



Agenda Item No. \_\_\_\_\_

File Code No. 640.04

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 15, 2010

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Introduction Of Ordinance Amendments Related To Construction Prohibited In The Vicinity Of The Conejo Landslide

### **RECOMMENDATION:**

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the City Council of the City of Santa Barbara Amending Title 22 of the Santa Barbara Municipal Code in Order to Amend Chapter 22.90 Pertaining to the Extent of the Revised Slide Mass C Area Covered by the City's 1997 Conejo Slide Area Ordinance in Order to Reduce the Area of Slide Mass C in Accordance with New Geological Information and to Allow Certain Limited New Non-habitable Improvements and Historic Resources to be Built Under Certain Circumstances.

### **DISCUSSION:**

The recommendation before City Council is to: 1) amend the existing "Map of the Conejo Slide Area" in accordance with the Grover Hollingsworth and Associates, Inc. geotechnical report dated May 29, 2009 that relocates the Slide Mass C boundary of the Conejo Landslide, allowing for reconstruction of four homes destroyed in the Tea Fire (see map as part of ordinance); 2) clarify the definition of "new construction" in Municipal Code Chapter 22.90; 3) allow some minor, non-habitable building construction within the current 25-foot buffer zone around the Slide Mass C boundary; and, 4) allow designated historic structures to be reconstructed within the Slide Mass C area of the Conejo Landslide.

In 1984, City Council adopted Municipal Code Chapter 22.90, "Construction Prohibited In The Vicinity Of The Conejo Road Landslide" due to active slide movement in the Conejo area. Municipal Code Chapter 22.90 prohibits all new construction, with some minor exceptions, on parcels located entirely or partially within the boundary of Slide Mass C (the most active portion of the Conejo Landslide). To date, approximately eight homes and structures have succumbed to landslide movement. Other homes continue to experience foundation settlement, cracking of slabs, collapse of sewers, exterior stucco cracking, movement of utilities, and severe cracking or collapse of block walls and fences, among other detrimental affects upon private property. The Ealand Place

cul-de-sac, located at the top of the Conejo Landslide, continues to slide and is severely sloped. This has rendered the cul-de-sac non-drivable. Clearly, the real potential for a major landslide, especially in the event of an earthquake, remains a significant public health and safety concern for the Conejo area.

At the request of several property owners in the Slide Mass C area, the City reviewed a geologic report prepared by the firm of Grover-Hollingsworth and Associates in May 2009. The City's Chief Building Official commissioned a peer review of the report by Frank J. Kenton, an experienced geologist very familiar with the history of the Conejo Slide area and its underlying geologic conditions. Mr. Kenton's geological review, dated December 17, 2009, recommends revisions to the map defining the boundary of the Slide Mass C area. The revisions reduce the northern extent of the slide mass and slightly move to the southeastern boundary of the slide mass. These revisions would allow for reconstruction of several homes destroyed in the Tea Fire with the implementation of several special construction conditions. City staff is recommending an amendment of the existing "Map of the Conejo Slide Area" consistent with Mr. Kenton's recommendations.

Special construction conditions would be applicable to homes identified in the Grover Hollingsworth and Associates geotechnical report dated May 29, 2009 and Frank J. Kenton's geological review of the Grover Hollingsworth report dated December 17, 2009. Some of these conditions may include foundation inspections to be performed by a California Registered Engineering Geologist to confirm earth materials encountered are as described in the Preliminary Geologic and Soils Engineering Reports; that the location of the Slide Mass C boundary has been positively located on the site; that should there be a change in the consultant record, the new consultant must sign a statement with the City that they accept all geologic and soils engineering design and interpretations in the Grover Hollingsworth report dated May 29, 2009 and subsequent documents.

Other proposed ordinance amendments include adding a sentence to the definition of "New Construction" to clarify that under **Section 22.90.090 C. (i) "routine repairs and maintenance"** does not apply to structures which have either become dangerous buildings as defined in the 1997 Uniform Code for the Abatement of Dangerous Buildings, or that have been destroyed by fire, flood, wind, earthquake, landslide or other calamity or act of God or the public enemy, and shall not be permitted to be reconstructed or otherwise rebuilt.

City staff are also proposing to amend **Section 22.90.040 Exception: Designs by Engineering Geologist** by adding sections to allow some non-habitable improvements within 25 feet of the Slide Mass boundary but not closer than 10 feet. These non-habitable improvements would include walkways, retaining and non-retaining walls, driveways, storage sheds and other amenities as deemed appropriate by the Chief

Building Official. Septic systems, sewers, sewer laterals, water piping and landscaping sprinklers would continue to be prohibited within the 25-foot setback. Staff is also recommending that designated Historic Structures within the Conejo Landslide Area be allowed to be reconstructed in accordance with the provisions of the State Historic Building Code. However, a geotechnical engineer's recommendation for foundation design and oversight on the project will also be required.

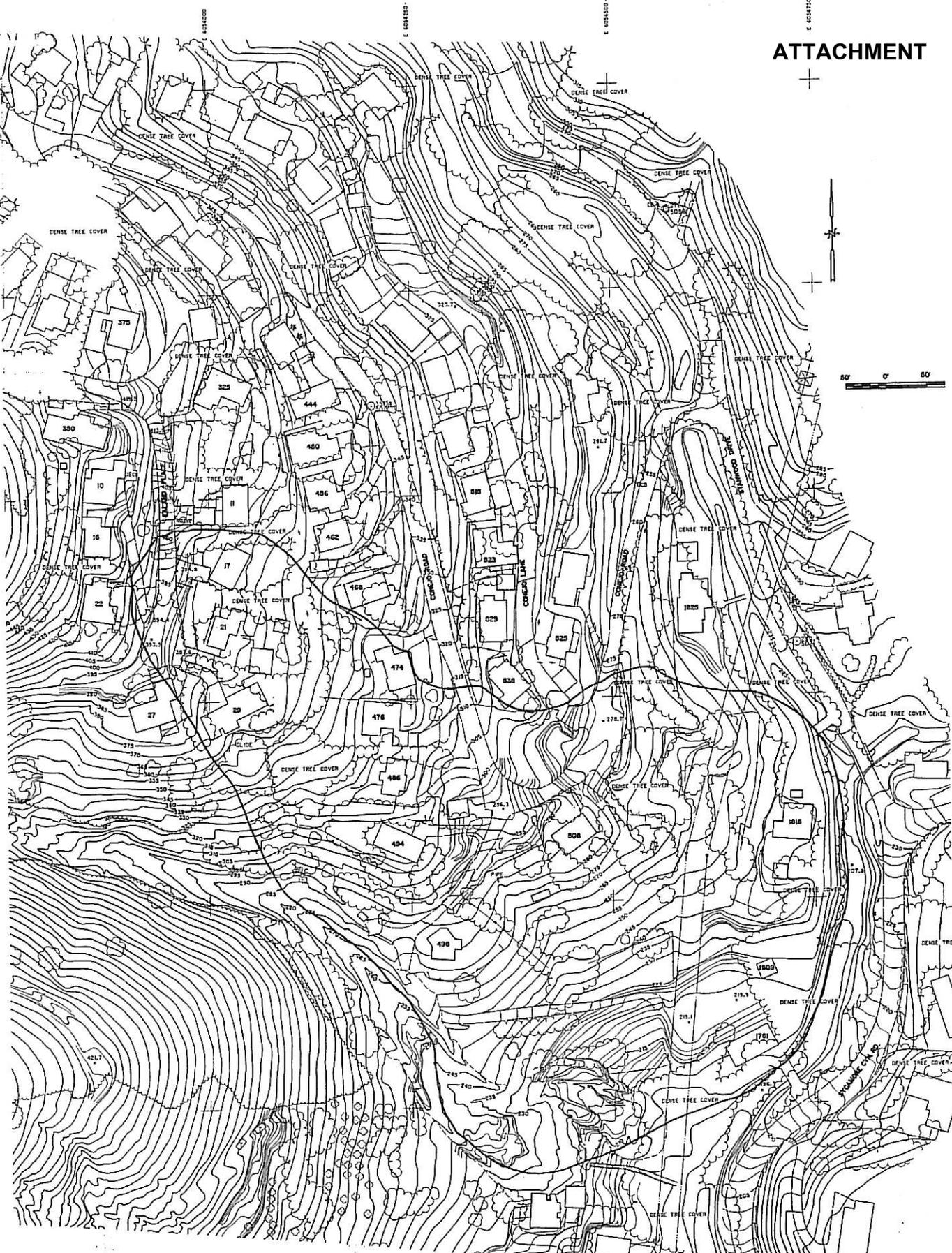
Permit applications have been submitted to the City for homes currently included in the Conejo Landslide Area that would not be allowed to be rebuilt under the current ordinance. Should the Council approve the revised Conejo Landslide Mass C boundary change and other amendments as proposed, the review process for approval of the plans for the reconstruction of these homes could be reinitiated.

The proposed ordinance amendments are categorically exempt from the California Environmental Quality Act of 1970 (CEQA) pursuant to CEQA Guidelines Sections 15308 and 15331. The proposed amendments would not modify in any way other requirements contained in the California Building Code, State Historic Building Code, and the City's Municipal Code that ensure that developments do not pose significant threat to public health and safety. The proposed amended Map of the Conejo Slide Area and associated special construction conditions have also been reviewed and recommended by California Certified Engineering Geologist Frank J. Kenton for the City's Chief Building Official on August 5, 2009. The proposed amendments, therefore, would not result in significant effects on geologic hazards or other environmental resources.

On May 11, 2010, the Ordinance Committee reviewed and approved submitting the Conejo Landslide Ordinance Amendments to City Council.

**ATTACHMENT:** Revised Conejo Slide Area Map  
**PREPARED BY:** George A. Estrella, Chief Building Official  
**SUBMITTED BY:** Paul Casey, Assistant City Administrator/Community Development  
**APPROVED BY:** City Administrator's Office

ATTACHMENT



REVISED CONEJO LANDSLIDE MAP  
MARCH 1, 2010