certain scenes for the Series; and

WHEREAS, LICENSEE desires to ride alongside SBPD personnel in certain CITY-owned and operated police vehicles and desires to accompany SBPD personnel in certain activities, including without limitation, responses to calls, and to film such activities for the Series; and

WHEREAS, LICENSEE desires the limited assistance of SBPD employees for the Series and the right to photograph such employees; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained and for other good and valuable consideration, receipt of which is hereby acknowledged, the City and LICENSEE agree as follows:

1. USE OF CITY TRADEMARKS IN CONNECTION WITH THE “ON PATROL” TELEVISION SERIES.

A. **Grant of License.** City hereby grants LICENSEE an non-exclusive license to use and incorporate the City Trademarks (as depicted in Exhibit ___ attached hereto) into the Series, subject only to the terms and conditions herein during the term of this Agreement. City and LICENSEE agree to execute those documents reasonably requested by LICENSEE in order to further effectuate the documentation or recordation of LICENSEE’s license to use the City Trademarks and LICENSEE’s rights to incorporate those Trademarks into the Series.

B. **Ancillary Rights.** The use of the City Trademarks granted includes the right to advertise, promote, publicize, broadcast, telecast and exhibit in all media, the Series, irrespective of media of transmission used, whether now known or hereinafter devised. Further, this grant includes the right to advertise, promote and publicize the Series in any and all media, whether now known or hereinafter invented, worldwide.

C. **Merchandising Rights.** During the term of this Agreement, City hereby grants to LICENSEE an non-exclusive, non-assignable license to use the City Trademarks on or in association with Licensed Materials, and the right to distribute, disseminate or otherwise exploit the Licensed Materials, in any and all media, whether now known or hereafter developed or discovered as determined appropriate by LICENSEE. “Licensed Materials” means and includes, but is not limited to, tangible goods such as books, magazines, hats, caps, T-shirts, other items of clothing, mugs, pens, stationery and office supplies, dolls, action figures, figurines, toys, theme parks, and games of all sorts, provided however that the City Trademarks cannot be used to endorse any commercial product or service. Further, nothing in this Agreement or in Licensee’s use of the City Trademarks shall be construed as the City’s or the Police Department’s endorsement, whether express or implied, of the contents or viewpoints contained in the Series or of Licensee’s actions or omissions associated with the Series.

D. **Compensation to City for the Sale of Licensed Merchandise.** In consideration for the license granted in Paragraph 1C, LICENSEE agrees to pay to CITY the amount of ten percent (10%) of the gross sale revenues received on the sale of every item of On Patrol with SBPD merchandise sold by Licensee or its assigns which contains or uses the City Trademarks.

E. **Marking Requirements.** The License granted herein by the City is conditioned upon LICENSEE’s full and complete compliance with the marking provisions of the trademark, patent, and copyright laws of the United States.

F. **Merchandise Quality Control Requirements.** The City shall have the right to approve and accept or reject the Licensed Materials proposed to be sold by Licensee whenever the City Trademarks will appear on such merchandise. The review shall be in order to ensure the use of the City Trademarks is used in accordance with the terms of this Agreement. Any Licensed Material rejected by the City shall not be distributed, displayed, or placed in the stream of commerce in any manner. In the event that LICENSEE distributes, displays, or places in the stream of commerce any Licensed Material rejected by City, the City shall have the right to immediately terminate LICENSEE's use of the Trademarks. The City's approval shall not be unreasonably withheld. In any event, if the City fails to give LICENSEE written approval within twenty (20) days after the receipt of sample merchandise along with a written request from Licensee for City Approval, then the sample will be deemed to be approved by the City.

G. **Exclusive Ownership.** LICENSEE acknowledges City's exclusive rights in the Trademarks and, further, acknowledges that the Trademarks are unique and original to the City and that City is the owner the City Trademarks. LICENSEE agrees that its use of the City Trademarks inures solely to the benefit of City and that LICENSEE shall not acquire any rights in the Trademarks as a result of this license.

H. **Inappropriate Use.** LICENSEE shall not do anything that is inconsistent with or harmful to City's ownership of any rights to the Trademarks or the goodwill associated with the City Trademarks, including but not limited to, any of the following:

1. Use the City Trademarks in connection with any other products or services not approved by the City;
2. Use any other trademarks confusingly similar to the City Trademarks in connection with any products or services. City acknowledges that LICENSEE has applied for registration of the trademark title *On Patrol with Santa Barbara PD*; and grants its consent to the pending registration.
3. Challenge or dispute City's ownership of and rights to the City Trademarks or the validity of any of the City's registrations or applications for the City Trademarks.

I. **Continuing Obligation.** LICENSEE's duty to City under this section shall survive the expiration or any termination of this Agreement.

J. **Infringements.** LICENSEE agrees to promptly notify City of any infringement of the City Trademarks by others or any hostile or adversary actions or proceedings by others against the Trademarks, of which it may become aware.

2. USE OF CITY SBPD PROPERTY FOR FILMING THE “ON PATROL” SERIES

A. **Licensee Personnel Ride-Alongs.** When designated in writing by LICENSEE to City, and subject to the other terms and conditions of this Agreement, LICENSEE personnel may ride along with Santa Barbara Police Department (SBPD) personnel in SBPD Vehicles; provided, however, that, in each instance, LICENSEE shall cause each of its designated employees or agents to read, agree to, and duly and complete execute a standard City release, indemnification, and waiver agreement, and at all times adhere to all instructions of the SBPD personnel in charge of such a police ride-along. It is understood LICENSEE employees and agents may, as observer(s) only, ride along with SBPD personnel on emergency and other calls and film SBPD personnel in the course of responding to such calls, subject to LICENSEE not interfering in any way with the activities of SBPD personnel, subject to the command and instructions of the SBPD commander in charge, and subject to all the other terms and conditions of this Agreement.

B. **Designation of City Licensee Coordinator.** Licensee may request the Chief of Police to designate an SBPD staff member to act as the filming coordinator for all interactions between the SBPD and Licensee and to assist the Licensee in the filming of the Series. Licensee understands and acknowledges that any special City resources provided by the City coordinator shall be minor in nature and shall not detract from the Coordinator’s regular SBPD duties. In the event, the City coordinator determines that any special request from Licensee will involve additional expenses to the City, the coordinator may approve such a request only reaching a written understanding with Licensee that the City will be reimbursed in an agreed upon amount for its additional expense within thirty (30) of the City incurring of the expense.

C. **City’s Right to Suspend Use of Police Building and Ride-Alongs.** The City reserves its right to suspend its grant of permission to film on City Property or allow any employee or agent of Licensee to do a ride-along in any City vehicle at any time, without advance notice, at the sole discretion of the City SBPD. In case of such suspension of permission, LICENSEE and its personnel agree to follow the instructions of the City SBPD personnel in charge of the property or City vehicles, including immediate departure from the

property or alighting from the Vehicles, without challenge. Alternative and mutually convenient dates and times shall be re-scheduled following such a suspension if possible.

D. **Conditions for Use of SBPD Property.** LICENSEE may place any and limited equipment onto the SBPD property; provided, however, all such equipment placed on or in the property shall not in any way unreasonably impede access to the property and City's operation. LICENSEE agrees to remove the same after the completion of the filming and leave the SBPD property in as good condition as when received except for ordinary wear and tear.

E. **Licensee Personnel on SBPD Premises.** LICENSEE is prohibited from bringing to and utilizing on the SBPD property any personnel, personal property, materials, or equipment except as reasonably necessary to accomplish the intended use(s) and filming stated herein.

F. **Licensee's Assumption of the Risks.** Given the nature of the City Property and the operational risks inherent in the Licensee's use of the City's Property for filming and those risks inherent in a ride-along, Licensee hereby acknowledges and agrees that it is assuming all risks, whether foreseeable or not, whether implied or express, inherent or not, involved in its use of the City Property or in designating or allowing employees or agents of Licensee to ride-along with City Police personnel. Licensee hereby waives all rights of recovery from and releases and forever discharges the City, its officers and employees and agents, from any and all claims, (including workmens compensation or employer liability claims) demands, damages, causes of action, costs, losses of service or obligation (including any claim for attorney fees related thereto) which may or could result from or be caused by Licensee's actions or omissions (including those of its employees and agents) in filming the Series pursuant to this Agreement.

3. ASSISTANCE BY SBPD EMPLOYEES

LICENSEE may request limited SBPD Employees' assistance in filming the Series in a manner consistent with this Agreement. In addition, City understands and acknowledges that LICENSEE intends the focus of the television series to be on the SBPD employees and, accordingly, LICENSEE may depict such employees in the course of their duties and follow and depict certain SBPD employees designated by LICENSEE on a week-to-week basis.

4. SPECIAL REQUESTS BY LICENSEE

On limited occasions, LICENSEE may request the City, through the SBPD, to permit special access to SBPD activities and departments, other than expressly those specified herein, during the production. City is, however, not obliged to grant such access if, in its discretion, the

granting of the request(s) could impede or adversely affect the core operations of any CITY department or public safety.

5. COMPENSATION TO CITY, RECORDKEEPING, ACCOUNTING AND AUDITS

A. Episode and Merchandise Fees. The City shall receive the amount of One Thousand Dollars (\$1000) payable to the City of Santa Barbara for each Series episode filmed and the amount of Five Hundred Dollars (\$500) each time and whenever a Series episode is re-played or re-broadcast within a twenty year period following the execution of this agreement. Each episode payment is non-refundable and shall be due to the City within a reasonable time after the initiation of filming but in no event later than thirty (30) calendar days subsequent to completion of filming for each episode of the Series or the broadcast of a re-played episode as the case may be.

B. Recordkeeping and Reporting Requirements for Gross Revenues from Series. Upon the execution of this agreement by the City, LICENSEE, at its own expense, shall begin to keep and furnish to the City at the beginning of each calendar quarter, a statement prepared by a accounting firm acceptable to the City Finance Director or by the LICENSEE's chief financial officer, an accounting statement accounting for all of gross revenues received by Licensee from both of the following: 1. resulting from the broadcast of On Patrol with SBPD; or 2. resulting from the sale or licensing of merchandise relating to On Patrol with SBPD (referred to herein as the "Gross Sales Revenues".) The accounting statement shall certify, as being true and correct, all of the following: 1. Any and all Gross Revenues received by Licensee during the preceding three (3) month period from the production, broadcast, licensing, or sale of the On Patrol with Santa Barbara PD television series, and 2. The total amount of Gross Sale Revenues received by Licensee from the sale or licensing of any merchandise relating to On Patrol with SBPD or merchandise containing or utilizing the City Trademarks during the preceding twelve (12) month period.

C. Gross Revenues Defined. For the purposes of this agreement, the term "Gross Revenues" shall mean any and all money, funds, thing of value, or form of compensation or consideration received by Licensee (without exclusion) for either of the following: 1. From the broadcast, licensing, use, or sale of the television series known as "On Patrol with the Santa Barbara PD" Series; or 2. From the sale, use, or merchandising of items using the City Trademarks, without exclusion, except for amounts collected as sales or excise taxes and conveyed to duly authorized taxing agencies and amount returned to customers as merchandise refunds.

D. Licensee Recordkeeping Requirements. Licensee shall keep and maintain, appropriate books, accounts, and records documenting receipt of all Gross Revenues from the production, broadcast, licensing or use of the “On Patrol” Series and from its use of the City Trademarks either in Santa Barbara or the designated corporate headquarters of Licensee, provided that City can compel the books and records made available to the City in Santa Barbara for the purposes of the City’s review, inspection, and auditing of those books and records for proper the accounting of Gross Revenues in accordance with this agreement, including all such books, records and accounts necessary or prudent to evidence and substantiate in full detail Licensee’s calculation of Licensee’s Gross Revenues. Such records shall at all reasonable times be open for inspection by the City at the place that the books, records and accounts of Licensee are kept for the purposes of verifying the accounting of Gross Revenues.

E. City’s Right to Audit Licensee’s Records of the Series. If at any time during the term hereof said books, records and accounts are deemed inadequate or incomplete in accordance with the standards set forth above in the reasonable judgment of the City, Licensee shall, upon the request of City, revise, adjust, complete, procure and maintain such books, records and accounts so that they thereafter conform to said standards in City's reasonable judgment. City shall also have the right to examine the books, records and accounts of Licensee described above as necessary for a proper determination of the total amount of Licensee’s Gross Revenues, and all such books and records shall be held available for such purpose. Any information obtained from such audit or review shall be held confidential in the best efforts of the City and to the extent permitted by law and shall not be disclosed other than to carry out the purposes hereof; however, the City is not liable to Licensee for any disclosure.

F. Purpose of City Review of Gross Revenues from the Television Series. The purpose of the foregoing requirement to report all Gross Revenues from the filming, broadcast, or use “On Patrol with Santa Barbara PD” television series to the City is for the purposes of calculating the percentage compensation to which the City is entitled for the sale of On Patrol merchandise and, if deemed appropriate by the City, to allow the City and Licensee to negotiate an appropriate level of compensation to the City in the future in the event the City Council of the City and Licensee choose to negotiate to renew this Agreement or to extend its term.

6. LAWS, PERMITS AND THIRD-PARTY CLEARANCES

A. **Permits.** LICENSEE is solely responsible and liable for obtaining and complying with all the applicable laws, including without limitation U.S., California and City of Santa Barbara labor, safety, intellectual property and business laws; and for paying fees for all permits, authorizations and clearances from appropriate regulatory authorities required for filming the Series at all locations, if any might be required.

B. **Third-Party Privacy Claim Clearances.** Where and when LICENSEE seeks to film or does film and airs film showing any private individuals not associated with City or with Licensee, before doing so, it will obtain from said individuals a proper and legally sufficient waiver and release prior to airing the Series or any episode thereof. When this is not possible, it is the City's understanding and expectation that the faces of said individuals will be pixilated such that they would not be recognizable from the broadcast. The City reserves the right to request copies of such releases in order to verify compliance with this provision.

C. **Filming of City Employees.** If any individual to be filmed is a City employee, Licensee shall execute the Footage Release and Covenants of Use agreement, as such agreement is contained in Exhibit ___ attached hereto.

D. **Use of Private Property.** Should LICENSEE desire to enter or to film on or in any real property, vessel or vehicle which a third party (other than the City's) holds the possessory rights, owns or controls, LICENSEE is solely responsible for obtaining written permission and clearances to do so.

7. HANDLING OF POLICE INFORMATION; RIGHT FOR CITY REVIEW

A. **Choice of Locations or Series Materials.** On occasions, the CITY may deny choice of locations, episode materials or information sourced from the CITY as well as ride-alongs, which it deems necessary to keep confidential in order to protect or maintain public safety, national security, public trust, or its practice or policies, including but not limited to, sensitive security or criminal investigation information, as well as for the protection of the rights and privacy of individuals, City personnel and others concerned.

B. **Private Information.** LICENSEE is solely responsible for obtaining clearances or waivers, according to generally acceptable entertainment industry standards, prior to using or disclosing any private, confidential, financial, personal, or criminal justice information of any person involved or filmed, including but not limited to any name mentioned in the Series. Should any of such information originate with the City, in addition to the aforementioned

clearance procedure, LICENSEE shall also obtain clearance from City to use or disclose such information in connection with the Series.

C. Ownership and Retention of Media. LICENSEE will own, exclusively, irrevocably, and in perpetuity all rights in all MEDIA used in connection with the Series. (MEDIA for purposes of this agreement shall include, but shall not be limited to, film, digital imaging, audio or video recordings of any kind, cassettes, photographs, cartridges, or any other kind of audio or video media storage). LICENSEE will be the author and will own the copyright in the MEDIA and each part of the MEDIA. Except as otherwise set forth herein, LICENSEE shall have no obligation to City, and shall not, maintain, keep, store, amass, stockpile, or accumulate any un-produced Media longer than it takes to produce the weekly Series, and in no event, after the date each episode of the Series is aired on television. Notwithstanding the foregoing, LICENSEE has the sole responsibility to maintain and store any MEDIA that is subject to a court order or subpoena.

D. Police or District Attorney Use of Ride-Along Filming. If any ride-along results in useable footage of a crime investigation or arrest, upon the receipt of a specific written request from the City to do so, LICENSEE shall be solely responsible for retaining and storing any footage captured while working with CITY and providing such film to the City as requested. Otherwise, LICENSEE has the sole responsibility or discretion to either maintain or destroy any footage not provided to or requested by City or retained pending a court order or subpoena as set forth below.

E. City's Right to Preview Episode Filming. Within seven (7) calendar days of a ride-along or the filming of videotape at the SBPD Building resulting in video filming, LICENSEE will, provide City with a copy of the initial edited segments depicting the investigation or arrest proposed for broadcast within seven calendar days after the ride along or site filming which is the subject of the broadcast. LICENSEE will make every reasonable effort to complete the initial editing as early as possible. The aforementioned edited segments will be provided by LICENSEE in individual segment specific DVD/CDs and will be identified by date and time of videotaping. If possible, City case number and/or subject names will be provided with the edited footage. LICENSEE will provide the City Police Chief (or his designee) a legal attestation with each segment DVD that the provided edited segment constitutes all of the footage of the segment provided to City. The attestation will be a form letter advising that the only available footage of the arrest or contact is contained in what has been provided. In

addition, said attestation shall provide that the footage may have been edited for entertainment purposes, whether the segment was actually edited or not. The City will not determine what, if any, footage is retained by LICENSEE.

F. City Right to Request Changes in Filmed Episode. Within a reasonable time, but no less than five (5) business days before each episode of the Series is distributed, displayed, broadcast, or placed in the stream of commerce for the general viewing public in any manner, LICENSEE shall promptly provide the City (through the Chief of the SBPD or his designee) with a copy of the episode of the Series for the City's review and approval. The City shall exercise its best reasonable efforts to expeditiously review and approve the submitted episode. In the event that the City reviews and disapproves any footage or scenes in the episode being reviewed, the City shall promptly communicate in any reasonable manner to LICENSEE as to the particular footage or scenes at issue and the reason(s) for such disapproval, which parties herein agree to expeditiously engage in good faith consultation and discussion regarding any changes required in order for any particular episode to be approved by the City and be designated an Approved Episode. Approved Episodes herein are episodes reviewed and approved by the City pursuant to this Paragraph. If after said good faith consultation and discussion the City and LICENSEE cannot agree to changes that would allow the episode to become an Approved Episode, then the City shall inform LICENSEE, with reasonable specificity, which footage the City finds objectionable and LICENSEE shall delete said footage from the episode. The City may not disapprove any previously Approved Episode. Only Approved Episodes in their entirety may be distributed, displayed or placed in the stream of commerce; provided, however, that LICENSEE may use excerpts of any Approved Episode (by the excerpts themselves without combination with other materials) for advertising and promotional purposes of the Series and for Internet or other digital distribution of the Series.

8. SERIES CREDITS AND NOTICE

Subject to the credit policies of the network that telecasts, broadcasts or podcasts the Series, each copy of all episodes of the Series shall include (1) proper screen credit acknowledging cooperation from the Santa Barbara Police Department and (2) the following Trademark notice: "*All SBPD marks, insignias and badges are trademarks of the City of Santa Barbara. Use permitted.*" LICENSEE shall use best effort to cause the network to afford credits to the City. The City acknowledges and agrees that the aforementioned credit and trademark notice, including size, style, and placement thereof, shall be at LICENSEE's and the network's

sole discretion. Any inadvertent failure to include such credit shall not be a material breach of this Agreement so long as LICENSEE takes reasonable action to cure the same on a prospective basis.

9. **TERM OF THE AGREEMENT**

This Agreement shall be in full force and effect for a period of one year commencing on the date of its execution by the City Chief of Police (“Effective License Date”) unless sooner terminated by the City or LICENSEE in accordance with the termination provisions of this Agreement. However, Approved Episodes may be exploited, in whole or in part, by LICENSEE in perpetuity (including in the advertising and promotion of the Series), provided any partial use of the Approved Episodes is not in combination of any other production, show or series.

10. **INDEMNIFICATION AND INSURANCE**

A. Indemnity. LICENSEE shall defend and hold harmless CITY, and its City Council members, officials, officers, commissioners, agents, employees, representatives, consultants, assigns and associates thereof (“City Defendants”), against and from any and all loss, costs, damage, liability and expenses, including reasonable attorneys’ fees, with respect to any claim, action, proceeding whatsoever arising from any of the following: 1. LICENSEE’s use of the City Trademarks, 2. Licensee’s use of City property (whether real and personal), 3. Licensee’s use of City personnel and information, or 4. Relating to City’s performance of this Agreement or, 5 Arising in any way out of the production, filming or broadcast of On Patrol with SBPD or any action of Licensee in connection with the filming or broadcast of “On Patrol with SBPD. Such claims, actions, and proceedings include without limitation those based on infringement of other’s intellectual property (including right of publicity) as well as any claim for a violation of personal privacy; it shall also include any possible violation of any collective bargaining agreements of the entertainment industry or union rules or labor rules, regulations or laws; tortuous acts or omission (including libel, slander, invasion of privacy and personal injuries).

B. Insurance. LICENSEE shall provide City, prior to the first date in Schedule “A,” with evidence of commercial general liability insurance sufficient broad to cover the scope of indemnification to which Licensee agrees pursuant to this Agreement in an amount no less than Two Million Dollars (\$2,000,000), as outlined in Exhibit “__” “Required Insurance and

Minimum Limits,” naming City officers, employees, and agents, including those present at the Property or in any City Vehicles during the production of the Series as additional insured parties thereon. City personnel who are filmed in or work on the Series shall be insured as individuals involved in the Series. Proof of the required insurance coverage must have been presented to and accepted by the City’s Risk Manager (via the City Attorney’s Office) before any Series filming may begin. LICENSEE shall follow instructions set out in Exhibit “F” – “Instructions and Information on Complying with City Insurance Requirements.”

C. Post-Filming List Property Damage List. Should there be any City property damaged as a result of the filming, City agrees to promptly submit to LICENSEE in writing, no later than Thirty (30) days after the date of the damage, a detailed list of all claimed property damage for which LICENSEE is responsible to the City, and City shall permit LICENSEE’s representatives to inspect the damaged property. In the case of a personal injury claim against the LICENSEE and/or its insurance carrier, the City shall have up to ninety (90) days after each claim is properly filed against and with the City, to file claims against the LICENSEE or its insurance carrier.

11. TERMINATION OF AGREEMENT

Unless noted otherwise herein, either City or LICENSEE may terminate this Agreement on Ninety (90) days’ written notice to the other party in the event of a material breach of any provision of this Agreement by the other party, but such termination shall not affect LICENSEE’S rights with respect to previously Approved Episodes.

12. EFFECTS OF TERMINATION

Except as otherwise set forth in this agreement, upon any termination or expiration of this Agreement, all rights granted to LICENSEE shall forthwith terminate and immediately revert to City. Concurrently, except as to the perpetual right to use and ownership of “Approved Episodes” (subject to the payment of the required episode compensation to the City) LICENSEE shall cease all use of Trademarks, filming of SBPD Employees, and other use of City intellectual property in connection with all unapproved episodes of the Series and shall immediately remove the name of the City of Santa Barbara and all of its Departments, and all City Trademarks from all copies of the unapproved episodes of Series, which may not be used, distributed, or publicly displayed. Notwithstanding the foregoing, any termination or expiration of this Agreement shall not affect any of LICENSEE’S rights in relation to Approved Episodes.

13. NOTICES

All notices and statements to be given shall be given or made at the respective addresses of the parties as follows, unless notification of a change of address is given in writing, and the date of mailing shall be deemed the date the notice or statement is given:

CITY:

LICENSEE:

On Patrol with SBPD Inc.,
a California corporation
3609 State Street
Santa Barbara, California 93105

With copies of all notices to:

Gerald Wilson
1800 Sussex Place
Lincoln, Nebraska 68506

14. NO JOINT VENTURE OR AGENCY RELATIONSHIP

Nothing herein contained shall be construed to place the parties in the relationship of partners or joint venturers, and LICENSEE shall have no power to obligate or bind CITY in any manner whatsoever. Further, under no circumstances will any of LICENSEE'S personnel act or hold himself or herself out to be an agent of the City or any of its departments. Nothing in this Agreement may be construed to have authorized or vested in LICENSEE the power to be an agent of the City or an actor under the color of law, be it civilly or criminally.

15. NO WAIVER

None of the terms of this Agreement may be waived or modified except by an express agreement in writing signed and authorized and approved by the City Council of the City and by Licensee. The failure or delay of a party hereto to enforce any of its rights under this Agreement shall not be deemed a continuing waiver or a modification thereof and a party hereto may, within the time provided by applicable law, commence appropriate legal proceeding to enforce any or all of such rights.

16. ASSIGNMENT AND DELEGATION

LICENSEE may not assign any of its rights including the license granted herein, nor delegate any of its obligations under this Agreement, without the prior written consent of the

CITY said consent not to be unreasonably withheld; provided, however, that LICENSEES shall have the right to assign this agreement to one or more corporate or other business entities substantially owned or controlled by LICENSEES, and provided such business entities assume all of the obligations of LICENSEES hereunder. Notwithstanding the foregoing, LICENSEES' right to distribute the Series and all Approved Episodes thereof or license (to its telecaster and/or distributor) is not encumbered by provisions in this paragraph, including assigning the Series and all rights incident thereto within the normal course of distribution and exploitation of the Series.

17. GOVERNING LAW AND VENUE

This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regards to its choice-of-law principles. Any actions or litigations arising out of this transaction shall be filed in a court of competent jurisdiction in the County of Santa Barbara, California.

18. NO INTENDED THIRD-PARTY BENEFICIARIES

Parties herein do not in any way intend to create or confer any benefits to any third party.

19. LIMITATION ON DAMAGES

In no event will any party hereto be liable for or have any obligation to pay to the other consequential and/or incidental and/or special damages, all of which are expressly excluded, and the parties hereby waive any and all rights to recover any of such damages from the other.

20. INTEGRATION

This Agreement embodies the entire understanding of the parties, and shall revoke and supersede all previous communications, representations, or understandings, either oral or written, between the parties.

21. SEVERABILITY

If any term, clause, or provision hereof is held invalid, illegal or unenforceable by a court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect the validity or operation of any other term, clause, or provision hereof, and such invalid, illegal or unenforceable term, clause, or provision shall be deemed to be severed from the Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed below as of the day and year first above written.

LICENSEE: _____

Signed: _____

Name: _____

Title: _____

Date: _____

Approved by Legal Counsel

Signed: _____

Name: _____

Date: _____

CITY: CITY OF SANTA BARBARA

By and through
Santa Barbara Police Department

Signed: _____

Name: _____

Title: Police Chief

Date: _____

Approved by Legal Counsel

Name: _____

City Attorney

Signed: _____

Title: _____

Date: _____



Agenda Item No. _____

File Code No. 290.00

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 4, 2010

TO: Mayor and Councilmembers

FROM: Fire Prevention Division, Fire Department

SUBJECT: Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2011 For The Wildland Fire Suppression Assessment

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Intention to Renew the Wildland Fire Suppression Assessment Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Preliminarily Approving the Updated Engineer's Report; Stating Intention to Levy Assessments for Fiscal Year 2010-2011; and Establishing a Time of 2:00 P.M. on Tuesday, May 25, 2010, in the City Council Chambers for a Public Hearing on the Wildland Fire Suppression Assessment.

DISCUSSION:

On July 11, 2006, the City Council adopted Resolution 06-064 which declared the Council's intention to order expansion of vegetation road clearance, implementation of a defensible space inspection and assistance program, and implementation of a vegetation management program within the Foothill and Extreme Foothill Zones. The Resolution described the special benefit to be assessed and approved an Engineer's Report, confirmed the diagram and assessment, and ordered levy of the Wildland Fire Suppression Assessment District for Fiscal Year 2007. As required by the Resolution, the Assessment must be renewed annually by the Council. The City has renewed the Wildland Fire Suppression Assessment for the past three years (Resolutions 07-048, 08-048 and 09-038).

This year, Assessment funds continued to reduce the risk and severity of wildland fires through the reduction of flammable vegetation. The assessment provides three primary services:

Vegetation Road Clearance: Each year the assessment provides approximately 14 miles of road clearance in the Foothill and Extreme Foothill Zones. The frequency is such that

most roads in the District are cleared of impeding vegetation every three years. Clearing vegetation from the roadways is required by law and allows for safer egress of residents and ingress of first responders during an emergency.

Defensible Space Inspection and Assistance: This element of the assessment provides assistance to property owners in creating defensible space around their homes. Defensible space assistance will again involve scores of site visits to assist homeowners. In addition, the assessment provides chipping services to residents of the District after the vegetation has been cut. Chipping services provides a cost effective way for homeowners to dispose of cut material. The chipped vegetation may be reused as a ground cover in landscaping.

Vegetation Management: Vegetation Management reduces the overall fuel load in given units by selectively thinning brush and trimming trees in a wildland area. The goal is to lessen the severity of a fire in the event that one occurs. In Fiscal Year 2010, vegetation management projects were completed in Skofield Park and near Saint Mary's Seminary, thinning the fuel load in the path of the Jesusita Fire and reducing the severity of the fire in that neighborhood. The Vegetation Management program continued in the Ontare Road area, a project that will resume at the end of the summer. Also planned for this fiscal year is the completion of 18 acres near Las Canoas Road.

The Wildland Fire Assessment may be annually increased by the Consumer Price Index in an amount not to exceed 4%. Although the Consumer Price Index rose 1.83% this year, the Engineer has not recommended an increase in the assessment for Fiscal Year 2011. The rate for Fiscal Year 2011 as suggested in the Engineer's Report will therefore be set at the annual rate of \$69.83 per single family parcel in the Foothill Zone and \$86.58 in the Extreme Foothill Zone, the same rates as Fiscal Year 2010. The estimated Fiscal Year 2011 cost of providing services is \$221,484. Staff recommends that the Wildland Fire Suppression Assessment District be continued for Fiscal Year 2011.

As required in Resolution 06-064, an updated Engineer's Report has been prepared and includes the proposed budget and assessment rate. The updated Engineer's Report must be considered by the City Council at a noticed public hearing and serves as the basis for the continuation of the assessments. The updated Engineer's Report is available for review at Fire Department Administration, 925 De La Vina Street and the City Clerk's Office at City Hall at 735 Anacapa Street.

NEXT STEPS:

That Council set a date of May 25, 2010 at 2:00 P.M. for the public hearing to consider renewal of the Wildland Fire Suppression Assessment. At the conclusion of the public hearing, the City Council may approve the preliminary Engineer's Report and may adopt a resolution to levy the Fiscal Year 2011 assessment.

SUSTAINABILITY IMPACT:

Vegetation removed through vegetation road clearance or the inspection and assistance program is chipped and spread back on to the ground or spread in areas of local parks. The goal is reuse at least 80% of all chipped material locally avoiding the cost of disposal fees, extra vehicle trips and landfill use. Non-native pest plants are not chipped and hauled off site to be disposed of properly.

PREPARED BY: Joe Poiré, Fire Marshal

SUBMITTED BY: Andrew DiMizio, Fire Chief

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DECLARING ITS INTENTION TO RENEW THE WILDLAND FIRE SUPPRESSION ASSESSMENT WITHIN THE FOOTHILL AND EXTREME FOOTHILL ZONES; DECLARING THE WORK TO BE OF MORE THAN GENERAL OR ORDINARY BENEFIT AND DESCRIBING THE DISTRICT TO BE ASSESSED TO PAY THE COSTS AND EXPENSES THEREOF; PRELIMINARILY APPROVING THE UPDATED ENGINEER'S REPORT; STATING INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2010-2011; AND ESTABLISHING A TIME OF 2:00 P.M. ON TUESDAY, MAY 25, 2010, IN THE CITY COUNCIL CHAMBERS FOR A PUBLIC HEARING ON THE WILDLAND FIRE SUPPRESSION ASSESSMENT

WHEREAS, the City of Santa Barbara is authorized, pursuant to the authority provided in California Government Code Section 50078 et seq. and Article XIID of the California Constitution, to levy assessments for fire suppression services;

WHEREAS, an assessment for fire suppression has been given the distinctive designation of the "Wildland Fire Suppression Assessment" ("Assessment"), and is primarily described as encompassing the Foothill and Extreme Foothill zones as defined in the Wildland Fire Plan of 2004; and

WHEREAS, the Assessment was authorized by an assessment ballot proceeding conducted in 2006 and approved by 51% of the weighted ballots returned by property owners, and such assessments were levied by the City of Santa Barbara City Council by Resolution No. 06-064 passed on July 11, 2006.

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

SECTION 1. SCI Consulting Group, the Engineer of Work, has prepared an engineer's report in accordance with Article XIID of the California Constitution. The Report has been made, filed with the City Clerk and duly considered by the Council and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

SECTION 2. It is the intention of this Council to levy and collect assessments for the Wildland Fire Suppression Assessment for fiscal year 2010-11. Within the Assessment District, the proposed services to be funded by the assessments ("Services") are generally described as including but not limited to, the following: (1) continuation of the

vegetation road clearance program to cover all public roads within the Foothill and Extreme Foothill Zones (continuing this program will reduce fuel, enhance evacuation routes, and decrease fire response times); (2) enhancing the defensible space fire prevention inspection and assistance program for all properties in the Foothill and Extreme Foothill Zones; and (3) implementation of a vegetation management program in the Foothill and Extreme Foothill Zones. As applied herein, "vegetation road clearance" means the treatment, clearing, reducing, or changing of vegetation near roadways in the Foothill and Extreme Foothill Zones where vegetation poses a fire hazard and does not meet Fire Department Vegetation Road Clearance Standards within the high fire hazard area (as provided in Santa Barbara Municipal Code Section 8.04.020.M). "Defensible space" is a perimeter created around a structure where vegetation is treated, cleared or reduced to slow the spread of wildfire towards a structure, reduce the chance of a structure fire burning to the surrounding area, and provides a safe perimeter for firefighters to protect a structure (as provided in Appendix II-A, Section 16 "Suppression and Control of Hazardous Fire Areas - Clearance of Brush and Vegetative Growth from Structures" of the Uniform Fire Code, as adopted by the City of Santa Barbara pursuant to Santa Barbara Municipal Code Section 8.04.010). "Vegetation management" means the reduction of fire hazard through public education, vegetation hazard reduction, and other methods as needed to manage vegetation in areas with unique hazards such as heavy, flammable vegetation, lack of access due to topography and roads, and/or firefighter safety.

SECTION 3. The estimated fiscal year 2010-11 cost of providing the Services is \$221,484. This cost results in a proposed assessment rate of SIXTY NINE DOLLARS AND EIGHTY-THREE CENTS (\$69.83) per single-family equivalent benefit unit in the Foothill Zone and EIGHTY SIX DOLLARS AND FIFTY EIGHT CENTS (\$86.58) in the Extreme Foothill Zone for fiscal year 2010-11. The Wildland Fire Assessments may be annually increased equal to the change in the Los Angeles-Riverside-Orange County Area Consumer Price Index ("CPI), not to exceed 4% (four percent) per year without a further vote or balloting process. The change in the CPI in 2009 was 1.83%. However, no adjustment to the rates has been applied to the assessments for 2010-11.

SECTION 4. The public hearing shall be held before the City Council in the City Council Chambers located at 735 Anacapa Street, Santa Barbara, CA 93101, as follows: on Tuesday, May 25, 2010, at the hour of 2:00 p.m. for the purpose of this Council's determination whether the public interest, convenience and necessity require the Services, and for this Council's final action upon the Report and the assessments therein.

SECTION 5. The City Clerk shall cause a notice of the hearing to be given by publishing a notice, at least ten (10) days prior to the date of the hearing above-specified, in a newspaper circulated in the City.



CITY OF SANTA BARBARA
WILDLAND FIRE SUPPRESSION ASSESSMENT

PRELIMINARY ENGINEER'S REPORT

MAY, 2010

PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 50078 ET. SEQ., AND
ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:

SCIconSultingGroup

4745 MANGELS BOULEVARD
FAIRFIELD, CALIFORNIA 94534
PHONE 707.430.4300
FAX 707.430.4319
www.sci-cg.com

CITY OF SANTA BARBARA

CITY COUNCIL

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

FIRE PREVENTION BUREAU

Andy DiMizio, Fire Chief
Joe Poire, Fire Marshal
Ann Marx, Wildland Specialist

CITY ATTORNEY'S OFFICE

Stephen P. Wiley, City Attorney
Sarah Knecht, Assistant City Attorney

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

The City of Santa Barbara is located about 100 miles northwest of Los Angeles, largely on the slopes between the Pacific Ocean and the Santa Ynez Mountains. The City of Santa Barbara provides fire services throughout the City limits. Fire services include fire suppression, protection, prevention, evacuation planning, and education.

Due to topography, location, climate and infrastructure, the Santa Barbara community has a relatively high inherent risk of wildland fires. Listed below are some of the major wildland fires that have occurred in Santa Barbara County since 1970:

TABLE 1 – WILDLAND FIRE HISTORY IN SANTA BARBARA COUNTY

Year	Fire Name	Acres	Homes Lost
1971	Romero Canyon Fire	14,538	4
1977	Sycamore Canyon Fire	805	234
1977	Hondo Canyon Fire	10,000	0
1979	Eagle Canyon Fire	4,530	5
1990	Painted Cave Fire	4,900	524
1993	Marre Fire	43,864	0
2002	Sudden Fire	7,160	0
2004	Gaviota Fire	7,440	1
2008	Tea Fire	>2,000	≈210
2009	Jesusita Fire	8,733	160

In response to the considerable wildland fire risk in the area, the City of Santa Barbara Fire Department prepared a Wildland Fire Plan in January, 2004, in which it identified four High Fire Hazard Zones: The Coastal Zone, the Coastal Interior Zone, the Foothill Zone, and the Extreme Foothill Zone. The two Zones with the highest wildland fire risk are the Foothill and Extreme Foothill Zones (the “Zones”), and these are the Zones that are included in this assessment.

These Zones are at a high risk of wildland fires due to the following factors:

- **Climate.** The climate consists of cool, moist winters and hot, dry summers. The low humidity and high summer temperatures increase the likelihood that a spark will ignite a fire in the area, and that the fire will spread rapidly.
- **Topography.** Periodic wind conditions known as “Sundowner” and “Santa Ana” winds interact with the steep slopes in the Santa Ynez Mountains and the ocean

influence, resulting in an increase in the speed of the wind to severe levels. These two types of wind conditions increase the likelihood that fires will advance downslope towards the Foothill and Extreme Foothill Zones. In addition, these winds can greatly increase the rate at which a fire will spread.

- **Chaparral.** Much of the undeveloped landscape is covered with chaparral. Chaparral sheds woody, dead, and organic materials rich in flammable oils, which accumulate over time. Areas covered with chaparral typically experience wildland fires which burn the accumulated plant materials, and renew the chaparral for its next cycle of growth. Therefore, areas of chaparral which are not thinned, and from which the dead plant materials are not removed or burned off in prescribed fires, provide ample opportunities for wildland fires to occur and to spread.
- **Road Systems.** Many of the roads in the Foothill and Extreme Foothill Zones do not meet current Fire Department access and vegetation road clearance standards, and many are made even more narrow due to the encroachment of vegetation. A number of the bridges have weight requirements that are below Fire Department weight standards. In addition, many driveways are long and steep, posing a safety hazard. All of these factors make it more difficult and more hazardous for the Fire Department to provide fire suppression services in these areas.
- **Water Supply.** In the Extreme Foothill Zone, the City water supply is limited in some areas, and not available in others. These factors increase the risks associated with fires, due to the reduced availability of water to fight any fires that occur.
- **Fire Response Time.** Much of the Extreme Foothill Zone, and some of the Foothill Zone, is outside the City's 4 minute Fire Department response time. As a result, fires in these areas may have more time to spread and to increase in severity before fire suppression equipment can reach them.
- **Proximity to the Los Padres National Forest.** The Los Padres National Forest (LPNF) is a large forest to the north of the Foothill and Extreme Foothill zones. The LPNF provides a great deal of potential fuel for any wildland fire in the area. Wildland fires that start in the LPNF have the potential to move south toward the Foothill and Extreme Foothill zones.

This Engineer's Report (the "Report") was prepared to: 1) contain the information required by Government Code Section 50078.4, including a) a description of each lot or parcel of property to be subject to the assessment, b) the amount of the assessment for each lot or parcel for the initial fiscal year, c) the maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year, d) the duration of the assessment, e) the basis of the assessment, f) the schedule of the assessment, and g) a description

specifying the requirements for protest and hearing procedures for the assessment pursuant to Section 50078.6; 2) establish a budget to provide services to reduce the severity and damage from wildland fires (the "Services") that will be funded by the 2010-11 assessments; 3) determine the benefits received from the Services by property within the City of Santa Barbara Wildland Fire Suppression Assessment District (the "Assessment District") and; 4) assign a method of assessment apportionment to lots and parcels within the Assessment District. This Report and the assessments have been made pursuant to the California Government Code Section 50078 et. seq. (the "Code") and Article XIII D of the California Constitution (the "Article").

In Fiscal Year 2006-07, the City of Santa Barbara City Council (the "Council") by Resolution called for an assessment ballot proceeding and public hearing on the then-proposed establishment of a wildland fire suppression assessment.

On May 5, 2006 a notice of assessment and assessment ballot was mailed to property owners within the proposed Assessment District boundaries. Such notice included a description of the Services to be funded by the proposed assessments, a proposed assessment amount for each parcel owned, and an explanation of the method of voting on the assessments. Each notice also included a postage prepaid ballot on which the property owner could mark his or her approval or disapproval of the proposed assessments as well as affix his or her signature.

After the ballots were mailed to property owners in the Assessment District, the required minimum 45 day time period was provided for the return of the assessment ballots. Following this 45 day time period, a public hearing was held on June 20, 2006 for the purpose of allowing public testimony regarding the proposed assessments. At the public hearing, the public had the opportunity to speak on the issue. After the conclusion of the public input portion of the hearing, the hearing was continued to July 11, 2006 to allow time for the tabulation of ballots.

With the passage of Proposition 218 on November 6, 1996, The Right to Vote on Taxes Act, now Article XIII C and XIII D of the California Constitution, the proposed assessments could be levied for fiscal year 2006-07, and future years, only if the ballots submitted in favor of the assessments were greater than the ballots submitted in opposition to the assessments. (Each ballot is weighted by the amount of proposed assessment for the property that it represents).

After the conclusion of the public input portion of the Public Hearing held on June 20, 2006, all valid received ballots were tabulated by the City of Santa Barbara Clerk. At the

continued public hearing on July 11, 2006, after the ballots were tabulated, it was determined that the assessment ballots submitted in opposition to the proposed assessments did not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted).

As a result, the Council gained the authority to approve the levy of the assessments for fiscal year 2006-07 and future years. The Council took action, by a Resolution passed on July 31, 2006, to approve the first year levy of the assessments for fiscal year 2006-07.

The authority granted by the ballot proceeding was for a maximum assessment rate of \$65.00 per single family home, increased each subsequent year by the Los Angeles Area Consumer Price Index (CPI) not to exceed 4% per year. In the event that the annual change in the CPI exceeds 4%, any percentage change in excess of 4% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 4%.

In each subsequent year for which the assessments will be levied, the Council must preliminarily approve at a public meeting a budget for the upcoming fiscal year's costs and services, an updated annual Engineer's Report, and an updated assessment roll listing all parcels and their proposed assessments for the upcoming fiscal year. At this meeting, the Council will also call for the publication in a local newspaper of a legal notice of the intent to continue the assessments for the next fiscal year and set the date for the noticed public hearing. At the annual public hearing, members of the public can provide input to the Council prior to the Council's decision on continuing the services and assessments for the next fiscal year.

If the assessments are so confirmed and approved, the levies will be submitted to the Santa Barbara County Auditor/Controller for inclusion on the property tax roll for Fiscal Year 2010-11. The levy and collection of the assessments will continue year-to-year until terminated by the City Council.

If the City Council approves this Engineer's Report for fiscal year 2010-11 and the assessments by Resolution, a notice of assessment levies must be published in a local paper at least 10 days prior to the date of the public hearing. Following the minimum 10-day time period after publishing the notice, a public hearing will be held for the purpose of allowing public testimony about the proposed continuation of the assessments for fiscal year 2010-11.

The public hearing is currently scheduled for May 25, 2010. At this hearing, the Council will consider approval of a resolution confirming the assessments for fiscal year 2010-11. If so confirmed and approved, the assessments will be submitted to the Santa Barbara County Auditor/Controller for inclusion on the property tax rolls for Fiscal Year 2010-11.

The Assessment District is narrowly drawn to include only properties that benefit from the additional fire protection services that are provided by the assessment funds. The Assessment Diagram included in this report shows the boundaries of the Assessment District.

PROPOSITION 218

This assessment was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including a property-owner balloting, for the formation and continuation of assessments, and these requirements were satisfied by the process used to establish this assessment.

SILICON VALLEY TAXPAYERS ASSOCIATION, INC. v SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority (“SVTA vs. SCCOSA”). This ruling is the most significant legal document in further legally clarifying Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the Assessment District

This Engineer’s Report is consistent with the SVTA vs. SCCOSA decision and with the requirements of Article XIIC and XIID of the California Constitution because the Services to be funded are clearly defined; the Services are available to all benefiting property in the Assessment District, the benefiting property in the Assessment District will directly and

tangibly benefit from improved protection from fire damage, increased safety of property and other special benefits and such special benefits provide a direct advantage to property in the Assessment District that is not enjoyed by the public at large or other property. There have been a number of clarifications made to the analysis, findings and supporting text in this Report to ensure that this consistency is well communicated.

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the Court of Appeal for the Second District of California amended its original opinion upholding a benefit assessment district for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review and the court's decision in *Dahms* became binding precedent for assessments. In *Dahms*, the court upheld an assessment that conferred a 100% special benefit to the assessed parcels on the rationale that the services and improvements funded by the assessments were provided directly and only to property in the assessment district over and above those services or improvements provided by the city generally.

DESCRIPTION OF SERVICES

The City of Santa Barbara Fire Department provides a range of fire protection, prevention, and educational services to the City and its residents.

The following is a description of the wildland fire suppression Services that are provided for the benefit of property within the Assessment District. Prior to the passage of the assessment in 2006, the baseline level of service was below the standard described in the City's 2004 Wildland Fire Plan. Due to inadequate funding, the level of service continued to diminish and would have diminished further had this assessment not been instituted. With the passage of this assessment, the services were enhanced significantly. The formula below describes the relationship between the final level of improvements, the baseline level of service (pre 2006) had the assessment not been instituted, and the enhanced level of improvements funded by the assessment.

$$\begin{aligned} \text{Final Level of Service} &= \text{Baseline level of Service (pre-2006)} \\ &+ \\ &\text{Enhanced Level of Service} \end{aligned}$$

The services (the "Services") undertaken by the Santa Barbara Fire Department (the "SBFD") and the cost thereof paid from the levy of the annual assessment provide special benefit to Assessor Parcels within the Assessment District as defined in the Method of Assessment herein. In addition to the definitions provided by the California Government Code Section 50078 et. seq., (the "Code") the Services are generally described as follows:

- Expansion of the vegetation road clearance program to cover all public roads within the Foothill and Extreme Foothill Zones. This program reduces fuel, enhance evacuation routes, and decrease fire response times
- Implementation of a defensible space and fire prevention inspection and chipping assistance program for all properties in the Foothill and Extreme Foothill Zones
- Implementation of a vegetation management program in the Foothill and Extreme Foothill Zones

As applied herein, "vegetation road clearance" means the treatment, clearing, reducing, or changing of vegetation near roadways in the Foothill and Extreme Foothill Zones where vegetation poses a fire hazard and does not meet Fire Department Vegetation Road

Clearance Standards within the high fire hazard area (As provided in Santa Barbara Municipal Code Section 8.04.020.M).

“Defensible space” is a perimeter created around a structure where vegetation is treated, cleared or reduced to slow the spread of wildfire towards a structure, reduce the chance of a structure fire burning to the surrounding area, and provides a safe perimeter for firefighters to protect a structure (As provided in Chapter 47 of the California Fire Code, as adopted by the City of Santa Barbara pursuant to Santa Barbara Municipal Code Section 8.04.010).

“Vegetation management” means the reduction of fire hazard through public education, vegetation hazard reduction, and other methods as needed to manage vegetation in areas with unique hazards such as heavy, flammable vegetation, lack of access due to topography and roads, and/or firefighter safety.

COST AND BUDGET

TABLE 2 - COST AND BUDGET

CITY OF SANTA BARBARA Wildland Fire Suppression Assessment Estimate of Costs Fiscal Year 2010-11		<i>Total Budget</i>
Services Costs		
Evacuation Planning - Evacuation Roadway Clearing		
Staffing		\$30,000
Materials		\$2,000
Project Costs		\$40,000
Defensible Space		
Staff		\$43,000
Materials		\$4,000
Chipping Program		\$30,534
Vegetation Management		
Staffing		\$40,000
Project		\$43,000
Totals for Installation, Maintenance and Servicing		\$232,534
Less: District Contribution for General Benefits		(\$19,275)
Net Cost of Installation, Maintenance and Servicing to Assessment District		\$213,259
Incidental Costs:		
District Administration and Project Management		\$5,000
Allowance for County Collection		\$3,225
Subtotals - Incidentals		\$8,225
Total Wildland Fire Suppression District Budget		\$221,484
(Net Amount to be Assessed)		
Assessment District Budget Allocation to Parcels		
Total Assessment Budget		\$221,484
Single Family Equivalent Benefit Units in District		3,172
Assessment per Single Family Equivalent Unit (SFE)		\$ 69.83

METHOD OF APPORTIONMENT

METHOD OF APPORTIONMENT

This section includes an explanation of the special benefits derived from the Services, the criteria for the expenditure of assessment funds and the methodology used to apportion the total assessments to properties within the Assessment District.

The Assessment District area consists of all Assessor Parcels within the Foothill and Extreme Foothill zones of the High Fire Hazard Area as defined by the 2004 Wildland Fire Plan. The method used for apportioning the assessment is based upon the proportional special benefits from the Services derived by the properties in the assessment area over and above general benefits conferred on real property or to the public at large. Special benefit is calculated for each parcel in the Assessment District using the following process:

- 1.) Identification of all benefit factors derived from the Improvements
- 2.) Calculation of the proportion of these benefits that are general
- 3.) Determination of the relative special benefit within different areas within the Assessment District
- 4.) Determination of the relative special benefit per property type
- 5.) Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; location, property type, property characteristics, improvements on property and other supporting attributes

DISCUSSION OF BENEFIT

California Government Code Section 50078 et. seq. allows agencies which provide fire suppression services, such as the Santa Barbara Fire Department, to levy assessments for fire suppression services. Section 50078 states the following:

“Any local agency which provides fire suppression services directly or by contract with the state or a local agency may, by ordinance or by resolution adopted after notice and hearing, determine and levy an assessment for fire suppression services pursuant to this article.”

In addition, California Government Code Section 50078.1 defines the term “fire suppression” as follows:

“(c) “Fire suppression” includes firefighting and fire prevention, including, but not limited to, vegetation removal or management undertaken, in whole or in part, for the reduction of a fire hazard.”

Therefore, the Services provided by the Assessment District fall within the scope of services that may be funded by assessments under the Code.

The assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's specific use of the Services or a property owner's specific demographic status. With reference to the requirements for assessments, Section 50078.5 of the California Government Code states:

"(b) The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the local agency, zone, or area of benefit."

"The assessment may be levied against any parcel, improvement, or use of property to which such services may be made available whether or not the service is actually used."

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

Since assessments are levied on the basis of special benefit, they are not a tax and are not governed by Article XIII A of the California Constitution.

The following section describes how and why the Services specially benefit properties. This benefit is particular and distinct from its effect on property in general or the public at large.

BENEFIT FACTORS

In order to allocate the assessments, the Engineer identified the types of special benefit arising from the Services that is provided to property in the Assessment District. These benefit factors confer a direct advantage to the assessed properties; otherwise they would be general benefit.

The following benefit categories have been established that represent the types of special benefit conferred to residential, commercial, industrial, institutional and other lots and parcels resulting from the services to reduce the severity and damage from wildland fires that are provided in the Assessment District. These categories of special benefit are derived from the statutes passed by the California Legislature and other studies, which

describe the types of special benefit received by property from the Services of the Assessment District. These types of special benefit are summarized as follows:

- ***Increased safety and protection of real property assets for all property owners within the Assessment District.***

As summarized previously, properties in the Assessment District are currently at higher risk for wildland fires. Uncontrolled fires would have a devastating impact on all properties within the Assessment District. The assessments fund an increase in services to mitigate the wildland fire threat, and thereby can significantly reduce the risk of property damage associated with fires. Clearly, fire mitigation helps to protect and specifically benefits both improved properties and vacant properties in the Assessment District.

*"Fire is the largest single cause of property loss in the United States. In the last decade, fires have caused direct losses of more than \$120 billion and countless billions more in related cost."*¹

*"Over 140,000 wildfires occurred on average each year, burning a total of almost 14.5 million acres. And since 1990, over 900 homes have been destroyed each year by wildfires."*²

*"A wildfire sees your home as just another fuel source. The survivable space you construct around your home will keep all but the most ferocious wildfires at bay."*³

*"A reasonably disaster-resistant America will not be achieved until there is greater acknowledgment of the importance of the fire service and a willingness at all levels of government to adequately fund the needs and responsibilities of the fire service."*⁴

*"The strategies and techniques to address fire risks in structures are known. When implemented, these means have proven effective in the reduction of losses."*⁵

*"Statistical data on insurance losses bears out the relationship between excellent fire protection...and low fire losses."*⁶

- ***Protection of views, scenery and other resource values, for property in the Assessment District***

The Assessment District provides funding for the mitigation of the wildland fire threat to protect public and private resources in the Assessment District. This

benefits even those properties that are not directly damaged by fire by maintaining and improving the aesthetics and attractiveness of public and private resources in the community, as well as ensuring that such resources remain safe and well maintained.

“Intensely burned forests are rarely considered scenic.”⁷

“Smoke affects people...for example; in producing haze that degrades the visual quality of a sunny day...The other visual quality effect is that of the fire on the landscape. To many people, burned landscapes are not attractive and detract from the aesthetic values of an area.”⁸

“A visually preferred landscape can be the natural outcome of fuels treatments.”⁹

- ***Enhanced utility and desirability of the properties in the Assessment District.***

The assessments funds Services to reduce the severity and damage from wildland fires in the Assessment District. Such Services enhance the overall utility and desirability of the properties in the Assessment District.

“Residential satisfaction surveys have found that having nature near one’s home is extremely important in where people choose to live...This is especially true at the wildland-urban interface where some of the most serious fuels management must occur.”¹⁰

“People are coming to the [Bitterroot] valley in part because of its natural beauty which contributes to the quality of life that so many newcomers are seeking.”¹¹

BENEFIT FINDING

In summary, real property located within the boundaries of the Assessment District distinctly and directly benefits from increased safety and protection of real property, increased protection of scenery and views, and enhanced utility of properties in the Assessment District. These are special benefits to property in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of property and make them more functional to use, safer and easier to access.

GENERAL VERSUS SPECIAL BENEFIT

Article XIII C of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to “separate the general benefits from the special benefits conferred on a parcel.” The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. The assessment can fund special benefits but cannot fund general benefits. Accordingly, a separate estimate of the special and general benefit is given in this section.

In other words:

$$\text{Total Benefit} = \text{Total General Benefit} + \text{Total Special Benefit}$$

There is no widely-accepted or statutory formula for general benefit. General benefits are benefits from improvements or services that are not special in nature, are not “particular and distinct” and are not “over and above” benefits received by other properties. SVTA vs. SCCOSA provides some clarification by indicating that general benefits provide “an indirect, derivative advantage” and are not necessarily proximate to the improvements.

In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

The starting point for evaluating general and special benefits is the pre 2006 baseline level of service, had the assessment not been approved by the community. The assessment will fund Services “over and above” this general, baseline level and the general benefits estimated in this section are over and above the baseline.

A formula to estimate the general benefit is listed below:

$$\begin{aligned} \text{General Benefit} = & \\ & \text{Benefit to Real Property Outside the Assessment District} + \\ & \text{Benefit to Real Property Inside the Assessment District that is Indirect and} \\ & \text{Derivative} + \\ & \text{Benefit to the Public at Large} \end{aligned}$$

Special benefit, on the other hand, is defined in the state constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” The SVTA v. SCCOSA decision indicates that a special benefit is conferred to a property if it “receives a direct advantage from the improvement (e.g., proximity to a park).” In this assessment, as noted, the improved Services are available when needed to all properties in the Assessment District, so the overwhelming proportion of the benefits conferred to property is special, and are only minimally received by property outside the Assessment District or the public at large.

Proposition 218 twice uses the phrase “over and above” general benefits in describing special benefit. (Art. XIID, sections 2(i) & 4(f).) Arguably, all of the Services being funded by the assessment would be a special benefit because the Services particularly and distinctly benefit the properties in the Assessment District over and above the baseline benefits.

Nevertheless, arguably some of the Services benefit the public at large and properties outside the Assessment District. In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

(In the 2009 *Dahms* case, the court upheld an assessment that conferred a 100% special benefit to the assessed parcels on the rationale that the services and improvements funded by the assessments were provided directly and only to property in the assessment district over and above those services or improvements provided by the city generally. Similarly, the Assessments described in this Engineer’s Report fund wildland fire services directly and only to the assessed parcels located within the assessment area. Moreover, every property within the Assessment District will receive the Services. While the *Dahms* decision would permit an assessment based on 100% special benefit and zero or minimal general benefits, in this report, the general benefit is estimated and described and budgeted so that it is funded by sources other than the Assessment.)

CALCULATING GENERAL BENEFIT

This section provides a measure of the general benefits from the assessments

BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT

Properties within the Assessment District receive almost all of the special benefits from the Services because the Services will be provided solely in the Assessment District boundaries. Properties proximate to, but outside of, the boundaries of the Assessment District receive some benefit from the Services due to some degree of indirectly reduced fire risk to their property. These parcels that are proximate to the boundaries of the Assessment District are estimated to receive less than 50% of the benefits relative to parcels within the Assessment District because they do not directly receive the improved fire protection resulting from the Services funded by the Assessments.

At the time the Assessment District was formed, there were approximately 550 of these “proximate” properties.

CRITERIA:

550 PARCELS OUTSIDE THE DISTRICT BUT PROXIMATE TO THE DISTRICT BOUNDARIES

3550 PARCELS IN THE ASSESSMENT DISTRICT

50% RELATIVE BENEFIT COMPARED TO PROPERTY WITHIN THE ASSESSMENT DISTRICT

CALCULATION

GENERAL BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT = $550/3,550 * .5 = 7.7\%$

Although it can reasonably be argued that properties protected inside, but near the Assessment District boundaries are offset by similar fire protection provided outside, but near the Assessment District's boundaries, we use the more conservative approach of finding that 7.7% of the Services may be of general benefit to property outside the Assessment District.

BENEFIT TO PROPERTY *INSIDE* THE DISTRICT THAT IS *INDIRECT AND DERIVATIVE*

The "indirect and derivative" benefit to property within the Assessment District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Assessment District is special, because the Services are clearly "over and above" and "particular and distinct" when compared with the pre-2006 baseline level of Services, had the assessment district not passed.

In determining the Assessment District boundaries, the District has been careful to limit it to an area of parcels that will directly receive the benefit of the improved Services. All parcels will directly benefit from the use of the improved Services throughout the Assessment District in order to achieve the desired level of wildland fire suppression and protection throughout the Assessment District. Fire protection and suppression will be provided as needed throughout the area.

The SVTA vs. SCCOSA decision indicates that the fact that a benefit is conferred throughout the Assessment District area does not make the benefit general rather than special, so long as the Assessment District is narrowly drawn and limited to the parcels directly receiving shared special benefits from the service. This concept is particularly applicable in situations involving a landowner-approved assessment-funded extension of a local government service to benefit lands previously not receiving that particular service. The Department therefore concludes that, other than the small general benefit to properties outside the Assessment District (discussed above) and to the public at large (discussed below), all of the benefits of the Services to the parcels within the Assessment

District are special benefits and it is not possible or appropriate to separate any general benefits from the benefits conferred on parcels in the Assessment District.

BENEFIT TO THE PUBLIC AT LARGE

With the type and scope of Services provided to the Assessment District, it is very difficult to calculate and quantify the scope of the general benefit conferred on the public at large. Because the Services directly serve and benefit all of the property in the Assessment District, any general benefit conferred on the public at large would be small. Nevertheless, there may be some indirect general benefit to the public at large.

The public at large uses the public highways and other regional facilities when traveling in and through the Assessment District and they may benefit from the services without contributing to the assessment. Although the protection of this critical infrastructure is certainly a benefit to all the property within the Assessment District, it is arguably "indirect and derivative" and possibly benefits people rather than property. A fair and appropriate measure of the general benefit to the public at large therefore is the amount of highway, and regional facilities within the Assessment District relative to the overall land area. An analysis of maps of the Assessment District shows that less than 1.0% of the land area in the Assessment District is covered by highways and regional facilities. This 1.0% therefore is a fair and appropriate measure of the general benefit to the public at large within the Assessment District

SUMMARY OF GENERAL BENEFITS

Using a sum of the measures of general benefit for the public at large and land outside the Assessment Area, we find that approximately 8.7% of the benefits conferred by the Assessment District may be general in nature and should be funded by sources other than the assessment.

GENERAL BENEFIT =

$$\begin{aligned}
 & 7.7 \% \text{ (OUTSIDE THE ASSESSMENT DISTRICT)} \\
 + & 0.0 \% \text{ (INSIDE THE DISTRICT - INDIRECT AND DERIVATIVE)} \\
 + & 1.0 \% \text{ (PUBLIC AT LARGE)} \\
 \\
 & = 8.7 \% \text{ (TOTAL GENERAL BENEFIT)}
 \end{aligned}$$

The Assessment District's total budget for 2010-11 is \$221,484. The Assessment District must obtain funding from sources other than the assessment in the amount of approximately \$19,269 ($\$221,484 \times 8.7\%$) to pay for the cost of the general benefits. This is

because the assessments levied by the Department may not exceed the special benefits provided by the Services, and the Assessment Engineer concluded that 8.7% of the cost of Services provide a general benefit to properties outside the Assessment District, For Fiscal Year 2010-11, the City will contribute at least \$19,269, or 8.7% of the total Assessment District budget, to the Assessment District from sources other than this assessment. This contribution constitutes more than the 8.7% general benefits estimated by the Assessment Engineer.

ZONES OF BENEFIT

Initially, the Department evaluated the geographic area within and around the City limits (including the City of Santa Barbara, Santa Barbara County, Montecito and National Forest lands) based upon three fire hazard risk variables: vegetation (fuel), topography and weather. This analysis was used to narrowly determine the boundaries of the “high fire hazard area.” Further, zones were narrowly drawn within the high fire hazard area and graded “extreme,” “high,” “moderate” or “low”. Next, the Department evaluated the roof type, proximity of structures, road systems, water supply, fire response times and historic fire starts within the high fire hazard area and developed 4 specific zones:

- Extreme Foothill Zone
- Foothill Zone
- Coastal Zone
- Coastal Interior Zone

These zones were used to apply appropriate policies and actions based upon hazard and risk. The results of this analysis were tabulated and presented in Tables 2 through 4 in the 2004 Wildland Fire Plan.

Accordingly, “Zones of Benefit” corresponding to the fire risk zones are used to equitably assign special benefit, and are used for the basis of the “Fire Risk Factors” discussed below. Each zone was narrowly drawn, and has been given a score, based upon the evaluated risk criteria, as shown in Table 4. (The assessment provides Services in the Extreme Foothill Zone and the Foothill Zone only.)

TABLE 3 - RELATIVE HAZARD/RISK SCORING FOR HIGH FIRE HAZARD AREA ZONES

Hazard/Risk Attribute	Extreme		Coastal	
	Foothill Zone	Foothill Zone	Coastal Zone	Interior Zone
Combined Hazard Assessment - vegetation (fuel), topography, weather*	40	30	20	10
Roof Type**	1	2	2	3
Proximity	1	3	1	3
Road	3	3	1	1
Water	3	1	1	1
Response	3	2	2	2
Ignitions	1	1	1	1
Total Score	52	42	28	21

* The Hazard Assessment element of this analysis is the most significant. Scores have been "weighted" by a factor of 10.

** In the Extreme Foothill Zone fire retardant roofing materials are more prevalent, resulting in lower risk in this area.

Table 4 shows the numeric scoring system used to develop the relative total scores.

TABLE 4 - SCORING SYSTEM

Qualitative Score	Numeric Score
Very High	4
High	3
Moderate	2
Low	1

The total relative scores for each zone are tabulated and normalized, based up the Foothill Zone, and shown in Table 5.

TABLE 5 - WILDLAND FIRE RISK FACTORS

Zone	Raw Score	Wildland Fire Risk Factor
Extreme Foothill Zone	52	1.24
Foothill Zone	42	1.00
Coastal Zone**	28	0.67
Coastal Interior Zone**	21	0.50

**Coastal Zone and Coastal Interior Zone are included in this analysis for clarity; however these zones are not included in the Assessment District.

ASSESSMENT APPORTIONMENT

In the process of determining the appropriate method of assessment, the Assessment Engineer considered various alternatives. For example, an assessment only for all residential improved property was considered but was determined to be inappropriate because vacant, commercial, industrial and other properties also receive special benefits from the assessments.

Moreover, a fixed or flat assessment for all properties of similar type was deemed to be inappropriate because larger commercial/industrial properties and residential properties with multiple dwelling units receive a higher degree of benefit than other similarly used properties that are significantly smaller. For two properties used for commercial purposes, there clearly is a higher benefit provided to the larger property in comparison to a smaller commercial property because the larger property generally supports a larger building and has higher numbers of employees, customers and guests that benefit from reduced wildland fire risk. This benefit ultimately flows to the property. Larger parcels, therefore, receive an increased benefit from the assessments.

The Assessment Engineer determined that the appropriate method of assessment should be based on the type of property, the relative size of the property and the potential use of property by residents and employees. This method is further described below.

METHOD OF ASSESSMENT

The next step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a "benchmark" property, a single family detached dwelling on one parcel of one acre or less in the Foothill Zone (one "Single Family Equivalent Benefit Unit" or "SFE"). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefits and is generally recognized as providing the basis

for a fair and appropriate distribution of assessments. In this Engineer's Report, all properties are assigned an SFE value, which is each property's relative benefit in relation to a single family home on one parcel.

The relative benefit to properties from fire related Services is:

EQUATION 1 – RELATIVE BENEFIT TO PROPERTIES

$$\text{Benefit} \approx \Sigma (\text{Fire Risk Factors}) * \Sigma (\text{Structure Value Factors})$$

That is, the benefit conferred to property is the “sum” the risk factors multiplied by the “sum” of the structure values factors.

FIRE RISK FACTORS

Typical fire assessments (non-wildland) are evaluated based upon the fire risk of a certain property type. These evaluations consider factors such as use of structure (e.g. used for cooking), type of structure (centralized heating), etc.

Wildland fires, on the other hand, are initiated largely from external ignitions and are far less affected by structural, mechanical and electrical systems inherent to the building (except roof type). The principle Wildland fire risk factors are:

- Vegetation (fuel)
- Topography
- Weather
- Roof type
- Proximity of Structure
- Road Systems
- Water Supply
- Response
- Ignitions

These factors were fully evaluated in the 2004 Wildland Fire Plan and are manifested in the relative zone scores as shown in Tables 3, 4 and 5, above. Hence, the Fire Risk Factor for all properties within the Foothill Zone is 1.00 and the Fire Risk Factor for all properties in the Extreme Foothill Zone is 1.24.

STRUCTURE VALUE FACTORS

The relative value of different property types was evaluated within the high fire hazard area to determine the Structure Value Factor according to the following formula:

EQUATION 2 - STRUCTURE VALUE FACTORS

$$\Sigma (\text{Structure Value Factors}) \approx \frac{(\text{Structure Weighting Factor} * \text{Average Improved Value})}{(\text{Land Weighting Factor} * \text{Average Total Value} * \text{Unity Density Factor})}$$

Where:

- “Structure Weight Factor” = 10 to “weight” relative importance of structure over land.
- “Average Improved Value” is average of value of all improvements (e.g. structures), per property type, as provide by County Assessor records.
- Land Weighting Factor = 1
- “Average Total Value” is average of value of all land + improvements (e.g. structures), per property type, as provide by County Assessor records. County assessor land values were not used directly because experience has shown total values to be more comprehensive.
- Unit Density Factor corresponds values with units (i.e. “per residential unit” or “per acre”) based upon effective density of structure on parcel.

Table 6 below is a tabulation of the Structure values for each property type as defined by Equation 2, above.

TABLE 6 – STRUCTURE VALUE FACTORS

Property Type	Structure Value Factor	Unit
Single Family	1.0000	per each*
Multi-Family	0.3683	per res. unit
Commercial/Industrial	0.8187	per acre
Office	0.7058	per acre
Institutional	0.3841	per each
Storage	0.0952	per acre
Agricultural	0.0809	per acre
RangeLand	0.0181	per acre
Vacant	0.0324	per each

*for homes on an acre or less. For homes on more than one acre, the Structure Value Factor is increased by 0.0809 per acre

RESIDENTIAL PROPERTIES

All improved residential properties with a single residential dwelling unit on one acre or less are assigned one Single Family Equivalent or 1.0 SFE in the Foothill Zone. In the Extreme Foothill Zone, all improved residential properties on one acre or less are assessed 1.24 SFEs (See Table 5). Residential properties on parcels that are larger than 1 acre receive additional benefit and are assigned additional SFEs on a “per acre” basis. Detached or attached houses, zero-lot line houses and town homes are included in this category.

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the Services in proportion to the number of dwelling units that occupy each property. The relative benefit for multi-family properties was determined as per Equation 1 to be 0.3683 SFEs per residential unit in the Foothill Zone and 0.4567 per residential unit in the Extreme Foothill Zone. This rate applies to condominiums as well.

COMMERCIAL/INDUSTRIAL & OFFICE PROPERTIES

Commercial and industrial properties are assigned benefit units per acre, since there is a relationship between parcel size, structure size and relative benefits. The relative benefit for commercial and industrial properties was determined as per Equation 1 to be 0.8187 SFEs per acre in the Foothill Zone and 1.0151 per acre in the Extreme Foothill Zone. The relative benefit for office properties was determined as per Equation 1 to be 0.7058 SFEs per acre in the Foothill Zone and 0.8751 per acre in the Extreme Foothill Zone.

VACANT/UNDEVELOPED, OPEN SPACE AND AGRICULTURAL PROPERTIES

The relative benefit for vacant properties was determined as per Equation 1 to be 0.0324 SFEs per parcel in the Foothill Zone and 0.04012 per parcel in the Extreme Foothill Zone. Open space and agricultural land have minimal improvements and few, if any; structures that require defensible space, and are assigned benefit “per acre.” The relative benefit for open space properties was determined as per Equation 1 to be 0.0181 SFEs per acre in the Foothill Zone and 0.0224 per acre in the Extreme Foothill Zone. The relative benefit for agricultural properties was determined as per Equation 1 to be 0.0809 SFEs per acre in the Foothill Zone and 0.1002 per acre in the Extreme Foothill Zone.

OTHER PROPERTIES

Institutional properties such as publicly owned properties (and are used as such), for example, churches, are assessed at 0.3841 per parcel in the Foothill zone and 0.4762 per

Parcel in the Extreme Foothill zone. The relative benefit for storage properties was determined as per Equation 1 to be 0.0952 SFEs per acre in the Foothill Zone and 0.1180 per acre in the Extreme Foothill Zone.

Article XIID, Section 4 of the California Constitution states that publicly owned properties shall not be exempt from assessment unless there is clear and convincing evidence that those properties receive no special benefit.

All public properties that are specially benefited are assessed. Publicly owned property that is used for purposes similar to private residential, commercial, industrial or institutional uses is benefited and assessed at the same rate as such privately owned property.

SUMMARY OF BENEFITS FOR EACH PROPERTY TYPE

Table 5 summarizes the relative benefit for each property type.

TABLE 7 - RELATIVE BENEFIT FACTORS FOR FOOTHILL AND EXTREME FOOTHILL ZONES

Property Type	Foothill Zone		Extreme Foothill Zone	
	Benefit Factors (SFES)	Unit	Benefit Factors (SFES)	Unit
Single Family	1.0000	per each	1.2400	per each
Multi-Family	0.3683	per unit	0.4567	per unit
Commercial/Industrial	0.8187	per acre	1.0152	per acre
Office	0.7058	per acre	0.8752	per acre
Institutional	0.3841	per each	0.4763	per each
Storage	0.0952	per acre	0.1181	per acre
Agricultural	0.0809	per acre	0.1003	per acre
RangeLand	0.0181	per acre	0.0225	per acre
Vacant	0.0324	per each	0.0402	per each

APPEALS OF ASSESSMENTS LEVIED TO PROPERTY

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment may file a written appeal with the Fire Chief of the City of Santa Barbara Fire Department or his or her designee. Any such appeal is limited to correction of an assessment during the then current fiscal year. Upon the filing of any such appeal, the Chief or his or her designee will promptly review the appeal and any information provided by the property owner. If the Chief or his or her designee finds that the assessment should

be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the Chief or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the Chief or his or her designee shall be referred to the City Council and the decision of the Council shall be final.

ADDITIONAL BACKGROUND ON RELATIVE BENEFIT

In essence, when property owners are deciding how to cast their ballot for a proposed assessment, each property owner must weigh the perceived value of the Services proposed to them and their property with the proposed cost of the assessment to their property. If property owners of a certain type of property are either opposed or in support of the assessment in much greater percentages than owners of other property types, this is an indication that, as a group, these property owners perceive that the proposed assessment has relatively higher or lower “utility” or value to their property relative to owners of other property types. One can also infer from these hypothetical ballot results, that the apportionment of benefit (and assessments) was too high or too low for that property type. In other words, property owners, by their balloting, ultimately indicate if they perceive the special benefits to their property to exceed the cost of the assessment, and, as a group, whether the determined level of benefit and proposed assessment (the benefit apportionment made by the Assessment Engineer) is consistent with the level of benefits perceived by the owners of their type of property relative to the owners of other types of property.

DURATION OF THE ASSESSMENT

The duration of the assessment is one year, and may be renewed each year by a vote of the City Council. The assessment cannot be increased in future years without approval from property owners in another assessment ballot proceeding, except for an annual adjustment tied to the change in the Los Angeles-Riverside-Orange County Area Consumer Price Index, not to exceed 4% per year.

CRITERIA AND POLICIES

This sub-section describes the criteria that shall govern the expenditure of assessment funds and ensures equal levels of benefit for properties of similar type. The criteria established in this Report, as finally confirmed, cannot be substantially modified; however, the Council may adopt additional criteria to further clarify certain criteria or policies established in this Report or to establish additional criteria or policies that do not conflict with this Report.

ASSESSMENT FUNDS MUST BE EXPENDED WITHIN THE FOOTHILL AND EXTREME FOOTHILL ZONES

The net available assessment funds, after incidental, administrative, financing and other costs, shall be expended exclusively for Services within the boundaries of the Assessment District, namely, the Foothill and Extreme Foothill Zones.

EXISTING GENERAL FUNDS

Prior to formation, Wildland Fire Services were funded with approximately \$200,000 from the City of Santa Barbara general fund. The intent of the program is that this general fund revenue will be maintained by the City to the extent feasible and the assessment will augment the current funding and services. Further, a portion of the general fund revenue is needed to pay for any and all general benefits from the wildland fire Services, as described above.

ASSESSMENT

WHEREAS, the City Council of the City of Santa Barbara is proceeding with the proposed levy of assessments under California Government Code sections 50078 et seq. (the "Code") and Article XIID of the California Constitution (the "Article");;

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the Services upon all assessable parcels within the Assessment District;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Code and Article and the order of the Council of said City, hereby make the following assessment to cover the portion of the estimated cost of said Services, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for said Services and the expense incidental thereto, to be paid by the Assessment District for the fiscal year 2010-11 is generally as follows:

SUMMARY COST ESTIMATE

	FY 2010-11 <u>Budget</u>
Evacuation Planning – Evacuation Roadway Clearing	\$ 72,000
Defensible Space	\$ 77,534
Vegetation Management	<u>\$ 83,000</u>
Total for Installation, Maintenance and Servicing	\$232,534
Less: Contribution for General Benefits	<u>(\$ 19,275)</u>
Incidental Costs:	
Administration and Project Management	\$ 5,000
Allowance for County collection	<u>\$ 3,225</u>
Subtotal – Incidentals	\$ 8,225
Total Wildland Fire Suppression Assessment District Budget	\$221,484

An Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Assessment District. The distinctive number of each parcel or lot of land in said Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion said net amount of the cost and expenses of said Services, including the costs and expenses incident thereto, upon the parcels and lots of land within said Assessment District, in accordance with the special benefits to be received by each parcel or lot, from the Services, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessment is subject to an annual adjustment tied to the annual change in the Consumer Price Index for the Los Angeles-Riverside-Orange County Area as of January of each succeeding year, with the maximum annual adjustment not to exceed 4%.

In the event that the actual assessment rate for any given year is not increased by an amount equal to the maximum of 4% or the yearly CPI change plus any CPI change in previous years that was in excess of 4%, the maximum authorized assessment shall increase by this amount. In such event, the maximum authorized assessment shall be equal to the base year assessment as adjusted by the increase to the CPI, plus any and all CPI adjustments deferred in any and all prior years. The CPI change above 4% can be used in a future year when the CPI adjustment is below 4%. For 2010-11, the allowable CPI increase is 1.83%. However, no CPI increase will be applied for 2010-11.

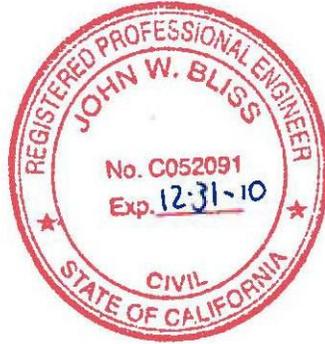
The proposed rates for 2010-11 will remain the same as they were for 2009-10 and, are \$69.83 per single family home in the Foothill Zone and \$86.58 per single family home in the Extreme Foothill Zone. The total revenue derived from the assessment is \$221,484.00

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the City of Santa Barbara for the fiscal year 2010-11. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of Santa Barbara County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2010-11 for each parcel or lot of land within the said Assessment District.

Dated: May 4, 2010

Engineer of Work



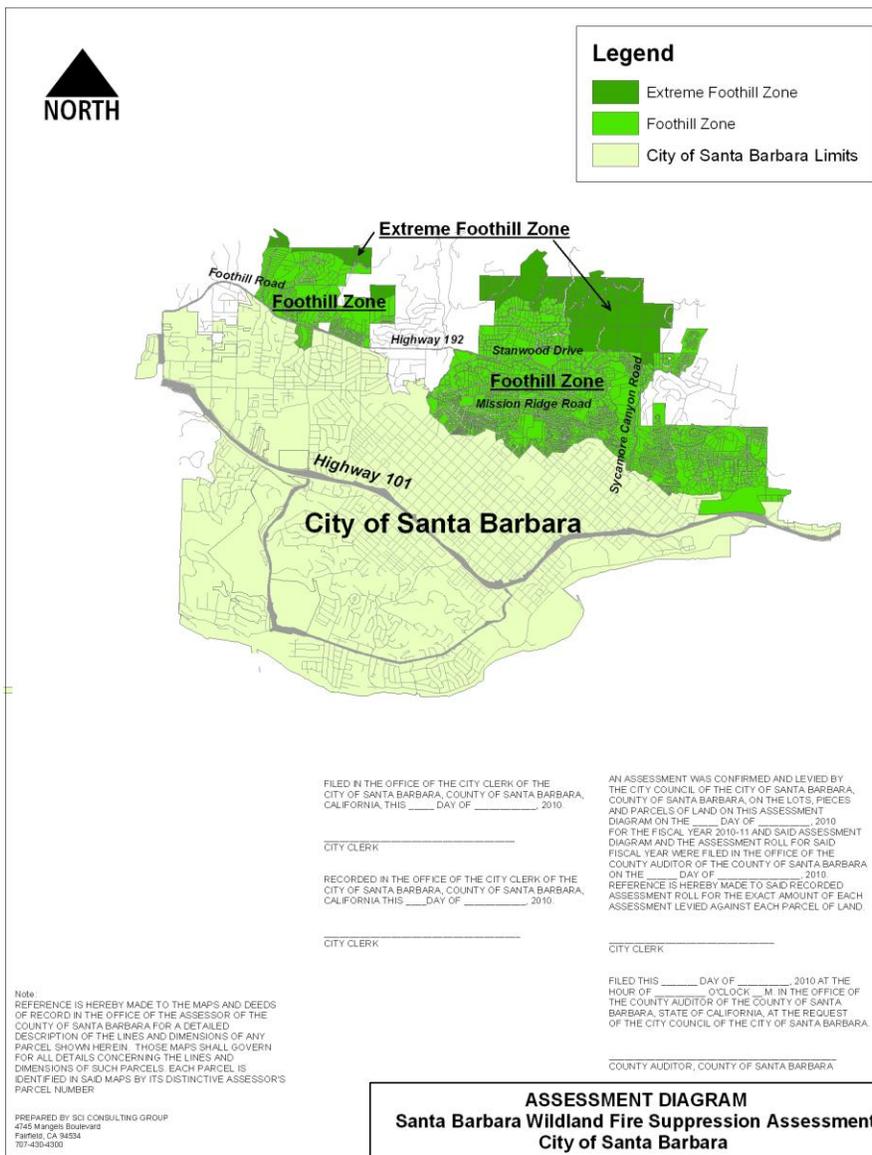
By

A handwritten signature in blue ink that reads "John W. Bliss". The signature is written over a horizontal line.

John W. Bliss, License No. C052019

ASSESSMENT DIAGRAM

The Assessment District includes all properties within the boundaries of the Wildland Fire Services District. The boundaries of the Assessment District are displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions as shown on the maps of the Assessor of the County of Santa Barbara, for fiscal year 2010-11, and are incorporated herein by reference, and made a part of this Diagram and this Report.



APPENDICES

APPENDIX A – ASSESSMENT ROLL, FY 2010-11

The Assessment Roll is made part of this report and is available for public inspection during normal office hours. Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference, made part of this report. These records shall govern for all details concerning the description of the lots of parcels.

APPENDIX B – CALIFORNIA GOVERNMENT CODE SECTION 50078 ET. SEQ.

50078. Any local agency which provides fire suppression services directly or by contract with the state or a local agency may, by ordinance or by resolution adopted after notice and hearing, determine and levy an assessment for fire suppression services pursuant to this article. The assessment may be made for the purpose of obtaining, furnishing, operating, and maintaining fire suppression equipment or apparatus or for the purpose of paying the salaries and benefits of firefighting personnel, or both, whether or not fire suppression services are actually used by or upon a parcel, improvement, or property.

50078.1. As used in this article:

(a) "Legislative body" means the board of directors, trustees, governors, or any other governing body of a local agency specified in subdivision (b).

(b) "Local agency" means any city, county, or city and county, whether general law or chartered, or special district, including a county service area created pursuant to the County Service Area Law, Chapter 2.2 (commencing with Section 25210.1) of Part 2 of Division 2 of Title 3.

(c) "Fire suppression" includes firefighting and fire prevention, including, but not limited to, vegetation removal or management undertaken, in whole or in part, for the reduction of a fire hazard.

50078.2. (a) The ordinance or resolution shall establish uniform schedules and rates based upon the type of use of property and the risk classification of the structures or other improvements on, or the use of, the property. The risk classification may include, but need not be limited to, the amount of water required for fire suppression on that property, the structure size, type of construction, structure use, and other factors relating to potential fire and panic hazards and the costs of providing the fire suppression by the district to that property. The assessment shall be related to the benefits to the property assessed.

(b) The benefit assessment levies on land devoted primarily to agricultural, timber, or livestock uses, and being used for the commercial production of agricultural, timber, or livestock products, shall be related to the relative risk to the land and its products. The amount of the assessment shall recognize normal husbandry practices that serve to mitigate risk, onsite or proximate water availability, response time, capability of the fire suppression service, and any other factors which reflect the benefit to the land resulting from the fire suppression service provided. A benefit assessment shall not be levied for wildland or watershed fire suppression on land located in a state responsibility area as

defined in Section 4102 of the Public Resources Code. This subdivision is not applicable to any benefit assessment levied prior to January 1, 1984, on land devoted primarily to agricultural, timber, or livestock uses.

50078.3. Any ordinance or resolution adopted by a local agency pursuant to this article establishing uniform schedules and rates for assessments for fire suppression services which substantially conforms with the model ordinance which the State Fire Marshal is authorized to adopt pursuant to Section 13111 of the Health and Safety Code shall be presumed to be in compliance with the requirements of Section 50078.2.

50078.4. The legislative body of the local agency shall cause to be prepared and filed with the clerk of the local agency a written report which shall contain all of the following:

- (a) A description of each lot or parcel of property proposed to be subject to the assessment.
- (b) The amount of the assessment for each lot or parcel for the initial fiscal year.
- (c) The maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year.
- (d) The duration of the assessment.
- (e) The basis of the assessment.
- (f) The schedule of the assessment.
- (g) A description specifying the requirements for protest and hearing procedures for the proposed assessment pursuant to Section 50078.6.

50078.5. (a) The legislative body may establish zones or areas of benefit within the local agency and may restrict the imposition of assessments to areas lying within one or more of the zones or areas of benefit established within the local agency.

(b) The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the local agency, zone, or area of benefit. The assessment may be levied against any parcel, improvement, or use of property to which such services may be made available whether or not the service is actually used.

50078.6. The clerk of the local agency shall cause the notice, protest, and hearing procedures to comply with Section 53753. The mailed notice shall also contain the name and telephone number of the person designated by the legislative body to answer inquiries regarding the protest proceedings.

50078.13. The local agency shall pay the county for costs, if any, incurred by the county in conducting the election. An election called by a legislative body pursuant to this article is subject to all provisions of the Elections Code applicable to elections called by the local agency. The local agency may recover the costs of the election and any other costs of preparing and levying the assessment from the proceeds of the assessment.

50078.16. The legislative body may provide for the collection of the assessment in the same manner, and subject to the same penalties as, other fees, charges, and taxes fixed and collected by, or on behalf of the local agency. If the assessments are collected by the county, the county may deduct its reasonable costs incurred for that service before remittal of the balance to the local agency's treasury.

50078.17. Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure applies to any judicial action or proceeding to validate, attack, review, set aside, void, or annul an ordinance or resolution levying an assessment or modifying or amending an existing ordinance or resolution. If an ordinance or resolution provides for an automatic adjustment in an assessment, and the automatic adjustment results in an increase in the amount of an assessment, any action or proceeding to attack, review, set aside, void, or annul the increase shall be commenced within 90 days of the effective date of the increase. Any appeal from a final judgment in the action or proceeding brought pursuant to this section shall be filed within 30 days after entry of the judgment.

50078.19. This article does not limit or prohibit the levy or collection of any other fee, charge, assessment, or tax for fire suppression services authorized by any other provisions of law.

50078.20. Any fire protection district may specifically allocate a portion of the revenue generated pursuant to this article to pay the interest and that portion of the principal as will become due on an annual basis on indebtedness incurred pursuant to Section 8589.13 of this code and Section 13906 of the Health and Safety Code.

APPENDIX C – ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

Proposition 218 was approved by voters as a Constitutional Amendment on November 6, 1996. It became Article XIIC and Article XIID of the California State Constitution and has imposed additional requirements for assessment districts. Following is a summary of the Article.

SEC.1. Application. Notwithstanding any other provision of law, the provisions of this article shall apply to all assessments, fees and charges, whether imposed pursuant to state statute or local government charter authority. Nothing in this article or Article XIIC shall be construed to:

- (a) Provide any new authority to any agency to impose a tax, assessment, fee, or charge.
- (b) Affect existing laws relating to the imposition of fees or charges as a condition of property development.
- (c) Affect existing laws relating to the imposition of timber yield taxes.

SEC. 2. Definitions. As used in this article:

- (a) "Agency" means any local government as defined in subdivision (b) of Section 1 of Article XIIC.
- (b) "Assessment" means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment" and "special assessment tax."
- (c) "Capital cost" means the cost of acquisition, installation, construction, reconstruction, or replacement of a permanent public improvement by an agency.
- (d) "District" means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service.
- (e) "Fee" or "charge" means any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service.
- (f) "Maintenance and operation expenses" means the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care, and supervision necessary to properly operate and maintain a permanent public improvement.

- (g) "Property ownership" shall be deemed to include tenancies of real property where tenants are directly liable to pay the assessment, fee, or charge in question.
- (h) "Property-related service" means a public service having a direct relationship to property ownership.
- (i) "Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."

SEC. 3. Property Taxes, Assessments, Fees and Charges Limited.

- (a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except: (1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A. (2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A. (3) Assessments as provided by this article. (4) Fees or charges for property related services as provided by this article.
- (b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

SEC. 4. Procedures and Requirements for All Assessments.

- (a) An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.
- (b) All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

- (c) The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.
- (d) Each notice mailed to owners of identified parcels within the district pursuant to subdivision (c) shall contain a ballot which includes the agency's address for receipt of the ballot once completed by any owner receiving the notice whereby the owner may indicate his or her name, reasonable identification of the parcel, and his or her support or opposition to the proposed assessment.
- (e) The agency shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.
- (f) In any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.
- (g) Because only special benefits are assessable, electors residing within the district who do not own property within the district shall not be deemed under this Constitution to have been deprived of the right to vote for any assessment. If a court determines that the Constitution of the United States or other federal law requires otherwise, the assessment shall not be imposed unless approved by a two-thirds vote of the electorate in the district in addition to being approved by the property owners as required by subdivision (e).

SEC. 5. Effective Date.

Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

- (a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.
- (b) Any assessment imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.
- (c) Any assessment the proceeds of which are exclusively used to repay bonded indebtedness of which the failure to pay would violate the Contract Impairment Clause of the Constitution of the United States.
- (d) Any assessment which previously received majority voter approval from the voters voting in an election on the issue of the assessment. Subsequent increases in those assessments shall be subject to the procedures and approval process set forth in Section 4.

APPENDIX D - SANTA BARBARA CITY MUNICIPAL CODE, ORDINANCE 5439 AND ENHANCEMENTS

Note: In 2007, by Ordinance # 5439, the City of Santa Barbara adopted the International Fire Code (2006 Edition) including Appendix Chapter 1, Appendix Chapter 4, and Appendices B, C and H, published by the International Code Council, and including the 2007 California Fire Code, Title 24, Part 9 of the California Code of Regulations. The Fire Code, as adopted, has been codified by the City into the Municipal Code 8.04.

Previously, during the establishment of the assessment, the City, by Ordinance # 5257 had adopted the 2001 California Fire Code, Appendix IIA which addresses the "Suppression and Control of Hazardous Fire Areas." These Hazardous Fire Areas are the City's designated high fire hazard areas. Vegetation Road Clearance and Defensible Space are addressed under this code as follows:

Section 17 - "Clearance of Brush Or Vegetative Growth From Roadways"

The owner occupant or other person in control of any real property (vacant or developed) in, upon, or adjoining hazardous fire areas, and the owner, occupant or other person in control of real property adjacent to such property shall at all times:

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

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

2. Maintain an area cleared of all overhanging vegetation for a vertical clearance of not less than 13 feet 6 inches within the full portion of highways and private streets which are improved, designed or ordinarily used for vehicular traffic. The full portion shall include the drivable roadway and one foot on each side from the edge of the roadway.

Adoption of the Wildland Fire Plan on May 4, 2004 enhanced defensible space requirements under ordinance 5257 to read as follows:

Section 16 - "Clearance Of Brush Or Vegetative Growth From Structures"

16.1 General. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

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

Coastal Interior - 30 to 50 feet brush clearance from structures

Coastal - 50 to 70 feet brush clearance from structures

Foothill - 100 feet brush clearance from structures

Extreme Foothill - 150 feet brush clearance from structures

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

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

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

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

4. Maintain trees adjacent to or overhanging a building free of deadwood,

and

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

END NOTES

- ¹ Insurance Services Offices Inc.
<http://www.rockwall.com/FireDepartment/Insurance%20Services%20Office%20Rating%20Information.pdf>
- ² Institute for Business & Home Safety, "Protect Your Home Against Wildfire Damage,"
<http://www.ibhs.org/publications/view.asp?id=125>
- ³ Institute for Business & Home Safety, "Is Your Home Protected from Wildfire Damage? A Homeowner's Guide to Retrofit," <http://www.ibhs.org/publications/view.asp?id=130>
- ⁴ U.S. Fire Administration, Department of Homeland Security, "America Burning, Recommissioned: Principal Findings and Recommendations," p.1,
<http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF>
- ⁵ U.S. Fire Administration, Department of Homeland Security, "America Burning, Recommissioned: Principal Findings and Recommendations," p.2,
<http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF>
- ⁶ Insurance Services Offices Inc., p. 1,
<http://www.rockwall.com/FireDepartment/Insurance%20Services%20Office%20Rating%20Information.pdf>
- ⁷ Renewable Natural Resources Foundation, "Workshop on National Parks Fire Policy: Goals, Perceptions, and Reality," Renewable Resources Journal, Volume 11, Number 1, Spring 1993, p. 6
- ⁸ Weldon, Leslie A. C., "Dealing with Public Concerns in Restoring Fire to the Forest," General Technical Report INT-GTR-341 The Use of Fire in Forest Restoration, U.S. Forest Service, June 1996, p. 3
- ⁹ U.S. Forest Service, Department of Agriculture, "Social Science to Improve Fuels Management: A Synthesis of Research on Aesthetics and Fuels Management," p. 1,
http://ncrs.fs.fed.us/pubs/qtr/qtr_nc261.pdf
- ¹⁰ U.S. Forest Service, Department of Agriculture, "Social Science to Improve Fuels Management: A Synthesis of Research on Aesthetics and Fuels Management," p. 25,
http://ncrs.fs.fed.us/pubs/qtr/qtr_nc261.pdf

¹¹ Weldon, Leslie A. C., "Dealing with Public Concerns in Restoring Fire to the Forest," General Technical Report INT-GTR-341 The Use of Fire in Forest Restoration, U.S. Forest Service, June 1996, p. 2

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Regular Meeting
April 13, 2010
Council Chamber, 735 Anacapa Street

CALL TO ORDER

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

ROLL CALL

Agency members present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Das Williams, Chair Schneider.

Agency members absent: None.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Housing and Redevelopment Manager Brian Bosse, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR (Item Nos. 1 – 3)

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Minutes (14)

Recommendation: That the Redevelopment Agency Board waive the reading and approve the minutes of the special meeting of March 23, 2010.

Action: Approved the recommendation.

2. Subject: Redevelopment Agency Fiscal Year 2010 Interim Financial Statements For The Eight Months Ended February 28, 2010 (15)

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

Action: Approved the recommendation (April 13, 2010, report from the Interim Fiscal Officer).

3. 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 (330.03/16)

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).

ADJOURNMENT

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

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
CHAIR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 4, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of The Santa Barbara Airport Airline Terminal Passenger Boarding Bridges

RECOMMENDATION: That Council:

- A. Receive a progress report on the Airline Terminal Improvement Project;
- B. Award a contract with JBT AeroTech (JBT), waiving minor irregularities in their low bid amount of \$2,251,639 for the base bid plus bid alternate 1, for construction of the Santa Barbara Airport Airline Terminal Passenger Boarding Bridges Project (Project), Bid No. 3611; and
- C. Authorize the Public Works Director to approve expenditures up to \$225,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

DISCUSSION:

PROJECT DESCRIPTION

The work consists of constructing passenger boarding bridges at the Santa Barbara Airport Airline Terminal. It was determined that the bridges could be constructed at a lower cost if they were bid independently from the larger terminal project.

CONTRACT BIDS

A total of two bids were received for the subject work, ranging as follows:

BIDDER	BID AMOUNT
1. JBT AeroTech Ogden, UT	\$2,251,639
2. ThyssenKrup Airport Systems Forth Worth, TX	\$2,879,252

JBT had a minor irregularity with their bid in that they did not fill out the acknowledgement to Addendum No. 1 in the contractor's proposal. JBT sent written clarification after the receipt of bid, stating that they received and reviewed Addendum No. 1 prior to submitting the bid, and their pricing reflected the items covered by the addenda.

The low bid of \$2,251,639, submitted by JBT, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$225,000, or 10%, is typical for this type of work and size of project.

FUNDING

This project is funded by the Airport Bond Fund. There are sufficient appropriated funds in the Airport Bond Fund to cover the cost of this Project.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
JBT AeroTech	\$2,251,639	\$225,000	\$2,476,639
TOTAL RECOMMENDED AUTHORIZATION			\$2,476,639

The following summarizes all Project design costs, construction contract funding, and other Project costs:

ESTIMATED TOTAL PROJECT COST

Design (by Contract or City staff)	\$100,000
Other Design Costs - City staff	\$5,000
Subtotal	\$105,000
Construction Contract	\$2,251,639
Construction Change Order Allowance	\$225,000
Subtotal	\$2,476,639
Construction Management/Inspection by City Staff	\$5,000
Subtotal	\$5,000
TOTAL PROJECT COST	\$2,586,639

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PREPARED BY: Owen Thomas, Principal Engineer/Leif Reynolds/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 330.03

CITY OF SANTA BARBARA

REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: May 4, 2010

TO: Chairperson and Boardmembers

FROM: Housing and Redevelopment Division, Community Development Department

SUBJECT: Conference With Real Property Negotiators

RECOMMENDATION:

That the Redevelopment Agency Board hold a closed session to consider instructions to its negotiators regarding the possible long-term lease of a Redevelopment Agency-owned property located at 224 Chapala Street/209 State Street, Assessor's Parcel Number 033-042-012, in the City of Santa Barbara. Instructions to negotiators will direct staff regarding the price and terms of payment of a possible lease of the Agency-owned property with FirstGroup America, Inc. ("Greyhound"). Negotiations are held pursuant to the authority of Section 54956.8 of the Government Code. Agency negotiators are: Brian J. Bosse, Housing and Redevelopment Manager; Paul Casey, Assistant City Administrator; and Sarah Knecht, Assistant Agency Counsel. Negotiator for potential lessee is Ruth Ann Costa, District Manager, Greyhound.

Under negotiation: Price and terms of payment of a possible ground lease.

SCHEDULING:

Duration, 20 minutes; anytime

REPORT:

None anticipated

PREPARED BY: Brian J. Bosse, Housing and Redevelopment Manager/MEA

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 4, 2010

TO: Mayor and Councilmembers

FROM: Risk Management Division, Finance Department

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. Pending litigation considered is: ***Lawrence Larson v. City of Santa Barbara, WCAB, case number RIV 0081778, RIV 0081741.***

SCHEDULING: Duration, 10 minutes; anytime

REPORT: None anticipated

PREPARED BY: Mark W. Howard, Risk Analyst

SUBMITTED BY: Robert Samario, Interim Finance Director

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