

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

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Mayor Pro Tempore/Vice Chair
Bendy White
Ordinance Committee Chair
Das Williams
Finance Committee Chair
Dale Francisco
Frank Hotchkiss
Michael Self



James L. Armstrong
*City Administrator/
Executive Director*

Stephen P. Wiley
City Attorney/Agency Counsel

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

**OCTOBER 19, 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

- 12:30 p.m. - Ordinance Committee Meeting, Council Chamber
- 2:00 p.m. - City Council Meeting
- 2:00 p.m. - Redevelopment Agency Meeting

ORDINANCE COMMITTEE MEETING - 12:30 P.M. IN THE COUNCIL CHAMBER (120.03)

1. Subject: Amendments And Additions To Adopted Building Codes

Recommendation: That the Ordinance Committee recommend that Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Chapter 22.04, Adopting by Reference the California State Building Codes and Other Related Codes, Adopting Local Revisions to Those Codes, and Repealing Ordinance Numbers 5440 and 5451.

2. Subject: 2010 Fire Code Adoption

Recommendation: That the Ordinance Committee review and recommend for approval to the City Council an ordinance repealing Santa Barbara Municipal Code Chapter 8.04 and adopting a new Chapter 8.04, adopting by reference the 2009 Edition of the International Fire Code, including Appendix Chapter 4 and Appendices B, BB, C, CC and H of that Code, and the 2010 California Fire Code, with local amendments to both codes.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

CITY COUNCIL

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of October 5, 2010.

2. Subject: Santa Barbara Cottage Hospital Seismic Compliance And Modernization Project (700.09)

Recommendation: That Council revise the final allocation of Community Priority square footage to include an additional 10,600 square feet from the Economic Development Category for the Santa Barbara Cottage Hospital (SBCH) Seismic Compliance and Modernization Project.

3. Subject: Introduction Of Ordinance For A 15-Year Lease With Conway Vineyards, Incorporated, For The Wine Tasting Room At 217-G Stearns Wharf (330.04)

Recommendation: That Council approve a 15-year lease with Conway Vineyards, Inc., and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a 15-Year Lease of the Premises Located at 217-G Stearns Wharf with Conway Vineyards, Inc., Effective November 25, 2010.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

4. Subject: Increase In Construction Change Order Authority For The Marina One Replacement Project - Phases II - IV (570.03)

Recommendation: That Council:

- A. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Marina One Replacement Project - Phases II - IV (Project), Contract No. 23,532 in the amount of \$164,825, for a total project change order expenditure authority of \$586,325; and
- B. Increase appropriations and estimated revenues by \$4,060,000 in the Waterfront Capital Fund to cover the cost of the Project, funded from a loan from the Department of Boating and Waterways (DBAW).

5. Subject: Fiscal Year 2011 Interim Financial Statements For The Two Months Ended August 31, 2010 (250.02)

Recommendation: That Council accept the Fiscal Year 2011 Interim Financial Statements for the Two Months Ended August 31, 2010.

REDEVELOPMENT AGENCY

6. Subject: Redevelopment Agency Fiscal Year 2010 Interim Financial Statements For The Two Months Ended August 31, 2010

Recommendation: That the Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2010 Interim Financial Statements for the Two Months Ended August 31, 2010.

NOTICES

7. The City Clerk has on Thursday, October 14, 2010, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concludes the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

8. Subject: Cachuma Joint Powers Agencies Reorganization (540.03)

Recommendation: That Council approve in concept, subject to further clarification, the Conceptual Form and Structure for the Organization of the Cachuma Conservation Release Board (CCRB) and Cachuma Operation and Maintenance Board (COMB) and authorize the City's Water Resources Manager and the City Attorney to negotiate the appropriate agreement amendments for approval by Council.

PUBLIC HEARINGS

9. Subject: Appeal Of Architectural Board Of Review Approval Of 903 West Mission Street (640.07)

Recommendation: That Council deny the appeal of Pamela Brandon and support the Architectural Board of Review's Preliminary Approval of the proposed accessory dwelling unit and new garage at 903 West Mission Street.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

10. Subject: Conference With Labor Negotiator (440.05)

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

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

CLOSED SESSIONS (CONT'D)

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Wayne Scoles v. City of Santa Barbara, et al., USDC Case No. CV09-6953 PA (RCx).

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is City of Santa Barbara v. Lighthouse & Corner, LLC, SBSC Case No. 1339761.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

ADJOURNMENT

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE MEETING

MEETING AGENDA

DATE: October 19, 2010
TIME: 12:30 p.m.
PLACE: Council Chambers

Bendy White, Chair
Grant House
Frank Hotchkiss

Office of the City
Administrator

Office of the City
Attorney

Lori Pedersen
Administrative Analyst

Stephen P. Wiley
City Attorney

ITEMS FOR CONSIDERATION

1. Subject: Amendments And Additions To Adopted Building Codes

Recommendation: That the Ordinance Committee recommend that Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Chapter 22.04, Adopting by Reference the California State Building Codes and Other Related Codes; Adopting Local Revisions to Those Codes; and Repealing Ordinance Numbers 5440 and 5451.

2. Subject: 2010 Fire Code Adoption

Recommendation: That the Ordinance Committee review and recommend for approval to the City Council an ordinance repealing Santa Barbara Municipal Code Chapter 8.04 and adopting a new Chapter 8.04, adopting by reference the 2009 Edition of the International Fire Code, including Appendix Chapter 4 and Appendices B, BB, C, CC and H of that Code, and the 2010 California Fire Code, with local amendments to both codes.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: October 19, 2010
TO: Ordinance Committee Members
FROM: Building and Safety Division, Community Development Department
SUBJECT: Amendments And Additions To Adopted Building Codes

RECOMMENDATION:

That the Ordinance Committee recommend that Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Chapter 22.04, Adopting by Reference the California State Building Codes and Other Related Codes, Adopting Local Revisions to Those Codes; and Repealing Ordinance Numbers 5440 and 5451.

DISCUSSION:

The purpose of building codes is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings.

The State of California, along with the rest of the country, adopted model building codes, which are published throughout the country on a tri-annual cycle by the International Code Council, in April of 2010, to become effective on Jan 1, 2011. State law gives local jurisdictions six months to review these codes and make necessary local amendments. Amendments, if made, can only be more stringent than what the state has approved, and must be based on one of three findings; topography, geology or climate. If local jurisdictions do not make amendments prior to the effective date, then these codes are deemed effective "as-is."

While the ordinance before you appears to be quite large, most of the amendments are merely continuations of previous amendments.

Another factor influencing the number of amendments proposed is that this year we have three codes that we have not had before: the California Residential Code (CRC), the California Green Building Code (CGBC) and the International Property Maintenance Code (IPMC).

The staff of the Building and Safety Division has been proactive in training for these changes, providing training seminars for our own internal training as well as for our local American Institute of Architects (AIA) and Contractor's Associations. Since almost all of these amendments are already in place with the current codes, nothing should come up as "new" to any of our constituents.

Residential & Building Code Amendments

In previous years, regulations for single-family and duplex construction were found in the California Building Code (CBC) along with the regulations for all other types of occupancies. This year, those residential regulations have been mostly removed from the CBC and put in the CRC. Being a code that is new to this state, the amendments to the Residential Code contain several sections that the state "forgot" to include, such as pedestrian protection, work in the public right-of-way, etc., but which had been included in the CBC.

Some of the code sections that have received the most amendments in both the Residential and Building Codes are the sections that regulate construction in High Fire Hazard Areas. Prior to the adoption of the 2007 edition of the codes (which have been in effect since Jan of 2008), there were no statewide regulations in this regard. Jurisdictions promulgated their own "High Fire Hazard" ordinances, and these differed substantially from jurisdiction to jurisdiction. The amendments we are proposing for these sections bring forward some of the regulations that were in our previous ordinance, while keeping in line and in conformance with the rest of the state.

The largest addition is the section on grading (Appendix J). The California "version" is only 6 pages, while ours is over 25. Due to our topography and geology, we need to have a grading ordinance which provides greater safeguards, gives more direction to our design constituents, and includes erosion/sedimentation control regulations.

We are also proposing amendments that reconcile the Residential and Building Codes with our local sprinkler ordinance and the California Fire Code. These have been worked out with our City Fire Marshall and his staff.

Green Building Code Amendments

None proposed. This is the first year of this code and the ramifications of its regulations are not known at this time. It would be difficult to make more stringent amendments without having some experience in how this code will affect the industry. We also believe that the state will be making changes at the next code cycle.

It must be noted that several of the requirements in the Green Building Code are already required in our city: Storm Water Management Program, Erosion/Sedimentation Control,

Construction Waste Recycling (State requires 50%, we require 75%), bicycle parking, water efficient landscaping & sprinkler controllers, light pollution reduction and more.

Electrical, Plumbing, Mechanical Codes

No new significant amendments are proposed. The plumbing code has some amendments that are being brought forward from our current ordinance.

Energy Code

No amendments are proposed. The proposals for a more efficient energy code (“Reach Codes”) are being pursued under a separate track.

International Property Maintenance Code

No significant amendments are proposed. The one that is proposed eliminates the creation of a separate Department to enforce this code.

Historic Building Code

No amendments are proposed.

California Existing Building Code

No amendments are proposed.

- ATTACHMENT:** Draft Building Code Ordinance Amendments
- PREPARED BY:** Chris Hansen, Inspection/Plan Check Supervisor
- SUBMITTED BY:** Paul Casey, Assistant City Administrator
- APPROVED BY:** City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SANTA BARBARA MUNICIPAL CODE CHAPTER 22.04, ADOPTING BY REFERENCE THE CALIFORNIA STATE BUILDING CODES AND OTHER RELATED CODES, ADOPTING LOCAL REVISIONS TO THOSE CODES, AND REPEALING ORDINANCE NUMBERS 5440 AND 5451.

WHEREAS, uniform construction codes are developed and published every three years by the professional organization of building official experts; and

WHEREAS, these codes are adopted by the State of California and by local communities with amendments pertinent to local conditions; and

WHEREAS, the City of Santa Barbara relies on local ground and surface water for its local water supplies; and

WHEREAS, drought conditions are common occurrences within Santa Barbara and the surrounding areas; and

WHEREAS, local topography and climate present unique fire hazard and fire abatement conditions; and

WHEREAS, local geological conditions present unique geophysical hazards; and

WHEREAS, the City Council of the City of Santa Barbara finds that such local geological, topographic and climatic conditions warrant certain amendments to the model uniform codes related to construction;

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

SECTION 1. Section 22.04.010 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.010 Adoption of California Codes by Reference.

Subject to the amendments specified in Sections 22.04.020 through 22.04.070, the following Codes, certain appendix chapters, and the references therein are hereby adopted and shall be known as the City of Santa Barbara Building Code.

A. The “California Administrative Code” (2010 Edition), as published by the International Code Council (also known as Part 1 of Title 24 of the California Code of Regulations).

B. The “California Building Code” (2010 Edition), as published by the International Code Council (also known as Part 2 of Title 24 of the California Code of Regulations) including Appendix Chapters B, G, I & J.

C. The “California Residential Code” (2010 Edition), as published by the International Code Council (also known as Part 2.5 of Title 24 of the California Code of Regulations) excluding all appendices.

D. The “California Electrical Code” (2010 Edition), as based on the 2008 National Electrical Code (also known as Part 3 of Title 24 of the California Code of Regulations).

E. The “California Mechanical Code” (2010 Edition), as based on the 2009 Uniform Mechanical Code, as published by the International Association of Plumbing and Mechanical Officials (also known as Part 4 of Title 24 of the California Code of Regulations).

F. The “California Plumbing Code” (2010 Edition), as based on the 2009 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (also known as Part 5 of Title 24 of the California Code of Regulations) including the Installation Standards and Appendix Chapters G & K.

G. The “California Energy Code” (2010 Edition), as published by the International Code Council (also known as Part 6 of Title 24 of the California Code of Regulations).

H. The “California Historical Building Code” (2010 Edition), as published by the International Code Council (also known as Part 8 of Title 24 of the California Code of Regulations).

I. The “California Existing Building Code” (2010 Edition), as published by the International Code Council (also known as Part 10 of Title 24 of the California Code of Regulations).

J. The “California Green Building Code” (2010 Edition), as published by the International Code Council (also known as Part 11 of Title 24 of the California Code of Regulations).

K. The “International Property Maintenance Code” (2009 Edition), as published by the International Code Council.

L. The “Uniform Code for the Abatement of Dangerous Buildings” (1997 Edition), as published by the International Code Council.

SECTION 2. Section 22.04.020 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.020 Amendments to the California Building Code.

The California Building Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.020.

A. Section 105.1 of the California Building Code is amended by adding Sections 105.1.3 and 105.1.4 to read as follows:

105.1.3 Paving and Striping. Building permits shall be required for all paving, re-paving (including slurry coating), striping, re-striping, signage, and re-signage of parking spaces in parking lots and structures. Accessible parking spaces, access aisles, and signage shall be provided that meets currently adopted codes.

105.1.4 Demolition Permits. Permits shall be required to demolish any building, portion of a building, or structure within the City of Santa Barbara and shall be subject to the following conditions:

1. The applicant shall have all gas, electric, and water meters removed by the appropriate utility company, except such services that are approved for required use in connection with the work of demolition. The applicant shall also have a Project Clearance form signed by the utility company representatives and the Santa Barbara County Air Pollution Control District prior to the permit being issued. Exception: Portions of buildings which will not be demolished where the electrical, gas, and water services and meters are not affected.

2. All resulting building debris, trash, junk, vegetation, dead organic matter, rodent harborage, or combustible material that constitutes a threat to life, health, or property, or is detrimental to the public welfare or which may reduce adjacent property value shall be removed from the site within thirty (30) days after the demolition of the structure.

B. Section 105.2 is deleted in its entirety and readopted to read as follows:

Section 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached residential accessory structures used as tool and storage sheds, playhouses, portable and fixed playground equipment, bicycle or skateboard ramps and similar uses, provided the floor area does not exceed 120 square feet (11 m²) and the height does not exceed ten (10) feet at the highest point; and further provided the structure does not encroach into required setbacks or required open yards, does not obstruct required parking, and is not served by any utilities. The combined square footage of exempt accessory structures may not exceed 200 square feet on any single parcel.

2. Residential fences and walls not over 3 ½ feet in height, as measured from the lowest adjacent grade within 5 feet of the fence or wall, that do not adversely affect drainage or cause erosion.

3. Freestanding or movable cases, counters, and interior partitions not over 5 feet 9 inches in height, and not containing or requiring connections to electrical power or plumbing systems. A layout plan may be required as part of a tenant improvement project to ensure that the locations of these units does not interfere with the required exit and/or accessible paths of travel.

4. Residential retaining walls which are not over 4 feet in height as measured from the bottom of the footing to the top of the wall, unless the wall supports a surcharge or impounds flammable liquids, is installed on a slope 20% or greater, or the wall will tend to adversely affect drainage or cause increased erosion.

5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one 2:1.

6. Uncovered residential platforms, decks, porches, walks, and similar structures not more than eighteen 18 inches above grade and not over any basement or story below.

7. Interior painting, papering, and similar finish work.

8. Temporary motion picture, television, and theater stage sets and scenery.

9. Ground mounted radio, television and other masts or antenna or dish shaped communication reception or transmitting structures less than 3 feet in diameter, which do not extend more than 15 feet above grade and are not served by electrical circuits regulated under the National Electrical Code (NEC). Light-weight roof-mounted radio, television, and other masts or antenna or dish shaped communication reception or transmitting structures less than 2 feet in diameter, which do not extend more than 15 feet above the roof, are not served by electrical circuits regulated under the NEC, and which are not subject to design review by the Architectural Board of Review, Historic Landmarks Commission, or Single Family Design Board.

10. Permit applications shall be submitted for other miscellaneous and minor work; however, work which does not exceed \$300 in valuation may be exempted by the Chief Building Official from permits and inspections.

Electrical:

Repairs and maintenance. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations. The provisions of this code shall not apply to electrical equipment used for radio and televisions transmissions, but do apply to equipment and wiring for power supply and installations of towers and antennas.

Temporary testing systems. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

C. Section 105.4 of the California Building Code is amended by adding Section 105.4.1 to read as follows:

105.4.1 Issuance. All work authorized by building permit for other than R-3, U-1 or U-2 occupancies shall be issued to an appropriate contractor licensed in accordance with the provisions of California State Law.

D. Section 113 of the California Building Code is amended by deleting Section 113 in its entirety and readopting Section 113 to read as follows:

113. Board of Appeals. In order to hear and decide appeals of orders, decisions or determinations made by the Fire Code Official or Building Official relative to the application and interpretations of the technical codes, there shall be and is hereby created a Building and Fire Code Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and building service equipment and who are not employees of the jurisdiction. The Fire Code Official or the Building Official shall be ex officio members and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Building and Fire Code Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall abide by the rules and procedures in Appendix B of this code and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official or Building Official. This Board shall serve as the appeals boards defined in Section 1.8.8 and 1.9.1.5.

E. Section 701A.1 of the California Building Code is amended to read as follows:

701A.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings, remodels or additions to existing buildings located within a Wildland-Urban Interface Fire Area as defined in Section 702A and 701A.3.1 Item #3.

F. Section 701A.3 of the California Building Code is amended to read as follows:

701A.3 Application. New buildings, remodeled buildings or additions to existing buildings in any Fire Hazard Severity Zone or Wildland-Urban Interface Area designated by the enforcing agency constructed after the application date shall comply with this chapter.

Exceptions: Accessory and/or Group U occupancy buildings may be exempted from all or portions of this chapter upon approval of the Fire Marshall and/or Chief Building Official.

~~1. Buildings of an accessory character and classified as a Group U occupancy and not exceeding 120 sq. ft. in floor area, when located at least 30 feet from an applicable building.~~

~~2. Buildings of an accessory character classified as Group U occupancy of any size located at least 50 feet from an applicable building.~~

~~3. Buildings classified as Group U Agricultural building, as defined in Section 202 of this code, when located at least 50 feet from an applicable building.~~

~~Additions to and remodels of buildings originally constructed prior to the applicable application date.~~

G. Section 705A.2 of the California Building Code is deleted in its entirety and readopted to read as follows:

705A.2 Roof Coverings. Roof coverings on new buildings shall be class A noncombustible in accordance with adopted UBC Standards or otherwise as may be approved by the Chief Building Official. Roof coverings shall be class A or noncombustible fire retardant materials on existing buildings and additions or repairs to existing buildings. Treated or untreated wood shakes or shingles shall not be permitted, except on existing structures which are constructed with shake or shingle roofs where less than 20% of the existing roof is being replaced within a two (2) year period, provided such replacement roofing is fire retardant treated wood shakes or shingles.

H. Section 705A.4 of the California Building Code is amended to read as follows:

705A.4 Roof Gutters. Roof gutters shall be provided with the means to prevent the accumulation of leaves and debris in the gutter. All roof gutters and downspouts shall be constructed of non-combustible materials.

I. Section 705A. "Roofing" is amended by adding Section 705A.5 "Drip Edge Flashing" to read as follows:

705A.5 Drip Edge Flashing. When drip edge flashing is used at the free edges of roofing materials, it shall be non-combustible.

J. Section 706A.2 "Requirements" is amended to read as follows:

706A.2 Requirements. Ventilation openings for enclosed attics, enclosed eave soffit spaces, enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters, and underfloor ventilation openings shall be fully covered with metal wire mesh, vents, other materials, or other devices that meet the following requirements:

1. The dimensions of the openings therein shall be a minimum of 1/16th inch (1.6 mm) and shall not exceed 1/8th inch (3.2mm).

2. The materials used shall be noncombustible.

Exception to item #2: Vents located under the roof covering, along the ridge of roofs, with the exposed surface of the vent covered by noncombustible wire mesh, may be of combustible materials.

3. The materials used shall be corrosion resistant.

4. Turbine attic vents shall be equipped to allow one-way direction rotation only and shall not free spin in both directions.

5. Ventilation openings protected with vent openings that resist the intrusion of flame and embers, and which are listed by the State Fire Marshal, are exempt from complying with this sub-section.

K. Section 707A.3 of the California Building Code is amended to read as follows:

707A.3 Exterior Walls. The exterior wall covering or wall assembly shall comply with one of the following requirements;

1. Noncombustible material

2. Ignition-resistant material

3. Heavy-timber exterior wall assembly

4. Log wall construction assembly

5. Wall assemblies that meet the performance criteria in accordance with the test procedures for a 10-minute direct flame contact exposure test set forth in SFM Standard 12-7A-1.

~~**Exceptions:** Any of the following shall be deemed to meet the assembly performance criteria and intent of this section:~~

~~—1.— One layer of 5/8-inch Type X gypsum sheathing applied behind the exterior covering or cladding on the exterior side of the framing.~~

~~—2.— The exterior portion of a 1-hour fire resistive exterior wall assembly designed for exterior fire exposure including assemblies using the gypsum~~

~~panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.~~

L. Section 708A.2 “Exterior Glazing” is amended to read as follows:

708A.2 Exterior glazing. The following exterior glazing materials and/or assemblies shall comply with this section:

1. Exterior windows and/or skylights.
2. Exterior glazed doors.
3. Glazed openings within exterior doors.
4. Glazed openings within exterior garage doors.
5. Exterior structural glass veneer.
6. Glazing frames made of vinyl materials shall have welded corners, metal reinforcement in the interlock area, and be certified to the most current edition of ANSI/AAMA/NWDA 101/I.S.2 structural requirements.

M. Section 903.2 “Where required” is amended to add Section 903.2.19 to read as follows:

903.2.19 Local Requirements. Approved automatic sprinkler systems shall be installed throughout buildings and structures as specified elsewhere in this Section 903.2 or as specified in this Section 903.2.18, whichever is more protective:

903.2.19 .1 New Buildings, Generally. The construction of a new building containing any of the following occupancies: A, B, E, F, H, I, L, M, R, S or U.

Exceptions: A new building containing a Group U occupancy that is constructed in the City’s designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area. A new building containing a U occupancy that is constructed outside the City’s designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 5000 square feet of floor area.

903.2.19.2 New Buildings in the High Fire Hazard Area. The construction of any new building within the City’s designated High Fire Hazard Area.

Exception: A new building containing a Group U occupancy that is constructed in the City’s designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area.

903.2.19.3 Additions to Buildings Other than Single Family Residences. The addition of floor area to an existing building that contains any occupancy other than Group R, Division 3.

903.2.19.4 Remodels of Buildings Other than Single Family Residences. The remodel or alteration of the interior of an existing building that contains any occupancy

other than Group R, Division 3, where the floor area of the portion of the building that is modified or altered exceeds 50% of the existing floor area of the building. For purposes of this section, all modifications or alterations to an existing building that occur after the effective date of the ordinance adopting this section shall be counted in the aggregate toward the 50% threshold measured against the floor area of the building as it existed on the effective date of the ordinance adopting this section.

903.2.19.5 Change of Occupancy to a Higher Hazard Classification. Any change of occupancy in an existing building where the occupancy changes to a higher hazard classification.

903.2.19.6 Computation of Square Footage. For the purposes of this Section 903.2.18, the floor area of buildings shall be computed in accordance with the definition of "Floor area, Gross" provided in Section 1002.1 of the California Building Code.

903.2.19.7 Existing use. Any existing building not classified as Group R, Division 3, in existence at the time of the effective date of this code may have their use continued if such use was legal at the time. Additions to existing buildings shall require an automatic fire sprinkler system installed throughout, including areas not previously protected.

N. Section 907 "Fire Alarm and Detection Systems" is amended to add Section 907.2.29 to read as follows:

907.2.29 Mixed Use Occupancies. Where residential occupancies are combined with commercial occupancies, a fire alarm system shall be installed which notifies all occupants in the event of a fire. The system shall include automatic smoke detection throughout the commercial and common areas. In addition, a notification system shall be installed in a manner and location approved by the fire code official that indicates the presence of residential dwelling units in accordance with Municipal Code Section 8.04.030 B.

O. Section 1208.4 of Chapter 12 of the California Building Code is amended to read as follows:

1208.4 Efficiency Dwelling Units. *Unless modified by local ordinance pursuant to Health and Safety Code Section 17958.1, efficiency dwelling units shall comply with the following:*

1. The unit shall have a living room of not less than 220 square feet (20.4 m²) of floor area. An additional 100 square feet (9.3 m²) of floor area shall be provided for each occupant of such unit in excess of two.

2. The unit shall be provided with a separate closet.

3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

5. Notwithstanding the provisions of subsection 1 above, for projects constructed or operated by a nonprofit or governmental agency offering housing at an Affordable Housing Cost to Lower Income Households (as those terms are defined in sections 50052.5 and 50079.5 of the California Health and Safety Code), the City may permit efficiency dwelling units for occupancy by no more than two persons who qualify as either very low or low income households where the units have a minimum useable floor area, (excluding floor area in the kitchen, bathroom and closet), of not less than 150 square feet. In all other respects, such efficiency dwelling units shall conform to the minimum standards specified in this code.

P. Table 1505.1 in Chapter 15 of the California Building Code is amended to read as follows:

**TABLE 1505.1
MINIMUM ROOF COVERING CLASSIFICATION
FOR TYPES OF CONSTRUCTION**

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	<u>CB</u>	B	<u>CB</u>	B	B	<u>CB</u>

Q. Section 1505.1.3 of the California Building Code is deleted in its entirety and readopted to read as follows:

1505.1.3 Roof coverings in all other areas. The roof covering or roofing assembly of any new building or the re-roofing of any existing building, regardless of type or occupancy classification, shall be no less than Class B, except that Group H, Division 1 and Group I occupancies shall be Class A. Treated or untreated wood shakes or shingles shall not be permitted, except on existing structures which are constructed with shake or shingle roofs where less than 20 % of the existing roof is being replaced within a two 2 year period, provided such replacement roofing is fire retardant treated wood shakes or shingles.

Exception: In the High Fire Hazard District, roof coverings shall be in accordance with Chapter 7A as amended.

R. Section 1704.1 of the California Building Code is amended to read as follows:

1704.1 General. Where application is made for construction as described in this section, the owner or the registered design professional in responsible charge acting as the owner’s agent shall employ one or more special inspectors to provide inspections during construction on the types of work listed under Section 1704. These inspections are in addition to the inspections specified in Section 110.

The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the building official, for inspection of the particular

type of construction or operation requiring special inspection. The registered design professional in responsible charge and engineers of record involved in the design of the project are permitted to act as the approved agency and their personnel are permitted to act as the special inspector for the work designed by them, provided those personnel meet the qualification requirements of this section to the satisfaction of the building official. The special inspector shall provide written documentation to the building official demonstrating his or her competence and relevant experience or training. Experience or training shall be considered relevant when the documented experience or training is related in complexity to the same type of special inspection activities for projects of similar complexity and material qualities. These qualifications are in addition to qualifications specified in other sections of this code.

Exceptions:

1. Special inspections are not required for work of a minor nature or as warranted by conditions in the jurisdiction as approved by the building official.

~~2. Special inspections are not required for building components unless the design involves the practice of professional engineering or architecture as defined by applicable state statutes and regulations governing the professional registration and certification of engineers or architects.~~

~~3. Unless otherwise required by the building official, special inspections are not required for Group U occupancies that are accessory to a residential occupancy including, but not limited to, Section 312.1.~~

~~4.2. The provisions of Health and Safety Code Division 13, Part 6 and the California Code of Regulations, Title 25, Division 1, Chapter , commencing with Section 3000, shall apply to the construction and inspection of factory-built housing as defined in Health and Safety Code Section 19971.~~

S. Section 1707.3 of the California Building Code is amended to read as follows:

1707.3 Structural wood. Continuous special inspection is required during field gluing operations of elements of the seismic-force-resisting system. Periodic special inspection is required for nailing, bolting, anchoring and other fastening of components within the seismic-force-resisting system, including wood shear walls, wood diaphragms, drag struts, braces, shear panels and hold-downs.

Exceptions:

1. Special Inspection is not required for wood shear walls, shear panels and diaphragms, including nailing, bolting, anchoring and other fastening to other components of the seismic-force-resisting system, where the fastener spacing of the sheathing is more than 4 inches (102 mm) on center (o.c.).

2. Special Inspection is not required if the building is designed in accordance with Tables 2306.2.1(1), 2306.2.1(2) and 2306.3 assuming that the allowable shear values reflected in Tables 2306.2.1(1), 2306.2.1(2) and 2306.3 are reduced by 25%.

T. Section 3109 of the California Building Code is amended as follows:

Sections 3109.1 through 3109.4.3 are deleted in their entirety.

Section 3109.4.4.2 Construction permit; safety features required. Commencing January 1, 2007, except as provided in Section 3109.4.4.5, whenever a building permit is issued for construction of a new pool or spa, or any building permit is issued for the remodeling of an existing pool or spa, at a private single family, duplex or townhouse building, in addition to an enclosure that meets the requirements of Section 3109.4.4.3, it shall also be equipped with at least one of the following ~~seven~~six drowning prevention safety features:

~~1. _____ The pool shall be isolated from access to a home by an enclosure that meets the requirements of Section 3109.4.4.3.~~

1. The pool shall incorporate removable mesh pool fencing that meets American Society for Testing and Materials (ASTM) specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.

2. The pool shall be equipped with an approved safety cover that meets all the requirements of ASTM Specification F 1346.

3. The residence shall be equipped with exit alarms on those doors providing direct access to the pool or spa.

4. All doors providing access to the pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no higher than 54 inches above the floor.

5. Swimming pool alarms that, when placed in pools, will sound upon detection of accidental or unauthorized entrance into the water. These pool alarms shall meet and be independently certified to the ASTM Standard F 2208 "Standards Specifications for Pool Alarms" which includes surface motion, pressure, sonar, laser and infrared type alarms. For purposes of this article, "swimming pool alarms" shall not include swimming protection alarm devices designed for individual use, such as an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water.

6. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in items 1-4, and have been independently verified by an approved testing laboratory as meeting standards for those devices established by the ASTM or the American Society of Testing Mechanical Engineers.

Section 3109.4.4.3 Enclosure; required characteristics. An enclosure shall have all of the following characteristics:

1. Any access gates through the enclosure open away from the swimming pool and are self-closing with a self-latching device placed no lower than 60 inches above the ground.

2. A minimum height of 60 inches.

3. A maximum vertical clearance from the ground to the bottom of the enclosure of 2 inches.
4. Gaps or voids, if any, do not allow the passage of a sphere equal to or greater than 4 inches in diameter.
5. An outside free of protrusions, cavities or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of 5 years to climb.
6. Maximum mesh size for chain link fences shall be a 2 ¼ inch square unless the fence is provided with slats fastened at the top or bottom which reduce the openings to no more than 1 ¾ inch.

Section 3109.4.4.9 Fence Permits. Where new fencing is required because of pool installation, the permit for that fencing shall be obtained prior to, or concurrently with, the pool permit. No water shall be placed in any swimming pool prior to the installation of all safeguards required by this Chapter and the approval of all associated electrical and mechanical work.

U. Appendix B “Board of Appeals” of the California Building Code is deleted in its entirety and readopted to read as follows:

B101.1 Application. The application for appeal shall be filed on a form obtained from the building official within 20 days after the notice was served.

B101.2 Membership of the Board. The City Council shall appoint individuals to an eligibility list. Appeals shall be scheduled before five members selected from the eligibility list by the Community Development Director or the Fire Chief as may be appropriate based on the subject matter.

B101.2.1 Quorum. It shall take a quorum of three members to hear an appeal and a majority vote of the Board convened to sustain an appeal.

B101.2.2 Chairperson. The chairperson shall be selected by the convened Board. The chairperson shall maintain order and conduct the meeting in accordance with Section B102 and B102.1.

B102 Rules and Procedures. The Chief Building Official or Fire Chief may use the procedure for “Conduct of Hearing Appeals” in accordance with Chapter 6 of the Uniform Code for the Abatement of Dangerous Buildings for appeals. The Board may elect alternate procedures by a unanimous vote of the convened Board as they may deem appropriate.

B102.1 Procedures. Appeal hearings shall be conducted substantially in accordance with the following format:

1. The Chairperson shall call the meeting to order.

2. The Chairperson shall note the Board members present for the minutes.
3. The Chairperson shall recognize the Chief Building Official or Fire Chief for presentation of the appeal. The Chief Building Official or the Fire Chief shall read his/her recommendation to the Board. This recommendation shall be the standing motion before the Board.
4. The Chairperson shall recognize the Appellant for presentation of rebuttals.
5. All witnesses must be called by either the Appellant or the Chief Building Official or the Fire Chief and may be questioned.
6. After a motion to amend, accept, or deny the standing motion has been made and seconded, the Board may entertain comments from the public.
7. The Board shall vote on the standing or amended motion.
8. The Chairperson shall adjourn the meeting at the end of business.
9. The Secretary shall prepare minutes for the record and shall serve as custodian of case records and said minutes.

B102.2 Meetings. The Board shall meet when needed to hear an appeal or when needed to transact business of the Board. Either the Chief Building Official or the Fire Chief or their designee shall act as Secretary of the Board.

B103 Alternatives. The Board may consider any alternate provided that it finds that the proposed design, material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in accessibility, suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation.

B104 Board Decisions. The decision of the Building and Fire Code Board of Appeals shall be final on all matters of appeals and shall become an order to the Appellant, Building Official or Fire Chief as may be appropriate.

V. Appendix J “Grading” of the California Building Code is deleted in its entirety and readopted to read as follows:

J101. GRADING GENERAL

J101.1 Scope. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments, and the control of grading site runoff, including erosion sediments and construction-related pollutants. The purpose of this appendix is to safeguard life, limb, property and the public welfare by regulating grading on private property.

J101.2 General Hazards. Whenever the Building Official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Building Official, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

J101.3 Safety Precautions. If at any stage of the work the Building Official determines by inspection that further grading as authorized is likely to endanger any public or private property or result in the deposition of debris on any public way or interfere with any existing drainage course, the Building Official may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such person shall forthwith stop such work. The Building Official may authorize the work to proceed if the Building Official finds adequate safety precautions can be taken or corrective measures incorporated in the work to avoid likelihood of such danger, deposition or interference.

If the grading work as done has created or resulted in a hazardous condition, the Building Official shall give written notice requiring correction thereof as specified in Section 109.6 of Appendix Chapter 1.

J101.4 Protection of Utilities. The owner of any property on which grading has been performed, and which requires a grading permit under Section J103, shall be responsible for the prevention of damage to any public utilities or services.

J101.5 Protection of Adjacent Property. The owner of any property on which grading, has been performed and which requires a grading permit under Section J103 is responsible for the prevention of damage to adjacent property and no person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property without supporting and protecting such property from settling, cracking or other damage which might result. Special precautions approved by the Building Official shall be made to prevent imported or exported materials from being deposited on the adjacent public way and/or drainage courses.

J101.6 Storm Water Control Measures. The owner of any property on which grading, has been performed and which requires a grading permit under Section J103 shall put into effect and maintain all precautionary measures necessary to protect adjacent water courses and public or private property from damage by erosion, flooding, and deposition of mud, debris, and construction-related pollutants originating from the site during grading and related construction activities as required in the City of Santa Barbara, Building & Safety Division's Erosion/Sedimentation Control Policy and/or any special conditions imposed on a project as a result of the issuance of a discretionary permit by the City.

J101.7 Maintenance of Protective Devices. The owner of any property on which grading has been performed pursuant to a permit issued under the provisions of this code, or any other person or agent in control of such property, shall maintain in good condition and repair all drainage structures and other protective devices when they are shown on the grading plans filed with the application for grading permit and approved as a condition precedent to the issuance of such permit.

J101.8 Conditions of Approval. In granting any permit under this code, the Building Official may include such conditions as may be reasonably necessary to prevent creation of a nuisance or hazard to public or private property. Such conditions may include, but shall not be limited to:

1. Improvement of any existing grading to comply with the standards of this code.
2. Requirements for fencing of excavations or fills which may otherwise be hazardous.
3. Storm water control measures beyond those required by Section J101.6 of this Appendix J.

SECTION J102 DEFINITIONS

J102.1 Definitions. For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

APPROVAL. shall mean that the proposed work or completed work conforms to this chapter to the satisfaction of the Building Official.

AS-GRADED. is the extent of surface conditions on completion of the approved grading project.

BEDROCK. is in-place solid rock. is the relatively solid, undisturbed rock in place either at the ground surface or beneath superficial deposits of alluvium, colluvium and/or soil.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

BEST MANAGEMENT PRACTICE (BMP). is a stormwater pollution mitigation measure which is required to be employed in order to comply with the requirements of the NPDES permit issued to the City of Santa Barbara by the California Regional Water Quality Control Board.

BORROW is earth material acquired from an off-site location for use in grading on a site.

CIVIL ENGINEER is a professional engineer registered in the state to practice in the field of civil works.

CIVIL ENGINEERING is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

COMPACTION. The densification of a fill by mechanical means.

CUT. See Excavation.

DESILTING BASINS are physical structures, constructed to allow the removal of sediments from surface water runoff.

DESIGN ENGINEER. Shall mean the civil engineer responsible for the preparation of the grading plans for the site grading work.

DOWN DRAIN. a device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility

EARTH MATERIAL. is any rock, natural soil or fill or any combination thereof.

ENGINEERING GEOLOGIST. is a geologist experienced and knowledgeable in engineering geology. Shall mean a person holding a valid certificate of registration as a geologist in the specialty of engineering geology issued by the State of California under the applicable provisions of the Geologist and Geophysicist Act of the Business and Professions Code.

ENGINEERING GEOLOGY. is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EROSION/SEDIMENTATION CONTROL PLAN (ESC). is a site drawing with details, notes, and related documents that identify the measures taken by the permittee to (1) control construction-related erosion and prevent construction-related sediment and pollutants from being carried offsite by stormwater, and (2) prevent construction-related non-stormwater discharges from entering the storm drain system that complies with the latest version of the Building & Safety Division's ESC Policy.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FIELD ENGINEER. shall mean the civil engineer responsible for performing the functions as set forth in Section J105.4.

FILL. deposition of earth materials by artificial means.

GEOTECHNICAL ENGINEER. See "soils engineer."

GEOTECHNICAL HAZARD. is an adverse condition due to landslide, settlement, and/or slippage. These hazards include loose debris, slopewash, and the potential for mud flows from natural or graded slopes.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The final grade of the site that conforms to the approved plan.

GRADE, ROUGH. A stage at which the grade approximately conforms to the approved plan.

GRADING. An excavation or fill or combination thereof.

KEY. a compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

LANDSCAPE ARCHITECT. shall mean a person who holds a certificate to practice landscape architecture in the State of California under the applicable landscape architecture provisions of Division 3, Chapter 3.5 of the Business and Professions Code.

LINE. shall refer to horizontal location of the ground surface.

NATURAL GRADE. is the vertical location of the ground surface prior to any excavation or fill.

PRIVATE SEWAGE DISPOSAL SYSTEM. is a septic tank with effluent discharging into a subsurface disposal field, into one or more seepage pits or into a combination of subsurface disposal field and seepage pit or of such other facilities as may be permitted.

PROJECT CONSULTANTS. shall mean professional consultants required by this code which may consist of the design engineer, field engineer, soils engineer, engineering geologist, and architect as applicable to this chapter.

PROFESSIONAL INSPECTION. is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include those performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

SITE. is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

SLOPE. is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SOIL. is naturally occurring superficial deposits overlying bedrock.

SOILS ENGINEER (GEOTECHNICAL ENGINEER). is an engineer experienced and knowledgeable in the practice of soils (geotechnical) engineering.

SOILS ENGINEERING (GEOTECHNICAL ENGINEERING). is the application of the principals of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of construction there of.

STORM DRAIN SYSTEM. is a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, pipes, ditches and man-made channels, designed or used for collecting, dissipating, or conveying stormwater.

SURFACE DRAINAGE. shall refer to flows over the ground surface.

SOIL TESTING AGENCY. is an agency regularly engaged in the testing of soils and rock under the direction of a civil engineer experienced in soil testing.

TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

SECTION J103 PERMITS REQUIRED

J103.1 Permits required. Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefore from the Building Official. A grading permit does not include the construction of retaining walls or other structures. A separate permit shall be obtained for each site and may cover both excavations and fills. Any Engineered Grading as described in Section J104 shall be performed by a contractor licensed by the State of California to perform the work described herein. Regular Grading less than 5,000 cubic yards may require a licensed contractor if the Building Official determines that special conditions or hazards exist.

J103.2 Exemptions. A grading permit shall not be required for the following:

1. When approved by the Building Official, grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
2. Excavation for the construction of a structure permitted under this code.
3. Cemetery graves.
4. Excavations for wells, or trenches for utilities.
5. Exploratory excavations performed under the direction of a Soils Engineer or Engineering Geologist. This shall not exempt grading of access roads or pads created for exploratory excavations. Exploratory excavations must be restored to existing conditions, unless approved by the Building Official.
6. An excavation that is less than 50 cubic yards (38.3 m³) and complies with one of the following conditions:

- a) is less than 2 feet (610 mm) in depth, or
- b) does not create a cut slope greater than 5 feet (1524 mm) measured vertically upward from the cut surface to the surface of the natural grade and is steeper than 2 units horizontal to 1 unit vertical (50% slope).

7. A fill not intended to support a structure which does not obstruct a drainage course and complies with one of the following conditions:

- a) is less than 1 foot (305 mm) in depth and is placed on natural terrain with a slope flatter than 5 units horizontal to 1 unit vertical in (20% slope),
- b) is less than 3 feet (914 mm) in depth at its deepest point measured vertically upward from natural grade to the surface of the fill, and does not exceed 50 cubic yards and creates a fill slope no steeper than 2 units horizontal to 1 unit vertical (50% slope), or
- c) is less than 5 feet (1524 mm) in depth at its deepest point measured vertically upward from natural grade to the surface of the fill, and does not exceed 20 cubic yards and creates a fill slope no steeper than 2 units horizontal to 1 unit vertical (50% slope).

EXCAVATIONS		FILLS	
		- NOT INTENDED TO SUPPORT STRUCTURES - DO NOT OBSTRUCT A DRAINAGE COURSE	
AN EXCAVATION WHICH IS LESS THAN 2 FT IN DEPTH AND DOES NOT EXCEED 50CY		FILL PLACED ON NATURAL GRADE NOT STEEPER THAN 5:1 AND LESS THAN 1FT DEEP	
AN EXCAVATION WHICH CREATES A CUT SLOPE NOT GREATER THAN 5FT IN HEIGHT, NOT STEEPER THAN 2:1, AND DOES NOT EXCEED 50CY		FILL LESS THAN 3FT DEEP AT ITS DEEPEST POINT THAT DOES NOT EXCEED 50CY	
		FILL LESS THAN 5FT DEEP AT ITS DEEPEST POINT THAT DOES NOT EXCEED 20CY	

8. Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

J103.3 Unpermitted Grading. A person shall not own, use, occupy or maintain any site containing unpermitted grading. For the purposes of this Code, unpermitted grading shall be defined as any grading that was performed, at any point in time, without the required permit(s) having first been obtained from the Building Official, pursuant to Section 103.1.

J103.4 Availability of Permit at Site. No person shall perform any grading for which a permit is required under this chapter unless a copy of the grading permit and approved grading plans is in the possession of a responsible person and available at the site.

J103.5 Grading Plan Review, Inspection and Permit Fees. Fees shall be assessed in accordance with the provisions set forth in the City of Santa Barbara's most currently adopted fee schedule.

J103.6 Grading Security. The Building Official may require a security in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. If required, a permit shall not be issued for grading unless the owner posts with the Building Official a security in one of the following forms:

1. A bond furnished by a corporate surety authorized to do business in this state.
2. A cash bond.
3. Savings and loan certificates or shares deposited and assigned to the City of Santa Barbara.
4. An instrument of credit from a financial institution subject to regulation by the State or Federal government and pledging that the funds necessary to carry out the grading are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution.
5. Where unusual conditions or special hazards exist, the Building Official may require security for grading involving less than 1,000 cubic yards (764.6 m³). Security required by this Section may include incidental off-site grading on property contiguous with the site to be developed, provided written consent of the owner of such contiguous property is filed with the Building Official.
6. The Building Official may waive the requirements for a security for:
 - a) Grading being done by or for a governmental agency.
 - b) Grading necessary to remove a geotechnical hazard, where such work is covered by an agreement and security posted pursuant to the provisions of the City's "Subdivision Ordinance".
 - c) Minor grading on a site, not exceeding a slope of three horizontal to one vertical, provided such grading as determined by the Building Official will not affect drainage from or to adjacent properties.
 - d) Filling of holes or depressions, provided such grading will not affect the drainage from or to adjacent properties, or affect a rare, threatened or endangered

species or its habitat, or other sensitive habitat.

J103.6.1 Amount of Security. The amount of security shall be based on the number of cubic yards of material in either excavation or fill, whichever is greater, plus the cost of all drainage or other protective devices or work necessary to eliminate geotechnical hazards. That portion of the security valuation based on the volume of material in either excavation or fill shall be computed as follows:

1. 100,000 cubic yards or less - 50 percent of the estimated cost of grading work.
2. Over 100,000 cubic yards - 50 percent of the cost of the first 100,000 cubic yards plus 25 percent of the estimated cost of that portion in excess of 100,000 cubic yards.
3. When the rough grading has been completed in conformance with the requirements of this code, the Building Official may at his or her discretion consent to a proportionate reduction of the security to an amount estimated to be adequate to ensure completion of the grading work, site development or planting remaining to be performed. The costs referred to in this section shall be as estimated by the Building Official.

J103.6.2 Conditions. All security shall include the conditions that the principal shall:

1. Comply with all of the provisions of this code, applicable laws, and ordinances;
2. Comply with all of the terms and conditions of the grading permit; and
3. Complete all of the work authorized by the permit.

J103.6.3 Term of Security. The term of each security shall begin upon the filing thereof with the Building Official and the security shall remain in effect until the work authorized by the grading permit is completed and approved by the Building Official.

J103.6.4 Default Procedures. In the event the owner or the owner's agent shall fail to complete the work or fail to comply with all terms and conditions of the grading permit, it shall be deemed a default has occurred. The Building Official shall give notice thereof to the principal and security or financial institution on the grading permit security, or to the owner in the case of a cash deposit or assignment, and may order the work required to complete the grading in conformance with the requirements of this code be performed. The surety or financial institution executing the security shall continue to be firmly bound under an obligation up to the full amount of the security, for the payment of all necessary costs and expenses that may be incurred by the Building Official in causing any and all such required work to be done. In the case of a cash deposit or assignment, the unused portion of such deposit or funds assigned shall be returned or reassigned to the person making said deposit or assignment.

J103.6.5 Right of Entry. The Building Official or the authorized representative of the surety company or financial institution shall have access to the premises described in the permit for the purpose of inspecting the work.

In the event of default in the performance of any term or condition of the permit, the surety or financial institution or the Building Official, or any person employed or engaged in the behalf of any of these parties, shall have the right to go upon the premises to perform the required work.

The owner or any other person who interferes with or obstructs the ingress to or egress from any such premises, of any authorized representative of the surety or financial institution or of the City of Santa Barbara engaged in the correction or completion of the work for which a grading permit has been issued, after a default has occurred in the performance of the terms or conditions thereof, is guilty of a misdemeanor.

SECTION J104 PERMIT APPLICATION AND SUBMITTALS

J104.1 Submittal requirements. In addition to the provisions of Sections J106 and J107, the applicant shall state the estimated quantities of excavation and fill.

J104.2 Site plan requirements. In addition to the provisions of Section J106, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

J104.2.1 Grading Designation. Grading in excess of 5,000 cubic yards or for the support of a structure shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as “engineered grading.” Grading involving less than 5,000 cubic yards (3825 m³) shall be designated “regular grading” unless the permittee chooses to have the grading performed as engineered grading, or the Building Official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

J104.2.2 Regular Grading Requirements. In addition to the provisions of Section J106 and Section J104.2, an application for a regular grading permit shall be accompanied by three sets of plans in sufficient clarity to indicate the nature and extent of the work. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications.

Plans shall be drawn to scale upon substantial paper or mylar and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. Each sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

The plans shall include, but shall not be limited to, the following information:

1. General vicinity of the proposed site.

2. Limiting dimensions and depth of cut and fill.
3. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within 15 feet of the proposed grading.
4. Contours, flow areas, elevations, or slopes which define existing and proposed drainage patterns.
5. Erosion/Sedimentation, Storm water, and dust control provisions are required to be shown on the grading plan in accordance with the requirements of Sections J110, J111 & 112 of this appendix.

J104.2.3 Engineered Grading Requirements. In addition to the provisions of Sections J104.2 and J106, an application for an engineered grading permit shall be accompanied by specifications and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications when required by the Building Official.

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to scale upon substantial paper or mylar and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. Each sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

The plans shall include, but shall not be limited to, the following information:

1. A vicinity map showing the proposed site.
2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains.
5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent

owners that are within 15 feet of the property or that may be affected by the proposed grading operations.

6. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the Building Official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.

7. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.

8. A statement of the quantities of material to be excavated and/or filled and the amount of such material to be imported to, or exported from the site.

9. A statement of the estimated starting and completion dates for work covered by the permit.

10. A statement signed by the owner acknowledging that a field engineer, soils engineer and engineering geologist, when appropriate, will be employed to perform the services required by this code, whenever approval of the plans and issuance of the permit are to be based on the condition that such professional persons be so employed.

11. Erosion/Sedimentation, Storm water, and dust control provisions are required to be shown on the grading plan in accordance with the requirement of sections J110, J111 & J112 of this appendix.

12. A drainage plan for that portion of a lot or parcel to be utilized as a building site (building pad), including elevations of floors with respect to finish site grade and locations of proposed stoops, slabs and fences that may affect drainage.

13. Location and type of any proposed private sewage disposal system.

14. Location of existing utilities and drainage facilities and recorded easements. (public and private).

15. Location of all flood zones as designated and defined in Title 44, Code of Federal Regulations.

J104.3 Soils Engineering Report. The soils engineering report required by Section J104.2.2 shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes. All reports shall conform with the requirements of this Code and shall be subject to review by the Building Official.

Supplemental reports and data may be required as the Building Official may deem necessary. Recommendations included in the reports and approved by the Building Official shall be incorporated in the grading plan or specifications.

J104.4 Engineering Geology Report. The engineering geology report required by Section J104.2.2 shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. The engineering geology report shall include a geologic map and cross sections utilizing the most recent grading plan as a base. All reports shall conform with the requirements of this Code and shall be subject to review by the Building Official. Supplemental reports and data may be required as the Building Official may deem necessary. Recommendations included in the reports and approved by the Building Official shall be incorporated in the grading plan or specifications.

Exception: A soils engineering or engineering geology report is not required where the Building Official determines that the nature of the work applied for is such that a report is not necessary.

J104.5 Liquefaction study. A geotechnical investigation may be required when the proposed work is a "Project" as defined in California Public Resources Code section 2693, and is located in an area designated as a "Seismic Hazard Zone" as defined in Title 14, Section 3722 of California Code of Regulations on Seismic Hazard Zone Maps issued by the State Geologist under Public Resources Code section 2696.

Exception: A liquefaction study is not required where the Building Official determines from established local data that the liquefaction potential is low.

SECTION J105 INSPECTION

J105.1 General. Grading inspections shall be governed by Section J109 of this Appendix J and as indicated herein. Grading operations for which a permit is required shall be subject to inspection by the Building Official. Professional inspection of grading operations shall be provided by the Civil Engineer, Soils Engineer and the Engineering Geologist retained to provide such services in accordance with this Section for engineered grading and as required by the Building Official for regular grading.

J105.2 Special and Supplemental inspections. The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the Building Official. In addition to the called inspections specified in Section J109, the Building Official may make such other inspections as may be deemed necessary to determine that the work is being performed in conformance with the requirements of this code. Investigations and reports by an approved soil testing agency, Soils Engineer and/or Engineering Geologist, and Field Engineer may be required. Inspection reports shall be provided when requested by the Building Official.

Inspection of drainage devices by the Field Engineer in accordance with this section may be required when the Building Official determines the drainage devices are necessary for the protection of the structures in accordance with this code.

J105.3 Field Engineer Inspections. When required, the field engineer shall provide professional inspection within such engineer's area of technical specialty, oversee and coordinate all field surveys, set grade stakes, and provide site inspections during grading operations to ensure the site is graded in accordance with the approved grading plan and the appropriate requirements of this code. During site grading, and at the completion of both rough grading and final grading, the field engineer shall submit statements and reports required by Sections J105.11 and J105.12. If revised grading plans are required during the course of the work, they shall be prepared by a Civil Engineer and approved by the Building Official.

J105.4 Soils Engineer Inspections. When required, the Soils Engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The Soils Engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the Building Official and the Field Engineer.

J105.5 Engineering Geologist Inspection. When required, the Engineering Geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

J105.6 Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code. The permittee shall engage project consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the project consultants, the contractor and the Building Official. In the event of changed conditions, the permittee shall be responsible for informing the Building Official of such change and shall provide revised plans for approval.

J105.7 Building Official Inspections. The Building Official may inspect the project site at the following various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants:

1. **Pregrade.** Before any construction or grading activities occur at the site; the permittee shall schedule a pregrade inspection with the Building Official. The permittee is responsible for coordinating that all project consultants are present at the pregrade inspection.

2. **Initial.** When the site has been cleared of vegetation and unapproved fill and it has been scarified, benched or otherwise prepared for fill. No fill shall have been placed prior to this inspection. All measures as shown on the Erosion/Sedimentation Control Plan shall be installed and/or materials stockpiled for use as needed.

3. **Rough.** When approximate final elevations have been established; drainage terraces, swales and other drainage devices necessary for the protection of the building sites from flooding are installed; berms installed at the top of the slopes; and the statements required by Section J105.12 have been received.

4. **Final.** When grading has been completed; all drainage devices necessary to drain the building pad and project site are installed; slope planting established, irrigation systems installed; and the as-graded plans and required statements and reports have been submitted.

J105.8 Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the Field Engineer, the Soils Engineer or the Engineering Geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies and corrective measures which should be taken shall be reported immediately in writing to the permittee and to the Building Official.

J105.9 Transfer of Responsibility. If the Field Engineer, the Soils Engineer, or the Engineering Geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official in writing of such change prior to the recommencement of such grading.

J105.10 Non-inspected grading. No person shall own, use, occupy or maintain any non-inspected grading. For the purposes of this code, non-inspected grading shall be defined as any grading for which a grading permit was first obtained, pursuant to Section J103, supra, but which has progressed beyond any point requiring inspection and approval by the Building Official without such inspection and approval having been obtained.

J105.11 Routine Field Inspections and Reports. Unless waived by the Building Official, routine inspection reports shall be provided by the Field Engineer for all engineered grading projects. The Field Engineer shall file these reports, with the Building Official as follows :

1. bi-weekly during all times when grading of 400 cubic yards or more per week is active on the site;
2. monthly, at all other times; and
3. at any time when requested in writing by the Building Official.

Such reports shall certify to the Building Official that the Field Engineer has inspected the grading site and related activities and has found them in compliance with the approved grading plans, the building code, grading permit conditions, and other applicable ordinances and requirements.

J105.12 Completion of work. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is required by the Building Official:

1. An as-built grading plan prepared by the Field Engineer retained to provide such services in accordance with Section J105.3 showing all plan revisions as approved by the Building Official. This shall include original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer.

2. The Field Engineer shall state in a report to the Building Official, that to the best of their knowledge, the work within their area of responsibility was done in accordance with the final approved grading plan.

3. A report prepared by the Soils Engineer retained to provide such services in accordance with Section J105.4, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils Engineer shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter. The report shall contain a finding regarding the safety of the completed grading and any proposed structures against hazard from landslide, settlement, or slippage.

4. A report prepared by the Engineering Geologist retained to provide such services in accordance with Section J105.5, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. The Engineering Geologist shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.

5. The grading contractor shall submit a statement of conformance to said as-built plan and the specifications.

J105.13 Notification of completion. The permittee shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective

devices, and all erosion–control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted and approved.

SECTION J106 EXCAVATIONS

J106.1 General. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section.

In the absence of an approved soils engineering or engineering geology report, these provisions may be waived, as approved by the Building Official, for minor cuts not intended to support structures nor subject to a surcharge.

J106.2 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 2 units horizontal in 1 unit vertical (50% slope) unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property in conformance with the requirements of Section J111. The Building Official may require the excavation to be made with a cut face flatter in slope than two horizontal to one vertical if the Building Official finds it necessary for stability and safety.

J106.3 Slope Surface Protection. All slopes must be stabilized against surface erosion. Stabilization may be accomplished through the application of erosion control blankets, soil stabilizers or other means as approved by the Building Official.

J106.4 Drainage. Drainage, including drainage terraces and overflow protection, shall be provided as required by Section J109.

SECTION J107 FILLS

J107.1 General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report and if approved by the Building Official, these provisions may be waived for minor fills not intended to support structures.

J107.2 Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than 2 units horizontal in 1 unit vertical (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 5 units horizontal in 1 unit vertical (20% slope) and the height is greater than 5 feet, benching into sound bedrock or other competent material shall be provided as a minimum in accordance with Figure J107.2 or as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 5 units horizontal in 1 unit vertical (20% slope) shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide but the

cut shall be made before placing the fill and acceptance by the Soils Engineer or Engineering Geologist or both as a suitable foundation for fill.

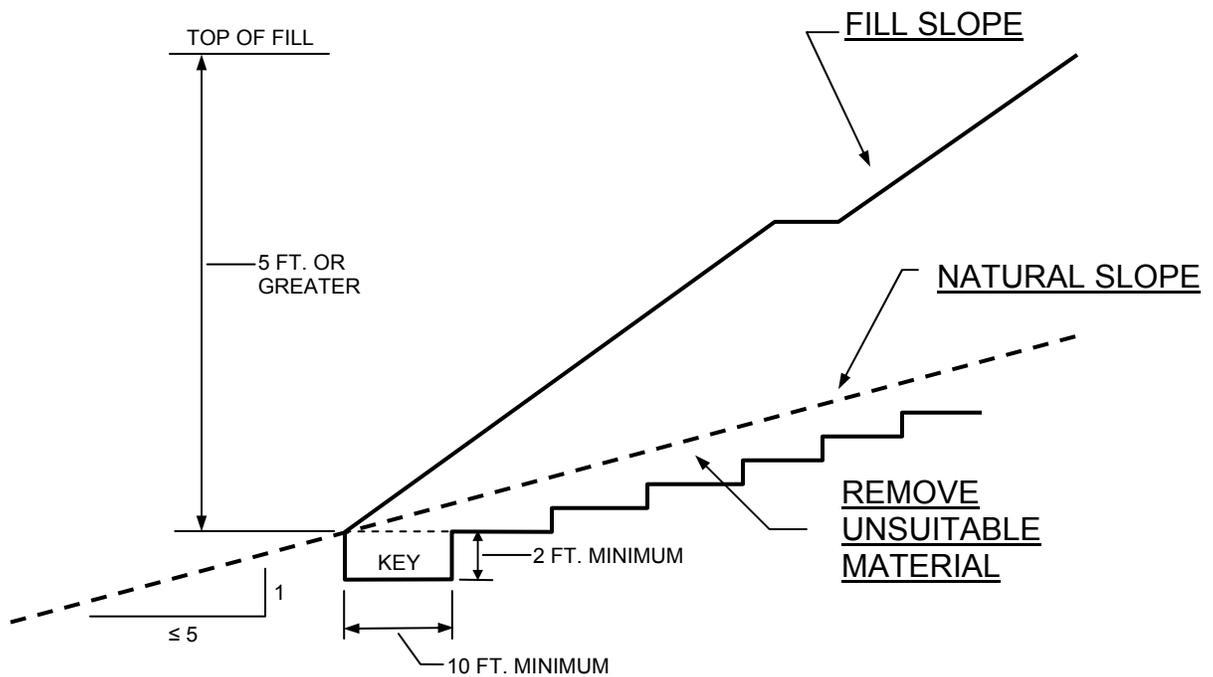


FIGURE J107.2 BENCHING DETAILS

J107.3 Subdrains. Except where recommended by the Soils Engineer or Engineering Geologist as not being necessary, subdrains shall be provided under all fills placed in natural drainage courses and in other locations where seepage is evident. Such sub-drainage systems shall be of a material and design approved by the Soils Engineer and acceptable to the Building Official. The permittee shall provide continuous inspection during the process of subdrain installation to conform with approved plans and Engineering Geologist's and Soils Engineer's recommendation. Such inspection shall be done by the soil testing agency. The location of the subdrains shall be shown on a plan by the Soils Engineer. Excavations for the subdrains shall be inspected by the Engineering Geologist when such subdrains are included in the recommendations of the Engineering Geologist

J107.4 Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Unless approved by the Building Official, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills.

EXCEPTION: The Building Official may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
2. Rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade, measured vertically.
3. Rocks shall be placed so as to assure filling of all voids with well-graded soil.
4. The reports submitted by the soils engineer shall acknowledge the placement of the oversized material and whether the work was performed in accordance with the engineer's recommendations and the approved plans.
5. The location of oversized rock dispersal areas shall be shown on the as-built plan.

J107.5 Compaction. All fills shall be compacted to a minimum of 90 percent of maximum density. Fills shall be compacted throughout their full extent to a minimum relative compaction of 90 percent of maximum dry density within 40 feet below finished grade and 93 percent of maximum dry density deeper than 40 feet below finished grade, unless a lower relative compaction (not less than 90 percent of maximum dry density) is justified by the soils engineer. The relative compaction shall be determined by A.S.T.M. soil compaction test D1557 where applicable. Where not applicable, a test acceptable to the Building Official shall be used, unless the owner furnishes a soils engineering report conforming with the requirements of Section J104.3, stating that the site has been investigated and giving an opinion that a fill at a steeper slope will be stable and not create a hazard to public or private property. Substantiating calculations and supporting data may be required where the Building Official determines that such information is necessary to verify the stability and safety of the proposed slope. The Building Official may require the fill slope be constructed with a face flatter in slope than two horizontal to one vertical if the Building Official finds it necessary for stability and safety.

Field density shall be determined by a method acceptable to the Building Official. However, not less than ten percent of the required density tests, uniformly distributed, shall be obtained by the Sand Cone Method.

Fill slopes steeper than two horizontal to one vertical shall be constructed by the placement of soil a sufficient distance beyond the proposed finish slope to allow compaction equipment to operate at the outer surface limits of the final slope surface. The excess fill shall be removed prior to completion or rough grading. Other construction procedures may be utilized when it is first shown to the satisfaction of the Building Official that the angle of slope, construction method and other factors will accomplish the intent of this Section.

J107.4 Maximum Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 2 units horizontal in 1 unit vertical (50% slope).

J107.5 Slopes to Receive Fill. Where fill is to be placed above the top of an existing slope steeper than three horizontal to one vertical, the toe of the fill shall be set back from the top edge of the slope a minimum distance of 6 feet measured horizontally or such other distance as may be specifically recommended by a Soil Engineer or Engineering Geologist and approved by the Building Official.

J107.6 Inspection of Fill. For engineered grading, the Soils Engineer shall provide sufficient inspections during the preparation of the natural ground and the placement and compaction of the fill to be satisfied that the work is being performed in accordance with the conditions of plan approval and the appropriate requirements of this chapter. In addition to the above, the Soils Engineer shall be present during the entire fill placement and compaction of fills that will exceed a vertical height or depth of 30 feet (9144 mm) or result in a slope surface steeper than two horizontal to one vertical.

J107.6 Testing of Fills. Sufficient tests of the fill soils shall be made to determine the density thereof and to verify compliance of the soil properties with the design requirements, including soil types and shear strengths in accordance with the standards established by the Building Official.

SECTION J108 SETBACKS

J108.1 General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the property line and shall be as shown in Figure J108.1., unless substantiating data is submitted justifying reduced setbacks.

J108.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure J108.1, or than is required to accommodate any required interceptor drains, whichever is greater.

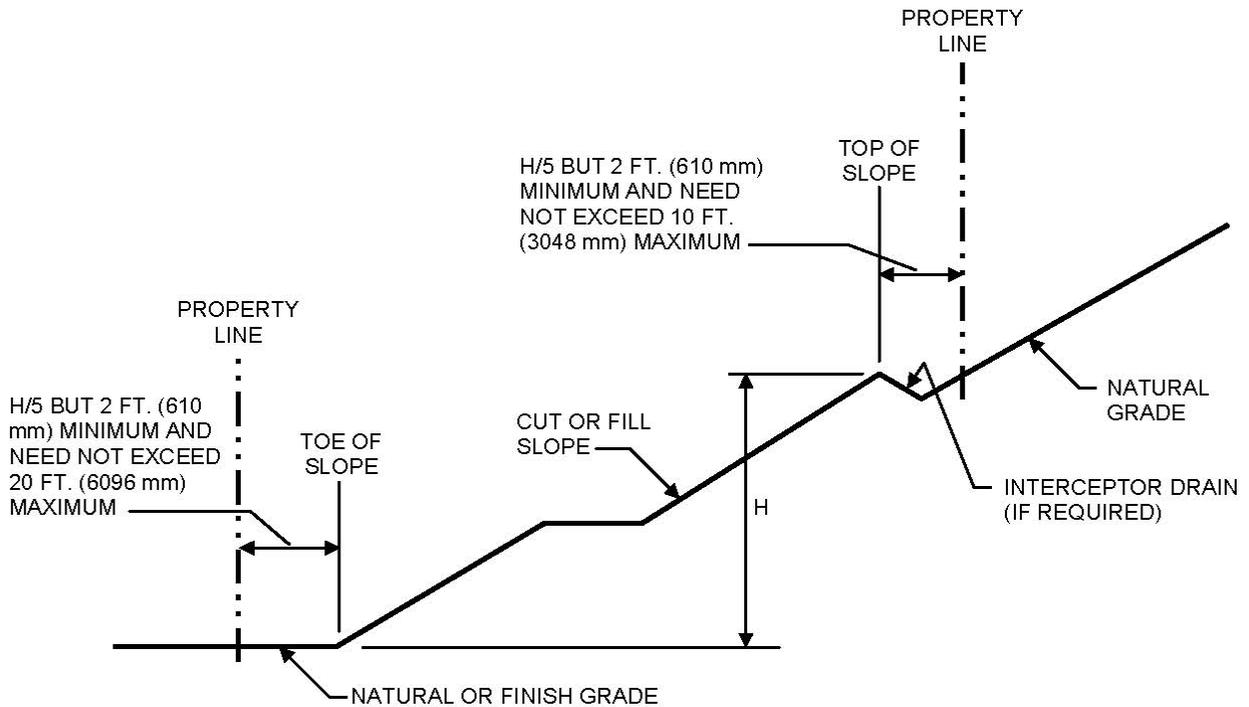


FIGURE J108.1
DRAINAGE DIMENSIONS

J108.3 Toe of Fill Slope. The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of 2 feet (610 mm) and a maximum of 20 feet (6096 mm). Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the Building Official, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure J108.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

J108.4 Alternate Setbacks. The Building Official may approve alternate setbacks. The Building Official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

SECTION J109 DRAINAGE AND TERRACING

J109.1 General. Unless otherwise recommended by a registered design professional, and approved by the Building Official, drainage facilities and terracing shall be provided in accordance with the requirements of this Section .

Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33 percent).

J109.2 Drainage Terraces. Drainage terraces at least 8 feet (2438 mm) in width shall be established at not more than 30 foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at midheight. For cut or fill slopes greater than 100 feet (30480 mm) and up to 120 feet (36, 576 mm) in vertical height, one terrace at approximately midheight shall be 20 feet (6,096 mm) in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet (36,576 mm) in height shall be designed by the Civil Engineer and approved by the Building Official. Suitable access shall be provided to permit proper cleaning and maintenance.

Drainage Swales or ditches on terraces shall have a minimum gradient of 5 percent longitudinal grade of not less than 5 percent nor more than 12 percent and a minimum depth of 1 foot (305 mm) at the flow line. There shall be no reduction in grade along the direction of flow unless the velocity of flow is such that slope debris will remain in suspension on the reduced grade. Such terraces and must be paved with reinforced concrete not less than 3 inches (76 mm) in thickness, reinforced with 6-inch (152 mm) by 6-inch (152 mm) No. 10 by No. 10 welded wire fabric or equivalent reinforcing centered in the concrete slab or an approved equal paving. They shall have a minimum depth at the deepest point of 1 foot (305 mm) and a minimum paved width of 5 feet (1524 mm). Drainage terraces exceeding 8 feet (2438 mm) in width need only be so paved for a width of 8 feet (2438 mm) provided such pavement provides a paved channel at least 1 foot (305 mm) in depth. Downdrains or drainage outlets shall be provided at approximately 300-foot (91.44 m) intervals along the drainage terrace or at equivalent locations. Downdrains and drainage outlets shall be of approved materials and of adequate capacity to convey the intercepted waters to the point of disposal as defined in Section J109.5.

J109.3 Interceptor drains and overflow protection. Berms, interceptor drains or other devices shall be provided at the top of cut or fill slopes to prevent surface waters from overflowing onto and damaging the face of a slope. Berms used for slope protection shall not be less than 12 inches (305mm) above the level of the pad and shall slope back at least 4 feet (1219 mm) from the top of the slope.

Interceptor drains shall be installed along the top of manufactured slopes receiving drainage from a slope with a tributary width greater than 40 feet (12 192 mm), measured horizontally. They shall have a minimum depth of 1 foot (305 mm) and a minimum width of 3 feet (915 mm). The slope shall be approved by the Building Official,

but shall not be less than 50 horizontal to 1 vertical (2 percent). The drain shall be paved with concrete not less than 3 inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the Building Official.

J109.4 Drainage across property lines. Surface drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of nonerosive down drains or other devices.

J109.5 Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable street, storm drain, or natural watercourse drainage way approved by the Building Official and Public Works Director or other appropriate governmental agency jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices. Desilting basins, filter barriers or other methods, as approved by the Building Official and/or the Public Works Director, shall be utilized to remove sediments from surface waters before such waters are allowed to enter streets, storm drains or natural watercourses. If the drainage device discharges onto natural ground, riprap or a similar energy dissipater may be required.

Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, a public street or drainage structure approved to receive storm waters unless waived by the Building Official. A lesser slope may be approved by the Building Official for sites graded in relatively flat terrain, or where special drainage provisions are made, when the building official finds such modification will not result in unfavorable drainage conditions.

SECTION J110 SLOPE PLANTING AND EROSION CONTROL

J110.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall consist of effective planting, erosion control blankets, soil stabilizers or other means as approved by the Building Official.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials as approved by the Building Official.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

J110.2 Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

SECTION J111 NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) COMPLIANCE

J111.1 General. All grading plans and permits shall comply with the provisions of this section for NPDES compliance including the owner of any property on which grading has been performed and which requires a grading permit under Section J103.

J111.2 Erosion/Sedimentation Control Plan (ESCP). No grading permit shall be issued unless the plans for such work include a Erosion/Sedimentation Control Plan, that conforms to the Erosion/Sedimentation Control Policy of the City of Santa Barbara's Building & Safety Division, with details of best management practices, including desilting basins or other temporary drainage or control measures, or both, as may be necessary to control construction-related pollutants which originate from the site as a result of construction related activities. Sites which have been graded and which requires a grading permit under Section J103 are subject to penalties and fines per Section J111.4

All best management practices shall be installed before grading begins. As grading progresses, all best management practices shall be updated as necessary to prevent erosion and control constructed related pollutants from discharging from the site. All best management practices shall be maintained in good working order to the satisfaction of the Building Official unless final grading approval has been granted by the Building Official and all permanent drainage and erosion control systems, if required, are in place.

J111.4 Erosion/Sedimentation Control Plan, Effect of Noncompliance. Should the owner fail to install the best management practices required by Section J111.2 it shall be deemed that a default has occurred under the conditions of the grading permit security. There upon, the Building Official may enter the property for the purpose of installing, by City forces or by other means, the drainage, erosion control and other devices shown on the approved plans, or if there are no approved plans, as the Building Official may deem necessary to protect adjoining property from the effects of erosion, flooding, or the deposition of mud, debris or constructed related pollutants, or the Building Official may cause the owner to be prosecuted as a violator of this Code or may take both actions. The Building Official shall have the authority to collect the penalties imposed by this section upon determining that the site is non-compliance. Payment of penalty shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work.

If the best management practices for storm water pollution prevention are not installed as prescribed in Section J111.2 and approved by the Building Official, the following penalties shall be imposed:

Grading Permit Volume Penalty:

1--10,000 cubic yards (1--7645.5 m³) = \$100.00 per day

10,001--100,000 cubic yards (7646.3--76455 m³) = \$250.00 per day

More than 100,000 cubic yards (76455 m³) = \$500.00 per day

NOTE: See Section J108 for inspection request requirements.

SECTION J112 DUST CONTROL

Santa Barbara County Air Pollution Control District's dust control measures identified as Construction Impact Mitigation: PM₁₀ Mitigation Measures in SBCAPCD's *Scope and Content of Air Quality Sections in Environmental Documents* shall be adhered to during all ground disturbing activities.

SECTION J113 REFERENCED STANDARDS

These regulations establish minimum standards and are not intended to prevent the use of alternate materials, methods or means of conforming to such standards, provided such alternate has been approved.

The Building Official shall approve such an alternate provided he or she finds that the alternate is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, durability and safety.

The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims regarding the alternate.

The standards listed below are recognized standards, compliance with these standards recognized standards shall be prima facie evidence with the standard of duty set forth in Section 107.

1. Testing.

- a) ASTM D 1557, Laboratory Characteristics Compaction of Soil Using Modified Effort
- b) ASTM D 1556, Density and Unit Weight of Soils In Place by the Sand Cone Method
- c) ASTM D 2167, Density and Unit Weight of Soils In Place by the Rubber--Balloon Method
- d) ASTM D 2937, Density of Soils in Place by the Drive--Cylinder Method
- e) ASTM D 2922, Density of Soil and Soil Aggregate In Place by Nuclear

Methods

f) ASTM D 3017, Water Content of Soil and Rock in Place by Nuclear Methods

SECTION 3. Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is amended by adding Section 22.04.025 to read as follows:

22.04.025 Amendments to California Residential Code

The 2010 California Residential Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.025.

A. Section R310.1 “Emergency Escape and Rescue Required” is amended to read as follows:

R310.1 Emergency escape and rescue required. Basements, habitable attics and every sleeping room shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into or lead to a public way, or to a yard or court that opens to a public way. If the emergency escape and rescue opening does not open directly into a public way, or to a yard or court, the minimum headroom height between the opening and the public way, yard or court shall be 80 inches (2033 mm).

B. Section R317.3.1 “Fasteners for preservative-treated wood” is amended to read as follows:

R317.3.1 Fasteners for preservative-treated wood. Fasteners for preservative-treated wood shall be of hot dipped zinc-coated galvanized steel, stainless steel, silicon bronze or copper. Coating types and weights for connectors in contact with preservative-treated wood shall be in accordance with the manufacturer’s recommendations. In the absence of manufacturers recommendations, a minimum of ASTM A 653 type G185 zinc-coated galvanized steel shall be used.

Exceptions:

1. One-half-inch (12.7 mm) diameter or greater steel bolts.

2. Fasteners other than nails and timber rivets shall be permitted to be of mechanically deposited zinc coated steel with coating weights in accordance with ASTM B 695, Class 55 minimum.

3. Plain carbon steel fasteners in SBX/DOT and zinc borate preservative treated wood in an interior, dry environment shall be permitted.

C. Section R327.1.1 "Scope" is amended to read as follows:

R327.1.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings, remodels or additions to existing buildings located within a Wildland-Urban Interface Fire Area as defined in Section R327.2 and R327.1.3.1 Item #3.

D. Section R327.1.3 "Application" is amended to read as follows:

R327.1.3. Application. New buildings, remodels, or additions to existing buildings located in any Fire Hazard Severity Zone or Wildland-Urban Interface Fire Area designated by the enforcing agency constructed after this application date shall comply with the provisions of this code.

Exceptions: Accessory and/or Group U occupancy buildings may be exempted from all or portions of this chapter upon approval of the Fire Marshall and/or Chief Building Official.

~~4. Buildings of an accessory character and classified as a Group U occupancy and not exceeding 120 sq. ft. in floor area, when located at least 30 feet from an applicable building.~~

~~5. Buildings of an accessory character classified as Group U occupancy of any size located at least 50 feet from an applicable building.~~

~~6. Buildings classified as Group U Agricultural building, as defined in Section 202 of this code, when located at least 50 feet from an applicable building.~~

~~7. Additions to and remodels of buildings originally constructed prior to the applicable application date.~~

E. Section R327.5.2 "Roof Coverings" is deleted in its entirety and readopted to read as follows:

327.5.2 Roof Coverings. Roof coverings on new buildings shall be class A noncombustible in accordance with adopted UBC Standards or otherwise as may be approved by the Chief Building Official. Roof coverings shall be class A or noncombustible fire retardant materials on existing buildings and additions or repairs to existing buildings. Treated or untreated wood shakes or shingles shall not be permitted, except on existing structures which are constructed with shake or shingle roofs where less than 20% of the existing roof is being replaced within a two (2) year period, provided such replacement roofing is fire retardant treated wood shakes or shingles.

F. Section R327.5.4 is amended to read as follows:

R327.5.4 Roof Gutters. Roof gutters shall be provided with ~~the~~ an approved means to prevent the accumulation of leaves and debris in the gutter. All roof gutters and downspouts shall be constructed of non-combustible materials.

G. Section R327.5 “Roofing” is amended by adding a Section R327.5.5 “Drip Edge Flashing” to read as follows:

R327.5.5 Drip Edge Flashing. When drip edge flashing is used at the free edges of roofing materials, it shall be non-combustible.

H. Section R327.6.2 “Requirements” is amended to read as follows:

R327.6.2 Requirements. Ventilation openings for enclosed attics, enclosed eave soffit spaces, enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters, and underfloor ventilation openings shall be fully covered with metal wire mesh, vents, other materials, or other devices that meet the following requirements:

1. The dimensions of the openings therein shall be a minimum of 1/16th inch (1.6 mm) and shall not exceed 1/8th inch (3.2mm).
2. The materials used shall be noncombustible.

Exception to item #2: Vents located under the roof covering, along the ridge of roofs, with the exposed surface of the vent covered by noncombustible wire mesh, may be of combustible materials.

3. The materials used shall be corrosion resistant.
4. Individual ventilation openings shall not exceed 144 square inches.
5. Turbine attic vents shall be equipped to allow one-way direction rotation only and shall not free spin in both directions.
6. Ventilation openings protected with vent openings that resist the intrusion of flame and embers, and which are listed by the State Fire Marshal, are exempt from complying with this sub-section.

I. Section R327.7.3 “Exterior Walls” is amended to read as follows:

R327.7.3. Exterior Walls. The exterior wall covering or wall assembly shall comply with one of the following requirements;

1. Noncombustible material
2. Ignition-resistant material
3. Heavy-timber exterior wall assembly
4. Log wall construction assembly

5. Wall assemblies that meet the performance criteria in accordance with the test procedures for a 10-minute direct flame contact exposure test set forth in SFM Standard 12-7A-1.

~~**Exceptions:** Any of the following shall be deemed to meet the assembly performance criteria and intent of this section:~~

~~1. One layer of 5/8-inch Type X gypsum sheathing applied behind the exterior covering or cladding on the exterior side of the framing.~~

~~2. The exterior portion of a 1 hour fire resistive exterior wall assembly designed for exterior fire exposure including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.~~

J. Section R327.8.2 “Exterior Glazing” is amended to read as follows:

R327.8.2 Exterior glazing. The following exterior glazing materials and/or assemblies shall comply with this section:

1. Exterior windows and/or skylights.
2. Exterior glazed doors.
3. Glazed openings within exterior doors.
4. Glazed openings within exterior garage doors.
5. Exterior structural glass veneer.

K. Section R327.8.2 “Exterior Glazing” is amended by adding Section R327.8.2.3 to read as follows:

R327.8.2.1.1 Vinyl framing. Glazing frames made of vinyl materials shall have welded corners, metal reinforcement in the interlock area, and be certified to the most current edition of ANSI/AAMA/NWDA 101/I.S.2 structural requirements.

L. Section R327 “Materials and Construction Methods for Exterior Wildfire Exposure” is amended by adding a new Section R327.11 “Spark Arrestors” to read as follows:

R327.11 Spark Arrestors. All structures having any chimney, flue, or stovepipes shall be equipped with an approved spark arrestor if the chimney, flue, or stovepipe is attached to any solid fuel burning fireplace, stove, barbecue or similar appliance or device.

M. Chapter 3 “Building Planning” is amended by adding a new Section R329 “Special Inspections and Structural Tests” to read as follows:

R329 Special Inspections and Structural Tests. When structural tests and special inspections are required due to the methods of construction the tests and inspections shall be performed and documented as is required in Chapter 17 of the California Building Code.

N. Chapter 3 “Building Planning” is amended by adding a new Section R330 “Encroachments into the Public Right of Way” to read as follows:

R330. Encroachments into the Public Right of Way. Encroachments into the public right of way shall comply with the standards of Chapter 32 of the California Building Code

O. Chapter 3 “Building Planning” is amended by adding a new Section R331 “Safeguards During Construction” to read as follows:

R331. Safeguards During Construction. Provisions for pedestrian safety during construction and the protection of adjacent public and private properties shall be governed by the requirements of Chapter 33 of the California Building Code.

P. Chapter 3 “Building Planning” is amended by adding a new Section R332 “Sound Transmission Control” to read as follows:

R322. Sound Transmission Control. Wall and floor-ceiling assemblies separating dwellings from each other and from public or service areas such as interior corridors, garages, and mechanical spaces, shall provide airborne sound insulation for walls, and both airborne and impact sound insulation for floor-ceiling assemblies. Standards and regulations controlling sound transmission between attached dwellings units shall comply with Section 1207 of the California Building Code.

Q. Chapter 3 “Building Planning” is amended by adding a new Section R333 “Residential Swimming Pools and Spas” to read as follows:

R333. Residential Swimming Pools and Spas. Residential swimming pools and spas proposed appurtenant to occupancies regulated by this code, shall be installed per Section 3109.4.4 of the California Building Code as amended.

R. Section R401 “General” is amended by adding a new Section 401.5 “Grading” to read as follows:

R401.5 Grading. Grading for all structures covered by this code shall be per Appendix J of the currently adopted California Building Code as amended.

S. Section R3401.4 “Soil tests” is deleted in its entirety and readopted to read as follows:

R401.4. Soils Reports/Geotech Investigations. A Soils Report or Geotechnical Investigation shall be required as per Section 1803 of the California Building Code.

Exceptions:

1. Single-story additions with less than a 500 sq. ft. “footprint” and that are less than 50% of the existing structure they are attached to.

2. Second story additions to an existing slab on grade structure that does not require new footings.

3. Detached “U” Occupancy Category buildings.

Projects utilizing any of these exceptions shall use the presumptive load-bearing values of Table R401.4.1.

T. Section R401.4.1 “Geotechnical evaluation” is deleted in its entirety. Table R401.4.1 is not deleted.

U. Section R403.1.2 “Continuous Footing in Seismic Design Categories D₀, D₁ and D₂” is amended to read as follows:

R403.1.2 Continuous Footing in Seismic Design Categories D₀, D₁ and D₂. The braced wall panels at exterior walls of buildings located in Seismic Design Categories D₀, D₁ and D₂ shall be supported by continuous footings. All required interior braced wall panels in buildings with plan dimensions greater than 50 feet (15 240 mm) shall also be supported by continuous footings.

V. Section R403.1.3 “Slope” is amended to read as follows:

R403.1.5 Slope. The top surface of footings shall be level. The bottom surface of footings shall not have a slope exceeding one unit vertical in ten units horizontal (10-percent slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footings or where the slope of the bottom surface of the footings will exceed one unit vertical in ten units horizontal (10-percent slope).

For structures located in Seismic Design Categories D₀, D₁, D₂, and E, stepped footings shall be reinforced with four ½-inch diameter (12.7 mm) deformed reinforcing bars. Two bars shall be placed at the top of the footing and two bars shall be placed at the bottom of the footing.

W. Section R404.2 “Wood Foundation Walls” is amended to read as follows:

R404.2 Wood foundation walls. Wood foundation walls shall be constructed in accordance with the provisions of Sections R404.2.1 through R404.2.6 and with the details shown in Figures 403.1(2) and R403.1(3). Wood foundation walls shall not be used for structures located in Seismic Design Categories D₀, D₁, D₂, and E.

X. Section R802.10.2 “Design” is amended to read as follows:

R802.10.2 Design. Wood trusses shall be designed in accordance with accepted engineering practice. The design and manufacture of metal-plate-connected wood trusses shall comply with ANSI/TPI 1. The truss design drawings shall be prepared by a registered professional where required by the statutes of the State of California or the jurisdiction in which the project is to be constructed professional registered by the State of California.

Y. Section R902.1 “Roofing Covering Materials” is amended to read as follows:

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A ~~or~~ B ~~or~~ C roof shall be installed in areas designated by this section. Class A, ~~and~~ B ~~and~~ C roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

Exceptions:

~~1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.~~

~~2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.~~

Z. Section R902.1.1 “Roof coverings within Very High Fire Hazard Severity Zones” is amended to read as follows:

R902.1.1 Roof coverings within Wildland-Urban Interface Fire Area. The roofing and re-roofing requirements of structures within a Wildland-Urban Interface Fire Area as defined in Section R327.2 and R327.1.3.1 Item #3 shall meet the requirements of R327. ~~The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least Class A.~~

~~Exception: The requirements shall not apply in any jurisdiction that adopts the model ordinance approved by the State Fire Marshal pursuant to Section 51189 of the Government Code or an ordinance that substantially conforms to the model ordinance and transmits a copy to the State Fire Marshal~~

AA. Section R902.1.2 “Roof coverings within State Responsibility Areas” is deleted in its entirety without replacement.

BB. Section R902.1.3 “Roof Coverings in All Other Areas” is deleted in its entirety and readopted to read as follows:

R902.1.3 Roof coverings in all other areas. The roof covering or roofing assembly of any new building or the re-roofing of any existing building, regardless of type or occupancy classification, shall be no less than Class B, except that Group H, Division 1 and Group I occupancies shall be Class A. Treated or untreated wood shakes or shingles shall not be permitted, except on existing structures which are constructed with shake or shingle roofs where less than 20% of the existing roof is being replaced within a two-year period, provided such replacement roofing is fire retardant treated wood shakes or shingles.

Exception: In the High Fire Hazard District, roof coverings shall be in accordance with Section R327 as amended.

SECTION 4. Section 22.04.030 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.030. Amendments to California Plumbing Code.

The 2010 California Plumbing Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.030.

A. Section 103.4 Permit Fees of Appendix 1 is deleted in its entirety and readopted to read as follows:

103.4 Permit fees. The fee for each permit shall be established by resolution of the City Council of the City of Santa Barbara.

B. Section 412.0 Minimum Number of Fixtures Required is hereby amended by adding Section 412.11 as follows:

412.11 Existing Building Fixture Count. Plumbing fixtures shall be provided for the type of building occupancy and in the minimum number shown in Table 4-1.

Exception: Within existing buildings, the Chief Building Official may make alternate

consideration findings for partial compliance on the basis of the following criteria:

1. The cost of compliance is in excess of 15% of all cost of construction as proposed or incurred within one 1) year before or after the work proposed; and
2. The proposed use does not intensify the occupant load by more than 15% of the existing occupant load; and
3. Water closets are not reduced by more than one fixture from that required under CPC Table 4-1 criteria for the use proposed; and
4. Other physical constraints of existing buildings and occupancies relative to disabled access regulations exist.

C. Chapter 4 of the California Plumbing Code is amended to add Section 419 Water Meters Required to read as follows:

419. Water Meters Required.

419.1. Group R Occupancies. Each dwelling unit, including but not limited to apartments units, shall be served by separate City water meter. Except in projects of less than five (5) dwelling units, such meter shall serve only uses within the dwelling unit and other uses shall be served by an additional separate City water meter.

419.2. Occupancies Other Than Group R. All occupancies other than Group R on a single parcel of land, may be served by a single meter, except that no such meter shall also serve any Group R occupancy.

D. Section 603.0 Cross-Connection Control is amended to read as follows:

603.0 Cross-connection control. Cross-connection control shall be provided in accordance with the provisions of this chapter and Sections 7583 through 7630 “Drinking Water Supplies” of Title 17 of the California Administrative Code, and where there is a conflict between the requirements, the higher level of protection shall apply.

(no change to rest of Section)

E. Section 608.2 Excessive Water Pressure is deleted in it’s entirety and readopted to read as follows:

608.2 Excessive Water Pressure. Regardless of the pressure at the main, all occupancies served by the City of Santa Barbara Water Resource Division shall be provided with an approved pressure regulator preceded by a strainer (unless a strainer is built into the device). Any irrigation system or other secondary piping that bypasses said regulator shall be provided with its own approved pressure regulator and strainer, installed upstream of any piping, backflow device, valve, solenoid or outlet. Such regulator(s) shall control the pressure to all water outlets in the building unless otherwise approved by the Authority Having Jurisdiction. Each such regulator and strainer shall be accessibly located above ground or in a vault equipped with a properly sized and slope bore-sighted drain to daylight, shall be protected from freezing, and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping. All pipe size determinations shall be based on eighty (80) percent of the reduced pressure when using Table 6-6.

F. Section 710.0 Drainage of Fixtures Located Below the Next Upstream Manhole or Below the Main Sewer Level is amended to add Sections 710.14 and 710.15 to read as follows:

710.14 Sewage Pump Signaling Device. Specially designed sewage disposal systems which depend upon a sewage lift pump or ejector for their operation shall be provided with an approved audible signaling device to warn building occupants in the event of pump failure.

710.15. Approved Type Backwater Valve. When the valuation of an addition, alteration, or repair to a building exceeds \$1,000.00 or when additions, alterations, or repairs are made to the plumbing system or fixtures and a permit is required, an approved backwater valve shall be installed in accordance with Section 710.0 of this Code.

Exception: Repairs to the exterior surface of a building are exempt from the requirements of this section.

G. Section 713.0 "Sewer Required" is hereby amended by adding a second paragraph to 713.2 to read as follows:

713.2 When no public sewer intended to serve any lot or premises is available in any thoroughfare or right of way abutting such lot or premises, drainage piping from any building or works shall be connected to an approved private sewage disposal system.

Approved private systems may be used until a public system is available. Upon written notice by the Chief Building Official to the record owner of title, such private systems shall be abandoned in accordance with the provisions of Section 722.0 of this code and permits to connect to the public system must be secured.

SECTION 5. Section 22.04.040 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.040 Amendments to the California Mechanical Code.

The 2010 California Mechanical Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.040.

A. Section 110 Board of Appeals is hereby deleted in its entirety and readopted to read as follows:

110 Board of Appeals. Appeals of orders, decisions, or determinations made by the Authority Having Jurisdiction shall be addressed in accordance with the provisions of Section 113 and Appendix B of the California Building Code as amended by the City of Santa Barbara in Section 22.04.020.

B. Section 115 Permit Fees of Appendix 1 is deleted in its entirety and readopted to read as follows:

115 Permit fees. The fee for each permit shall be established by resolution of the City Council of the City of Santa Barbara.

SECTION 6. Section 22.04.050 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.050. Amendments to the California Electrical Code.

The 2010 California Electrical Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.050. Article 89.108.8 “Appeals Board” is deleted and readopted to read as follows:

89.108.8 Appeals Board. Appeals of orders, decisions, or determinations made by the Authority Having Jurisdiction shall be addressed in accordance with the provisions of Section 113 of Chapter 1 and Appendix B of the California Building Code as amended by the City of Santa Barbara in Section 22.04.020.

SECTION 7. Section 22.04.060 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.060 Amendments to the 2009 International Property Maintenance Code

The 2009 International Property Maintenance Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.060.

A. Section 103, Department of Property Inspection, is deleted in its entirety.

B. Section 107 Notice and Order of Chapter 1 is deleted in its entirety and readopted to read as follows:

107 Notice and Order. The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain the following:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.

2. A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.

3. A statement of the action required to be taken as determined by the building official.

3.1 If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.

3.2 If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the building official to be reasonable.

3.3 If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefore within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner, and (iii) will refer the case to the City Attorney for the initiation of an appropriate legal action for abatement and appropriate civil or criminal penalties..

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the Building and Fire Code Board of Appeals, provided the appeal is made in writing as provided in this code, and filed with the building official within 10 days from the date of service of such notice and order, and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

C. Section 111 Board of Appeals is deleted and readopted to read as follows:

111 Means of Appeal. Appeals of orders, decisions, or determinations made by the Authority Having Jurisdiction shall be addressed in accordance with the provisions of Section 113 of Chapter 1 and Appendix B of the California Building Code as amended by the City of Santa Barbara in Section 22.04.020.

SECTION 8. Section 22.04.070 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.070 Amendments to the International Property Maintenance Code

A. Section 103, Department of Property Maintenance Inspection is deleted in its entirety.

SECTION 9. Whenever in this Ordinance or in any of the codes adopted by reference hereby, another code or publication of standards or of rules or regulations is referred to, such reference shall incorporate and adopt by reference such other codes, standards or rules or regulations as part of this ordinance. A copy of said primary and secondary codes are on file and shall be maintained for public inspection by the Chief Building Official as provided in Title 5, Division 1, Part 1, Chapter 1 of the California Government Code while this Ordinance is in force.

SECTION 10. Ordinance Numbers 5440 are 5451 are repealed upon the effective date of this ordinance.

SECTION 11. The provisions of this ordinance shall take effect at 12:01 a.m. on January 1, 2011.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE REPORT

AGENDA DATE: October 19, 2010

TO: Ordinance Committee Members

FROM: Fire Prevention Bureau, Fire Department

SUBJECT: 2010 Fire Code Adoption

RECOMMENDATION:

That the Ordinance Committee review and recommend for approval to the City Council an ordinance repealing Santa Barbara Municipal Code Chapter 8.04 and adopting a new Chapter 8.04, adopting by reference the 2009 Edition of the International Fire Code, including Appendix Chapter 4 and Appendices B, BB, C, CC and H of that code, and the 2010 California Fire Code, with local amendments to both codes.

DISCUSSION:

In 2007 The State of California and local jurisdictions within the state adopted the International Fire Code, with state and local amendments. The International Fire Code is part of a greater series of model codes that includes the International Building Code, also published by the International Code Council (ICC). Both were adopted by the State under Title 24 of the California Code of Regulations, Part 9 and Part 2 respectively. The codes are on a three year revision cycle and the new codes will go into effect statewide on January 1, 2011. The State of California has completed amendments to the codes as of July 1 2010, and, under state law, local jurisdictions (particularly charter cities) have 180 days to further amend them before they become law. In 2007 the City of Santa Barbara amended the codes based on local conditions and adopted the Fire Code as the City of Santa Barbara Fire Code. City Council last approved adoption of the current Code on November 13, 2007, under ordinance No. 5439. Later, Council approved further amendments to the code to adopt residential fire sprinkler provisions under Ordinance 5498.

Since July 2010, staff has been in the process of reviewing the 2010 California Fire Code and making amendments of our own to adapt the code to local climatic and topographical conditions. Local jurisdictions are allowed to amend California-adopted sections of the code, but are limited to making the amended sections more stringent. For any sections relating to building standards we must make findings for the change. The findings are based on our unique climate, topography or geology and must describe

conditions that require additional life safety protection. Sections of the International code that are not adopted by the state may be amended in any manner to meet local needs.

Our approach to the Fire Code, as always, was to make as few amendments as possible. Some are administrative in nature, such as language added to preserve our existing joint Building Division / Fire Department Board of Appeals. Very few additional adjustments to the code were necessary in this cycle, and our draft adopting ordinance is very similar to the ordinance adopted in 2007. Many of the changes were prompted by changes in the State code, such as the adoption of the California Residential Code, which required us to separate residential and commercial sprinkler requirements formerly adopted under Ordinance No.5498. Residential sprinkler requirements now appear as part of the adopting ordinance for that code. The Residential and Building Codes are companion documents to the Fire Code and both are presented as part of our submittal with Building Division. A summary of local amendments to the California Fire Code appears as an attachment to this document.

Staff recommends that the Ordinance Committee review the recommended local amendments and forward the attached Ordinance to the City Council for its approval. If the Ordinance Committee does so, the Ordinance will be presented to the City Council for introduction in November 2010.

ATTACHMENT(S): 1. Summary of Local Amendments, 2010 Fire Code
2. Draft Ordinance

PREPARED BY: Joseph Poiré, Fire Marshal

SUBMITTED BY: Andrew DiMizio, Fire Chief

APPROVED BY: City Administrator's Office

Attachment 1

Santa Barbara City Fire Department

2009 International Fire Code / 2010 California Fire Code Adoption Summary of Amendments

October 2010

MC = Municipal Code, CFC = International or California Fire Codes

#	Chapter/Section	Title	Concept	Type(<u>new</u> , <u>existing</u> <u>CFC / MC</u> <u>deleted or</u> <u>revised</u>)	Findings
1	Chapter 1, Division II / Sec. 103.1	Fire Prevention Bureau Personnel and Police	Formerly adopted as an appendix, this chapter was adopted by the State as Chapter 1, Division II. Part of the organization of the Fire prevention Bureau, carried over from the existing code, citing authority of fire code officials.	Existing, CFC / MC	NA
2	Chapter 1 Div II Sec. 104.10	Fire Investigations	Existing language from the 2007 California Fire Code, with minor word changes for clarity, citing authority to investigate.	Existing, CFC / MC	NA
3	Chapter 1/ Division II Sec.108	Board of Appeals	Base code appeal sections, deleted to allow for local appeals sections below.	Deleted	NA
4	Chapter 1/ Division II Sec. 114.1.1 through 114.1.8	Building and Fire Code Board of Appeals	Readopts existing local provisions for a joint Building and Fire Code Board of appeals.	Existing, CFC / MC,	NA
5	Chapter 1/ Division II Sec. 109.3	Violation Penalties	Completes the IFC section 109 by describing violations of the code as a misdemeanor, consistent with current language.	Existing, CFC / MC	NA
6	Chapter 3 / Section 308.1.4	Open Flame cooking devices	Deleted and new sections added below as in the 2007 adoption	Existing, MC	NA
7	Chapter 3 / Section 308.1.4.1	Open Flame cooking Devices	New title section 308.1.4.1, in part due to renumbering of the CFC. IFC 308.1.4 prohibited charcoal barbeques on most apartment patio's and decks within 10 feet of any combustible element, a section that is unenforceable. Not adopted by the state.	MC / Existing	NA
8	Chapter 3 / Section 308.1.4.1	Liquefied- petroleum gas fueled cooking devices.	Amends the section to allow standard sized (5 gallon) propane barbeques on apartment decks / balconies.	MC / Existing	NA

9	Chapter 4	Emergency Planning and Preparedness	As in 2007, this chapter not adopted either locally or at the state level. Chapter 4 conflicts with or duplicates state regulations (Title 19) in several sections; has additional requirements in conflict with or not desirable under local conditions.	Deleted	NA
10	Chapter 5 / Section 503.1 through 503.5.2	Fire Apparatus Access Roads	Amends the access sections to meet existing local requirements of 20 feet in width for commercial and 16 feet in width for residential to within 150 feet of exterior walls. Minor changes to the exceptions allowed for the 150 foot requirement, adding language to #1 that maintains current local standards for grade, cross slope turning radius and dead ends.	Existing, CFC / MC, minor revisions	Yes
11	Chapter 5 / 503.5.1.1 and 503.5.1.2	Secured Gates and barricades	One section amended, one added to the access roadways, dealing with the closure of certain roadways due to fire danger. Minor revisions to the "tampering" with locked gates section and the new section prohibits parking vehicles in a manner that blocks closed gates.	Existing MC	Yes?
12	Chapter 5 / Section 505.1.1	Premise Identification, Mixed use occupancy	Refers to local municipal code section 8.04.030 regarding mixed use occupancy signs to clarify that they are required in both existing and new construction.	Existing MC	Yes
13	Chapter 5 / Section 505.3	Directory	Maintains the existing requirement for a project directory when required by the fire code official. Minor wording changes.	Existing MC	Yes
14	Chapter 5 / Section 507.through 507.5.6	Required Water Supply	The basic fire flow requirements of Chapter 5 were adopted by the state, along with Appendix B of the International; Code. The state then leaves local jurisdictions to either use Appendix B or any "approved method" without further definition. These sections outline the locally approved method and are a readoption of our existing fire-flow requirements for new construction.	Existing MC	Yes
15	Chapter 9 / Section 903.2	Automatic Fire Sprinkler Systems	The California Fire Code provisions in Chapter 9 are less stringent than our existing requirements, in some cases allowing for assembly occupancies up to 12,000 square feet without sprinklers. Changes in Chapter 9 are similar to changes we made in 2007 when we amended to code with local sprinkler requirements, both commercial and later, residential. This year the state divided sprinkler requirements and assigned residential sprinklers to the newly adopted 2010 California Residential Code. We therefore moved our own residential sprinkler requirements to that code, under Section R313. Our commercial requirements remain in this chapter of both the Fire and Building Codes.	Existing MC, CFC, CBC and newly adopted Cal. Residential Code	Yes

16	Chapter 9 / Section 907.2.27	Fire Alarm Detection Systems	This section is a minor revision of our existing requirement for an automatic detection fire alarm in mixed use occupancies. We first authored this section in response to the proliferation of residential units above commercial occupancies throughout the city. The concept is to alert the residents in the event of a fire condition in the business occupancies below, especially at night when the business is closed.	Existing, MC, CFC	Yes
17	Chapter 33 / 3301.1.2	Explosives and Blasting Agents	Limits storage by Zone, excludes most of the city. Storage is limited to the industrial zone near the airport, by permit only	Existing MC	NA
18	3301.2 and 3301.3	Fireworks, Prohibition	State law allows for "safe and sane" fireworks. Maintains the current prohibition on all fireworks within the city limits, including safe and sane. Provides for confiscation.	Existing MC	Yes
19	Chapter 49 / Sections 4901 through 4709.13	Requirements for Wildland Interface Areas	These sections were adopted in 2007 as Chapter 47, renumbered to match the state's adopted version of the code	Existing MC	Yes
20	Municipal Code Section 8.04.030 A and B	Fire Prevention Development Standards	A) Fire Zone 2 allows for on site water and other requirements in areas where there is no municipal water supply. B) Requires the mixed use occupancy sign, which identifies the presence of dwelling units for first responders when a new building combines residential and commercial occupancies. No proposed changes.	Existing MC	Yes

ORDINANCE COMMITTEE DISCUSSION DRAFT 10/19/10

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA REPEALING SANTA BARBARA MUNICIPAL CODE CHAPTER 8.04 AND ADOPTING A NEW CHAPTER 8.04 ADOPTING BY REFERENCE THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE, INCLUDING APPENDIX CHAPTER 4 AND APPENDICES B, BB C, CC AND H OF THAT CODE, AND THE 2010 CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS TO BOTH CODES.

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

SECTION 1. Findings

Climatic Conditions

A. The City of Santa Barbara is located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry winds, (“Sundowners”) which may reach speeds of 60 m.p.h. or greater, are also common to the area. These climatic conditions cause extreme drying of vegetation and common building materials. In addition, the high winds generated often cause road obstructions such as fallen trees. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires. In addition to directly damaging or destroying buildings, these fires also disrupt utility services throughout the area. The City of Santa Barbara and adjacent front country have a history of such fires, including the 1990 Painted Cave Fire and the 1977 Sycamore Canyon Fire. In 2007, the City was impacted by the back country Zaca Fire and by the Gap fire in 2008. The Tea Fire destroyed over 150 homes within the City in November of 2008 and the Jesusita Fire destroyed homes and property in much of the Santa Barbara front country in May of 2009.

B. The climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the Fire Department’s ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the City.

C. Water demand in this area challenges the quantity supplied by natural precipitation and, although the population continues to grow, the already-taxed water supply does not. The estimated population of California in 2006 was more than 36 million people. The state is projected to increase in population by nearly 10 million by

the year 2030, with 50 percent of that growth centered in Southern California. Due to storage capacities and consumption, and a limited amount of rainfall, future water allocation may not be fully dependable in many areas of the state. The city's core area continues to become more concentrated, with new multi-storied mixed-use structures whose occupants, along with the structures themselves, could be vulnerable to uncontrolled fires due to lack of available water. This necessitates the need for additional and on-site fire protection features.

D. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems also reduce the use of water for firefighting by extinguishing fires at an early stage.

Topographical conditions:

A. Natural slopes of 15 percent or greater generally occur throughout the foothills of Santa Barbara, especially in the High Fire Hazard areas such as the Foothill and Extreme Foothill zones. With much of the populated lower elevation areas already built upon, future residential growth is and will continue to occur on steeper slopes and in areas with greater constraints in terrain such as the Foothill and Extreme Foothill zones. Geographic and land-use constraints throughout the city have resulted in greater density along with a large number of mixed use projects, combining residential with commercial occupancies.

B. Traffic and circulation congestion is an ongoing problem throughout the region. Traffic flow in and through Santa Barbara is limited by the transverse Santa Ynez Mountains, which provide limited passage to the north, and the Pacific Ocean to the south. The narrow corridor that Highway 101 occupies is subject to traffic delays under normal conditions and emergency events can render the highway impassable. This has the double effect of preventing traffic from leaving the city and potentially preventing emergency workers, who often live out of town, from entering. This condition existed for several days during the La Conchita slide in 2005 and it disrupted the return of city workers who live in the Ventura area. At various times in the city's history, Highway 101 has also been closed north of the city due to mudslides, fires and flooding, most recently near Gaviota Pass, where a fire also temporarily closed the Rail access.

In addition, roads in the foothills are narrow, often steep and vulnerable to emergency conditions. Some of the older roadways are below current access standards and pose challenges to responding emergency vehicles, especially fire engines. These challenges are exacerbated in the event of an evacuation, particularly in the Foothill and Extreme Foothill zones.

C. These topographical conditions combine to create a situation which places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

Geological conditions:

The City of Santa Barbara region is a densely populated area that has buildings constructed over and near a vast and complex network of faults that are believed to be capable of producing future earthquakes similar or greater in size than the 1994 Northridge and the 1971 Sylmar earthquakes. Known faults in the city include the Lavigia, North Channel Slope, Mesa and Mission Ridge-More Ranch faults. Additional faults near the city would also be capable of disruption of services, including fire protection. The Southern California Earthquake Center predicts that there is an 80-90% probability of a magnitude 7.0 earthquake somewhere in Southern California before the year 2024. Regional planning for reoccurrence of earthquakes is recommended by the State of California, Department of Conservation.

A. Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors of buildings. The October 17, 1989, Loma Prieta earthquake resulted in one major fire in the Marina District (San Francisco). When combined with the 34 other fires locally and over 500 responses, the department was taxed to its fullest capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. In addition to gas mains, individual gas and electric service connections to residences may provide both fuel and ignition sources during a seismic event. This situation creates the need for both additional fire protection and automatic on-site fire protection for building occupants.

B. Road circulation features located throughout Santa Barbara also make amendments reasonably necessary. There are major roadways, highways and flood control channels that create barriers and slow response times. Hills, particularly in the Foothill and Extreme Foothill zones, slopes, street and storm drain design accompanied by occasional heavy rainfall, cause roadway flooding and landslides and at times may make an emergency access route impassable. Much of Sycamore Canyon lies in an area subject to geologic activity, as witnessed by the recent closure of the road due to the slide potential.

The climatic, topographical, and geological conditions described above make it prudent to rely upon automatic fire sprinkler systems and other fire protection measures to mitigate extended fire department response times. Automatic sprinklers, mixed use notification signs, fire alarms and other measures specified in this ordinance are intended to lessen life safety hazards and keep fires manageable with potentially reduced fire flow (water) requirements for a given structure. Additional fire protection is also justified to

match the current resources of firefighting equipment and personnel within the Santa Barbara City Fire Department.

SECTION 2. Section 8.04.010 of the Santa Barbara Municipal Code is adopted to read as follows:

8.04.010 Adoption of International Code by Reference

Subject to the amendments specified in Section 8.04.020 of this Code, The International Fire Code, as published by the International Code Council (2009 Edition), including Appendix Chapter 4 and Appendices B, BB, C, CC and H; The 2010 California Fire Code (Title 24, Part 9 of the California Code of Regulations); and all standards and secondary codes referenced in said codes are adopted by reference and shall be known as the City of Santa Barbara Fire Code.

Said codes and any standards and secondary codes adopted by reference and the amendments therein, are on file and available for public inspection in the office of the City Clerk.

SECTION 3. Section 8.04.020 of the Santa Barbara Municipal Code is adopted to read as follows:

8.04.020 Amendments to International Fire Code

In response to local climatic, geological and topographical conditions, The 2009 International Fire Code and The 2010 California Fire Code, as adopted by reference by in Section 8.04.010, are amended as follows:

A. Section 103 “Fire prevention bureau personnel and police” is amended to add Section 103.3.1 to read as follows:

103.3.1 Fire prevention bureau personnel and police. The fire code official and members of the fire prevention bureau shall have the powers of a police officer in performing their duties under this code. When requested to do so by the fire chief, the chief of police is authorized to assign such available police officers as necessary to assist the fire department in enforcing the provisions of this code.

B. Section 104.10 “Fire investigations” is amended to read as follows:

104.10 Fire investigations. The fire code official is authorized to investigate promptly the cause, origin and circumstances of every fire, explosion or other hazardous condition occurring in the jurisdiction. In addition, the fire code official is authorized to investigate the cause, origin and circumstances of unauthorized releases of hazardous materials in the jurisdiction. If it appears to fire code official that such incidents are of suspicious origin, the fire code official is authorized to take immediate charge of all physical evidence relating to the cause of the fire, explosion, hazardous condition, or release.

104.10.1 **Assistance from other agencies.** Police and other enforcement agencies are authorized to assist in the investigation of fires when requested to do so by the fire code official.

C. Section 108 “Board of Appeals” is deleted in its entirety without replacement.

D. Section 109.3 “Violation penalties” is amended to read as follows:

Section 109.3 Violation penalties. Persons who violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor. Penalties shall be as prescribed by state law and local ordinance. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

E. Chapter 1, Division II of the International Fire Code is amended by adding Section 114 “Building and Fire Code Board of Appeals” to read as follows:

Section 114. Building and Fire Code Board of Appeals

In order to hear and decide appeals of orders, decisions or determinations made by the Fire Code Official or Building Official relative to the application and interpretations of the technical codes, there shall be and is hereby created a Building and Fire Code Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and building service equipment and who are not employees of the jurisdiction. The Fire Code Official or Building Official shall be an ex officio member and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Building and Fire Code Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official or Building Official.

114.1.1 Alternatives. The Board may consider any alternate provided that it finds that the proposed design, material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in accessibility, suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation.

114.1.2 Appointments. The City Council shall appoint individuals to an eligibility list. Appeals shall be scheduled before five members selected from the eligibility list by the Community Development Director or the Fire Code Official as may be appropriate based on the subject matter.

114.1.3 Quorum. It shall take a quorum of three members to hear an appeal and majority vote of the Board convened to sustain an appeal.

114.1.4 Chairperson. The chairperson shall be selected by the convened Board. The chairperson shall maintain order and conduct the meeting in accordance with Section 114.1.7 and 114.1.8.

114.1.5 Meetings. The Board shall meet when needed to hear an appeal or when needed to transact business of the Board. Either the Chief Building Official or the Fire Code Official or their designee shall act as Secretary of the Board.

114.1.6 Board Decisions. The decision of the Building and Fire Code Board of Appeals shall be final on all matters of appeals and shall become an order to the Appellant, Building Official or Fire Code Official as may be appropriate.

114.1.7 Procedures. The Chief Building Official or Fire Code Official may use the procedure for Conduct of Hearing Appeals in accordance with Chapter 6 of the Uniform Code for the Abatement of Dangerous Buildings for appeals. The Board may elect alternate procedures by a unanimous vote of the convened Board as they may deem appropriate.

114.1.8 Procedural Rules. Appeal hearings shall be conducted substantially in accordance with the following format:

1. The Chairperson shall call the meeting to order.
2. The Chairperson shall note the Board members present for the minutes.
3. The Chairperson shall recognize the Chief Building Official or Fire Code Official for presentation of the appeal. The Chief Building Official or the Fire Code Official shall read his/her recommendation to the Board. This recommendation shall be the standing motion before the Board.
4. The Chairperson shall recognize the Appellant for presentation of rebuttals.
5. All witnesses must be called by either the Appellant or the Chief Building Official or the Fire Code Official and may be questioned.
6. After a motion to amend, accept, or deny the standing motion has been made and seconded, the Board may entertain comments from the public.
7. The Board shall vote on the standing or amended motion.
8. The Chairperson shall adjourn the meeting at the end of business.
9. The Secretary shall prepare minutes for the record and shall serve as custodian of case records and said minutes.

F. **Chapter 3** of the International Fire Code is amended as follows:

1. **Section 308.1.4** is deleted without replacement.
2. **Section 308.1.4.1** is amended to read as follows:

Section 308.1.4.1 Liquefied-petroleum gas fueled cooking devices. LP gas burners having an LP gas container with a water capacity greater than 25 pounds (5 Gallon) shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exception: One and two-family dwellings.

G. Chapter 4 of the International Fire Code is deleted in its entirety without replacement.

H. Section 503 “Fire Apparatus Access Roads” is deleted in its entirety and readopted to read as follows:

503.1 Where Required. Fire Department access roads shall be provided and maintained in accordance with Sections 503.1.1 and 503.1.3

503.1.1 Buildings and Facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus roads shall comply with the requirements of this section and shall extend to within 150 feet of (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to increase the dimension of 150 feet (45,720 mm) where:

1. The building is equipped throughout with an approved automatic sprinkler system and installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

2. Fire apparatus Roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternate means of fire protection is provided.

503.1.2 Additional Access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of the terrain, climatic conditions or other factors that could limit access.

503.1.3 High Piled Storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 23.

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches. If a fire apparatus access road serves three or fewer single-family residential units, the required width may be reduced to not less than 16 feet (4879 mm) upon the approval of the fire code official.

503.2.2 Authority. The fire code official is authorized to require and increase in the minimum access widths where they are inadequate for fire or rescue operations.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Such fire apparatus access roads shall be capable of supporting 60,000 pounds and shall be constructed of approved materials.

503.2.4 Turning radius. The turning radius of roadways shall be no less than 70 feet in diameter measured from outer edge to outer edge.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 300 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

503.2.7 Grade. The gradient for a fire apparatus access road shall not exceed a 16 % grade.

503.2..7.1 Cross-slope. The cross-slope gradient shall not exceed 6%.

503.2.8. Angle of Approach and Departure. The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus.

503.3 Marking. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and

legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. The minimum required widths and clearances established in Section 503.2.1 shall be maintained at all times.

503.5 Required gates or barricades.

503.5.1 Secured gates and barricades. When required, gates and barricades shall be secured in an approved manner. Roads, trails and other access ways that have been closed and obstructed in the manner prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the owner and the fire code official.

503.5.1.1 Vehicle obstruction. Entrances to roads, trails, or other access ways that have been closed with gates and barriers in accordance with Section 503.5 shall not be obstructed by parked vehicles, except for public officers acting within their scope of duty.

503.5.1.2 Closure of access ways. Locks, gates, doors, barricades, chains, enclosures, signs, tags, or seals which have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with or otherwise molested in any manner except when authorized by the fire code official or by public officers acting within their scope of duty.

503.5.2 Fences and Gates. School grounds may be fenced and gates therein may be equipped with locks, provided that safe dispersal areas based on 3 square feet (0.28m²) per occupant are located between the school and the fence. Such required safe dispersal areas shall not be located less than 50 feet (15240 mm) from school buildings. Every public and private school shall conform to Section 32020 of the Education Code.

I. Section 505 "Premises Identification" is amended to add Sections 505.1.1 and 505.3 to read as follows:

505.1.1 Mixed Use Occupancy Identification. Mixed use occupancy notifications signs shall be provided according to Municipal Code 8.04.030 (B).

505.3 Directory. For complexes and large buildings, an approved directory or premise map may be required at a location determined by the fire code official.

J. Section 507 "Fire Protection Water Supplies" is deleted in its entirety and readopted to read as follows:

507.1 Required Water Supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Prior to development of a project, the fire code official may require the flow

testing of fire hydrants adjacent to the proposed development in order to determine adequacy of fire flow.

507.2 Type of Water Supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required flow.

507.2.1 Private fire service mains. Private fire service mains and appurtenance shall be installed in accordance with NFPA 24.

507.2.2 Water tanks. Water tanks for private fire protection shall be installed in accordance with NFPA 22.

507.3 Fire Flow. Fire Flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method *or Appendix B*. For the purposes of this section, an "approved water supply" shall mean the following:

1. Residential Requirement. All residential buildings containing ten (10) or less dwelling units shall be served by a fire flow of 750 gpm at a residual pressure of 20 psi when flowing. Fire-flow requirements may be modified downward by the fire code official for isolated buildings or the installation of approved fire protection devices, but in no case shall the fire flow be less than 500 gpm at a residual pressure of 20 psi. Residential buildings containing eleven (11) or more dwelling units shall be served by fire flows in compliance with the commercial requirements below.

2. Commercial Requirement. A fire flow of 1,250 gpm at a residual pressure of 20 psi when flowing will be required.

507.4 Water Supply Test. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system.

507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.1 through 507.5.6 or Appendix C of the International Fire Code.

507.5.1 Where Required, Commercial. A commercial hydrant to Santa Barbara City standards must be located within 300 feet of all portions of a facility or building as measure by an approved route around the exterior of the facility or building. Where a portion of the facility or building is hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, the fire code official may require on-site hydrants or another approved mitigation method.

507.5.1.1 Where Required, Residential. For Group R-3, Group U and Group R-2 occupancies containing ten (10) or less dwelling units, a residential hydrant to Santa Barbara City standards must be located within 500 feet of all portions of a facility or building as measure by an approved route around the exterior of the facility or building. Where a portion of the facility or building is hereafter constructed or moved into or within

the jurisdiction is more than 500 feet from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, the fire code official may require on-site hydrants or another approved mitigation method.

507.5.2 Inspection, Testing and maintenance. Fire hydrant systems shall be subject to such periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall be in accordance with approved standards.

507.5.3 Private fire service mains and water tanks. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with *Title 19 California Code of Regulations Chapter 5*.

507.5.4 Obstruction. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

507.5.5 Clear space around hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

507.5.6 Physical protection. Where fire hydrants are subject to impact by a motor vehicle, guard posts or other approved means shall comply with Section 312.

K. Section 903.2 "Where required" is amended to add Section 903.2.19 to read as follows:

903.2.19 Local Requirements. Approved automatic sprinkler systems shall be installed throughout buildings and structures as specified elsewhere in this Section 903.2 or as specified in this Section 903.2.19, whichever is more protective.

903.2.19 .1 New Buildings, Generally. The construction of a new building containing any of the following occupancies: A, B, E, F, H, I, L, M, R, S or U.

Exceptions: A new building containing a Group U occupancy that is constructed in the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area. A new building containing a U occupancy that is constructed outside the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 5000 square feet of floor area.

903.2.19.2 New Buildings in the High Fire Hazard Area. The construction of any new building within the City's designated High Fire Hazard Area.

Exception: A new building containing a Group U occupancy that is constructed in the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area.

903.2.19.3 Additions to Buildings Other than Single Family Residences. The addition of floor area to an existing building that contains any occupancy other than Group R, Division 3.

903.2.19.4 Remodels of Buildings Other than Single Family Residences. The remodel or alteration of the interior of an existing building that contains any occupancy other than Group R, Division 3, where the floor area of the portion of the building that is modified or altered exceeds 50% of the existing floor area of the building. For purposes of this section, all modifications or alterations to an existing building that occur after the effective date of the ordinance adopting this section shall be counted in the aggregate toward the 50% threshold measured against the floor area of the building as it existed on the effective date of the ordinance adopting this section.

903.2.19.5 Change of Occupancy to a Higher Hazard Classification. Any change of occupancy in an existing building where the occupancy changes to a higher hazard classification

903.2.19.6 Computation of Square Footage. For the purposes of this Section 903.2.19, the floor area of buildings shall be computed in accordance with the definition of "Floor area, Gross" provided in Section 1002.1 of the California Building Code.

903.2.19.7 Existing use. Any existing building not classified as Group R, Division 3, in existence at the time of the effective date of this code may have their use continued if such use was legal at the time. Additions to existing buildings shall require an automatic fire sprinkler system installed throughout, including areas not previously protected.

L. Section 907 "Fire Alarm and Detection Systems" is amended to add Section 907.2.27 to read as follows:

907.2.27 Mixed Use Occupancies. Where residential occupancies are combined with commercial occupancies, a fire alarm system shall be installed which notifies all occupants in the event of a fire. The system shall include automatic smoke detection throughout the commercial and common areas. In addition, a notification system shall be installed in a manner and location approved by the fire code official that indicates the presence of residential dwelling units in accordance with Municipal Code Section 8.04.030 B.

M. Section 3301 "General" is amended to add Sections 3301.2, 3301.3, and 3301.4 to read as follows:

Section 3301.2 Explosives and Blasting Agents. Storage of explosives and blasting agents is restricted to the A-I (Airport Industrial) zone.

Section 3301.3 Prohibition. The manufacturing, possession, storage, sale, use and handling of fireworks are prohibited in the City of Santa Barbara.

Exception: Commercial, theatrical and group entertainment productions as permitted by the fire code official and in accordance with Title 19, California Code of Regulations, Chapter 6. Fireworks.

Section 3301.4 Seizure: The fire code official is authorized to seize, take, remove or caused to be removed at the expense of the owner all stock of fireworks offered or exposed for sale, stored or held in violation of this ordinance and Title 19, Chapter 6 of the California Code of Regulations.

N. Section 4901 “General” is amended to read as follows:

Section 4901.1 Scope. The mitigation of conditions where a wildfire burning in vegetative fuels may readily transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities, or result in large property losses shall comply with this chapter. In addition, this section is intended to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire which might be caused by recreational, residential, commercial, industrial or other activities conducted in Urban Wildland Interface Areas as defined by the City of Santa Barbara Wildland Fire Plan.

Section 4901.2 Purpose. The purpose of this code is to provide minimum standards to increase the ability of a building to resist the intrusion of flame or burning embers being projected by a vegetation fire and contributes to a systematic reduction in conflagration losses through the use of performance and prescriptive requirements. In addition, the purpose of this code is to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire which might be caused by recreational, residential, commercial, industrial or other activities conducted in Urban Wildland Interface Areas.

Section 4901.3 Policy. The policy direction for the City of Santa Barbara Wildland Urban Interface Area is established by the City of Santa Barbara Wildland Fire Plan, approved by City Council in January of 2004.

O. Section 4902 “Definitions” is amended to add the definitions of “Spark Arrester”, “Tracer”, and “Tracer Charge” and to amend the definition of “Wildland-Urban Interface Fire Area” to read as follows:

Spark Arrester is defined as a device constructed of non-flammable materials specifically for removing and retaining carbon and other flammable particles over 0.0232 inches in size from the exhaust flow of an internal combustion engine operated by hydrocarbons.

Tracer is any bullet or projectile incorporating a feature which marks or traces the flight of said bullet or projectile by flame, smoke or other means which result in fire or heat.

Tracer Charge is any bullet or projectile incorporating a feature designed to create a visible or audible effect by means which result in fire or heat and shall include any incendiary bullets and projectiles.

Wildland-Urban Interface Fire Area is a geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. See Article 86B for the applicable referenced Sections of the Government Code and the Public Resources Code. The City of Santa Barbara Wildland Fire Plan, approved by City Council in January of 2004 outlines the Wildland Urban Interface Areas within the City of Santa Barbara's local jurisdiction. For purposes of this code, Wildland Urban Interface Areas and High Fire Hazard Areas are interchangeable.

P. Section 4903 "Plans" is amended to read as follows:

4903.1 General. When required by the fire code official, a fire protection plan shall be prepared for parcels within Urban Wildland Interface Areas.

4903.2 Content. The plan shall be based on site specific wildfire hazard and risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building construction and fire-resistance factors, fire protection systems and equipment, evacuation, defensible space and vegetation management. The plan shall also address any off site factors listed above that affect the project area.

4903.3 Cost. The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

4903.4 Plan retention. The fire protection plan shall be retained by the fire code official.

Q. Section 4904 "Fire Hazard Severity Zones" is amended to add Section 4904.1.1 to read as follows:

4904.1.1 Local Land Classification. Lands in the local jurisdiction are classified by the Fire Code Official in accordance with the City of Santa Barbara Wildland Fire Plan (May 2004).

R. Section 4906 "Hazardous Vegetation and Fuel Management" is amended to add Section 4906.1.1 to read as follows:

4906.1.1 General. The City of Santa Barbara Wildland Fire Plan identifies vegetation management areas that pose an increased threat to the community during a wildland fire.

Within these areas the fire code official has the authority to work with property owners to reduce the amount of flammable vegetation outside the defensible space areas. These areas include both City and Private lands. Standards for vegetation management are specified in the City of Santa Barbara Wildland Fire Plan.

S. Section 4907 “Defensible Space” is amended by adding the following:

4907.1.1 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 follow defensible space requirements outlined in 4907.1 through 4907.9. For purposes of this section, defensible space requirements shall apply to persons owning, leasing or controlling land with hazardous vegetation that is within the defensible space of structures on adjacent properties.

4907.2 Distance Requirements: 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;

1. Coastal Interior 30 to 50 feet brush clearance from structures
2. Coastal 50 to 70 feet brush clearance from structures
3. Foothill 100 feet brush clearance from structures
4. Extreme Foothill 150 feet brush clearance from structures

Exceptions:

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

2. 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.

4907.3 Chimney Clearance. Remove portions of trees which extend within 10 feet (3048 mm) of the outlet of a chimney,

4907.4 Overhanging Trees. Maintain trees adjacent to or overhanging a building free of deadwood, and

4907.5 Roof Debris. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth

4907.6 Additional Clearance Requirements. 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.

4907.7 High Fire Hazard Area Fire Safe Landscaping. All parcels in the Wildland Urban Interface Areas must meet defensible space requirements as outline in 4707.1. Defensible Space requirements can be met though fire safe landscaping in accordance with Wildland Fire Plan, Appendix E (High Fire Hazard Landscape Guidelines). Fire safe landscaping requirements shall be utilized on all parcels within the Wildland Urban Interface Areas.

4907.7.1 New Development. New developments in the wildland urban interface area must submit Landscape Plans for review by the Fire Code Official. Landscaping shall meet the Defensible Space distances as outlined in the Wildland Fire Plan, Appendix E (High Fire Hazard Defensible Space Requirements). All landscape plant species must be fire resistant as described in the Wildland Fire Plan, Appendix E (High Fire Hazard Landscape Guidelines).

4907.8 Vegetation Road Clearance. 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:

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 readily 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, roadway and one foot (1 foot) on each side from the edge of the drivable roadway.

4907.9 Unusual Circumstances. If the fire code official determines that difficult terrain, danger or erosion or other unusual circumstances make strict compliance with the clearance of vegetation provisions of Sections 4907 undesirable or impractical, enforcement thereof may be suspended and approved alternative measures shall be provided.

T. Section 4908 "Trespassing On Posted Property" is added to Chapter 49 to read as follows:

4908.1 General. When the fire code official determines that a specific area within a wildland urban interface area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provides.

4908.2. Signs. Approved signs prohibiting entry by unauthorized persons and referring to Section 4908.1 shall be placed on every closed area pursuant to this section.

4908.3 Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

4908.4 Tampering With Fire Department Locks, Barricades And Signs Locks, barricades, seals, cables, signs and markers installed within wildland urban interface areas, by or under the control of the fire code official, shall not be tampered with, mutilated, destroyed or removed. Gates, doors, barriers and locks installed by or under the control of the fire code official shall not be unlocked.

U. Section 4909 "Ignition Sources" is added to Chapter 49 to read as follows:

4909.1 General. Control of ignition sources in wildland urban interface areas shall be in accordance with 4909.1 through 4909.12.

4909.2 Smoking. Lighting, igniting or otherwise setting fire to or smoking tobacco, cigarettes, pipes or cigars in wildland urban interface areas is prohibited.

Exception: Places of habitation or within the boundaries of established smoking areas or campsites as designated by the fire code official.

4909.3 Spark Arresters. Chimney's used in conjunction with fire places, barbeques or heating appliances in which solid or liquid fuels is used, upon buildings, structures or premises located within 200 feet of wildland urban interface areas, shall be provided with a spark arrestor constructed with heavy wire mesh or other non-combustible material with openings not to exceed 1/2 inch.

4909.4 Suppression Equipment for Gasoline-Fueled Internal Combustion Engines- Off Road Vehicles. No person shall use or operate any internal combustion engine which operates on hydrocarbon fuels on any forest, brush, or grass covered land without providing, and maintaining in good working order, a spark arrester attached to the exhaust system, except for motorcycles, vehicles equipped with a muffler as defined by the California Vehicle Code, such as motor trucks, truck tractors, buses, and passenger vehicles are not subject to the provisions of this section. Spark arresters affixed to the exhaust of engines shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

4909.5 Suppression Equipment For Gasoline-Fueled Internal Combustion Engines- Tools. No person shall use or operate any portable saw, auger, drill, tamper or other portable tool powered by a gasoline-fueled internal combustion engine on or near any forest, brush, grass covered land, within 25 feet from any flammable material without

providing at the immediate location a round point shovel or a 2A 10 BC fire extinguisher. The above tools shall at no time be farther than 25 feet, with unrestricted access, from the operator to the point of operation.

4909.6 Tracer Bullets, Tracer Charges, Rockets And Model Aircraft. Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across wildland urban interface areas. Rockets, model airplanes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause fire shall not be fired or projected into or across wildland urban interface areas.

4909.7 Apiaries. Lighted and smoldering material shall not be used in connection with smoking bees in or upon wildland urban interface areas except by permit from the fire code official.

4909.8 Open Flame Devices. Welding torches, tar pots, decorative torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon wildland urban interface areas, except by permit from the fire code official.

Exception: Use within habited premises or designated campsites which are a minimum of 30 feet from grass, grain, brush or forested areas.

4909.9 Outdoor Fires. Outdoor fires shall not be built, ignited or maintained in or upon wildland urban interface areas, except by permit from the fire code official. Permits shall incorporate such terms and conditions which will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or upon wildland urban interface areas under the following conditions:

1. When high winds are blowing
2. When a person age 17 or over is not present at all times to watch and tend fire, or
3. When the fire code official declares a Red Flag Fire Alert.

Exception: Outdoor fires within habited premises or designated campsites where such fires are built in a permanent barbeque, portable barbeque, outdoor fireplace or grill and are a minimum of 30 feet from grass, grain, brush or forested areas.

4909.10 Outdoor Fireplaces and Barbeques. Permanent barbeques, portable barbeques, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash, or combustible waste material. Permanent barbeques outdoor fireplaces, portable barbeques and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrester, screen, or door.

Exception: When approved, unprotected openings in barbeques and grills necessary for proper functioning.

4909.11 Dumping. Garbage, cans, bottles, papers, ashes, refuse, trash, rubbish or combustible waste material shall not be placed, deposited or dumped in or upon wildland urban interface areas or in, upon or along trails, roadways or highways in wildland urban interface areas.

Exception: Approved public and private dumping areas.

4909.12 Disposal Of Ashes. Ashes and coals shall not be placed, deposited or dumped in or upon wildland urban interface areas.

Exception: (1) In the hearth of an established fire pit, camp stove or fireplace, (2) In a noncombustible container with a tight fitting lid, which is kept or maintained in a safe location not less than 10 feet from combustible vegetation or structures, (3) Where such ashes or coals are buried and covered with 1 foot of mineral earth not less than 25 feet from combustible vegetation or structures.

4909.13 Use Of Fire Roads And Firebreaks. Motorcycles, motor scooters and motor vehicles shall not be driven or parked upon, and trespassing is prohibited upon, fire roads or firebreaks beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner which obstructs the entrance to a fire road or firebreak.

Exception: Public officers acting within their scope of duty.

SECTION 4. Section 8.04.030 of the Santa Barbara Municipal Code is adopted to read as follows:

8.04.030 Fire Prevention Development Standards

A. **Fire Zone 2.** Buildings or portions of buildings constructed within the boundaries of Fire Zone 2, as designated by the fire code official and shown on a map on file with the City Clerk and the Community Development Department, shall provide a ten thousand (10,000) gallon water tank to be used for fire protection purposes only, designed, installed and maintained in a manner approved by the fire code official, incorporating each of the following additional features in its construction:

1. All fire department access complies with the requirements of Section 503 of the International Fire Code (2009 Edition) as amended by this Chapter; and
2. All plantings used for landscaping within one hundred–fifty feet (150') of any structure must be fire resistant; and
3. All native brush, shrubs and grasses are kept cleared to within one hundred–fifty feet (150') of any structure; and

4. Residential fire sprinklers are installed in any building used for sleeping or cooking according to National Fire Protection Association Residential Standards.

B. Mixed Use Occupancy Notification System. Signs shall be installed in a manner and in locations approved by the fire code official indicating the presence of residential dwelling units in buildings of mixed-use occupancy. Required signs shall be clearly visible from the front of the building and conform to the following criteria:

1. All signs shall begin with the letter **R** followed by a hyphen.
2. **R** - shall be followed by cardinal numbers denoting the floors containing dwelling units. Example: **R-2** denotes dwelling units on the 2nd floor; **R-2-3** denotes dwelling units on the 2nd and 3rd floors.
3. Letters shall have a minimum of 4" high with a 1/2" wide stroke.
4. Letters shall contrast to their background.
5. Letters on glass shall be in reflective tape.
6. In the event that dwelling units are added or removed from floors, the required sign shall be updated prior to the occupancy of the altered floor space.

Example:

R-2

SECTION 5. Ordinance Numbers 5239 and 5498 are repealed upon the effective date of this ordinance.

SECTION 6. The provisions of this ordinance shall go into effect on January 1, 2011 at 12:01 a.m.



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING October 5, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Finance and Ordinance Committees, which ordinarily meet at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: None.

Staff present: Acting City Administrator Marcelo A. López, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

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 October 31, 2010.

Documents:

October 5, 2010, report from the Assistant City Administrator.

Speakers:

Staff: Acting City Administrator Marcelo López, Award Recipient Rene Smit.

(Cont'd)

1. (Cont'd)

By consensus, the Council approved the recommendation, and the following employees were recognized:

5-Year Pin

Laura Castaneda, City Attorney
Jennifer Hopwood, Finance
Brenda Nielsen, Community Development
Douglas Klug, Police
Elizabeth Schulz, Public Works
Thomas Dietz, Waterfront

10-Year Pin

Joshua Haggmark, Public Works

20-Year Pin

Kristi Andersen, Police
Geronimo Reyes, Police
Water Lositzki, Public Works
Edwin MacGregor, Public Works

25-Year Pin

Charles Logan, Airport

30-Year Pin

Laurence Dunkley, Public Works
Rene Smit, Airport

CHANGES TO THE AGENDA

Item Removed from Agenda

Acting City Administrator Marcelo López advised the Council that the following item was being removed from the agenda and would be resubmitted at a later date.

2. Subject: Introduction Of Ordinance For Agreements For Joint Uses And Encroachments At Carrillo Recreation Center And Lobero Building (330.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute Certain Agreements Acknowledging Ongoing Uses Between the Property Known as the Lobero Building at 924 Anacapa Street, Owned by The 924 Group, LLC, and the Property Known as the Carrillo Recreation Center at 100 East Carrillo Street, Owned by the City of Santa Barbara.

PUBLIC COMMENT

Speakers: AIE, the Person.

CONSENT CALENDAR (Item Nos. 3 and 4)

Motion:

Councilmembers House/Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous voice vote.

3. Subject: Contract For Design Of The Central Library Building Renovation And Children's Library Improvements Project (570.04)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with LPA, Inc. (LPA), in the amount of \$83,409 for design services for the Central Library Building Renovation and Children's Library Improvements Project (Project), and authorize the Public Works Director to approve expenditures of up to \$8,340 for extra services by LPA that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,557 (October 5, 2010, report from the Public Works and Library Directors; October 5, 2010, letters from Kellam de Forest, Paula Westbury).

NOTICES

4. The City Clerk has on Thursday, September 30, 2010, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

5. Subject: Pet Licensing Ordinance - Amendment To Include Consultation With Veterinarian Prior To Ownership Of An Unaltered Dog or Cat (520.05)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code Concerning the City Licensing Requirements for the Keeping of Dogs and Cats Which Have Not Been Spayed or Neutered and Imposing a New Licensing Requirement for Unaltered Cats.

(Cont'd)

5. (Cont'd)

Documents:

- October 5, 2010, report from the City Attorney's Office.
- Proposed Ordinance.
- October 5, 2010, letter from Paula Westbury.

The title of the ordinance was read.

Speakers:

- Staff: City Attorney Stephen Wiley.
- Members of the Public: Dr. Lee Heller; Eliane Martin, Animal Shelter Assistance Program; Shirley Jansen, Dog Adoption and Welfare Group; Dr. Paula Kislak; Risa Grimes; Lisa Reed; Lisa Kenyon; Ginny White.

Motion:

Councilmembers Hotchkiss/Francisco to approve the recommendation.

Vote:

Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember White reported that the Planning Commission met over two days last week regarding *Plan Santa Barbara* and acted to certify the Environmental Impact Report and approve the documentation for the General Plan Update.
- Councilmember Williams provided a status report on procedural issues related to the Cachuma Conservation Release Board and the Cachuma Operation and Maintenance Board.

PUBLIC COMMENT (reopened by Mayor Schneider)

Speakers: Ray Sargent.

RECESS

The Mayor recessed the meeting at 2:52 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 6, and she stated there would be no reportable action taken during the closed session.

CLOSED SESSIONS

6. Subject: Conference With Labor Negotiator (440.05)

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

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

October 5, 2010, report from the Assistant City Administrator.

Time: 3:00 p.m. - 3:25 p.m. Councilmember Williams was absent.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 3:25 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



Agenda Item No. _____

File Code No. 700.09

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 19, 2010

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Santa Barbara Cottage Hospital Seismic Compliance And Modernization Project

RECOMMENDATION:

That Council revise the final allocation of Community Priority square footage to include an additional 10,600 square feet from the Economic Development Category for the Santa Barbara Cottage Hospital (SBCH) Seismic Compliance and Modernization Project.

DISCUSSION:

On April 26, 2005, the City Council approved the Santa Barbara Cottage Hospital (SBCH) Seismic Compliance and Modernization Project as a Community Priority and allocated 182,541 square feet from the Economic Development Category. The project involves the reconstruction of the hospital facility to meet seismic requirements imposed by Senate Bill 1953. The Council action included adoption of Specific Plan No. 8, approval of the Development Agreement, approval of the abandonment of a portion of Castillo Street, approval of a Vesting Tentative Map, and final designation as a Community Priority project.

The Specific Plan No. 8 boundary includes three separate areas totaling approximately 14.5 acres. The Council-approved project included the demolition of 291,509 square feet of the existing hospital, a 447,650 square foot addition to the hospital, a new 24,800 square foot central plant, a 12,550 square foot childcare facility, and a new 1,050 square foot commercial space within the parking structure. The SBCH project permitted a total of 745,480 square feet of hospital buildings and 1,372 parking spaces. The hospital property was originally 22 parcels that had a combined minor addition credit of 22,000 square feet, under Measure E. After deducting demolition and minor addition credits, the project was short 182,541 square feet, which resulted in the original allocation request.

Since the commencement of construction, state and federal requirements have changed to require hospitals to provide increased provisions and medical supplies to sustain operations for a minimum of 96 hours in the event of an emergency. SBCH has

submitted a request to rebuild an existing 10,600 square foot basement that was to be demolished in the approved project in order to meet the increased storage requirements. The additional square footage is a 1.4% increase over the approved project.

A memorandum from SBCH Facilities Management Department dated January 2010 is included as an Exhibit of Attachment 1, the Substantial Conformance Determination Request letter dated April 8, 2010. The memorandum documents the space allocation requirements for each identified supply and/or equipment needed to meet both state and federal requirements. The reconstruction of the basement area would reduce the amount of imported fill required to complete the project by 5,500 cubic yards and in turn reduce the short-term construction noise and air quality impacts on the neighborhood.

On August 12, 2010, the Planning Commission considered the request and made a recommendation that the Community Development Director approve the Substantial Conformance Determination and recommend that the City Council allocate an additional 10,600 of square footage from the Economic Development Category.

CONCLUSION:

As the only regional acute care facility for the South Coast, the non-profit Santa Barbara Cottage Hospital is a critical medical resource and a benefit to the City and its citizens. The storage of 96-hour supply of provisions and medical supplies will be important in the event of a regional emergency. Staff recommends that Council revise the final Community Priority allocation of 182,541 square feet to 193,141 square feet (an additional 10,600 square feet) to be allocated from the Economic Development Category.

- ATTACHMENTS:**
1. Applicant's Substantial Conformance Determination Request
 2. Existing and Proposed Basement Plans (under separate cover)
 3. Planning Commission Staff Report dated August 12, 2010
 4. Addendum to Final Environmental Impact Report

PREPARED BY: Suzanne Riegler, Assistant Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

S U Z A N N E  E L L E D G E
 P L A N N I N G & P E R M I T T I N G S E R V I C E S , I N C .

PRINCIPAL PLANNERS
 SUZANNE ELLEDGE • LAUREL F. PEREZ

8 April 2010

Ms. Irma Unzueta
 Community Development Department, Planning Division
 City of Santa Barbara
 630 Garden Street
 Santa Barbara, CA 93101

RE: Santa Barbara Cottage Hospital – Facilities Management Department
 Finding of Substantial Conformance Request for Basement Build Out
 (MST2003-00152)

Dear Ms. Unzueta:

On behalf of the applicant, Santa Barbara Cottage Hospital (SBCH), we are pleased to present the following substantial conformance request:

Background

On March 24, 2005, (as amended by City Council on April 26, 2005), the Planning Commission approved a Development Plan (Resolution No. 020-05) to allow the addition of new square footage to the existing hospital facility. In accordance with State Senate Bill 1953, which requires the seismic retrofit and/or upgrading of all acute care facilities in the state, the proposal involved the demolition of approximately 283,263 square feet of existing hospital structures and the addition of approximately 472,450 square feet of new hospital structures to include a helipad on the roof of the proposed Diagnostic and Treatment Building. In addition, in order to facilitate the proposed project, the City established a new Hospital Area Specific Plan (SP-8).

Substantial Conformance Request

A finding of substantial conformance applies to an approved project when a project applicant requests a minor change from the approval. In this instance, the approved project included a basement plan comprised of areas for storage, mechanical and electrical equipment, material management/linen, and a morgue/autopsy room. An existing crawl space area of approximately 10,600 square feet was not intended to be used and, therefore, was not part of the build out plan. However, after careful review and consideration, SBCH proposes to expand the basement into the existing crawl space area in order to comply with the most current standards of best practice for disaster planning. Please see Attachment 1 which is a copy of the approved basement plan and Attachment 2 which is a copy of the proposed basement plan.

Ms. Irma Unzueta
8 April 2010
Page 2 of 2

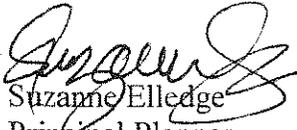
In accordance with national and State regulations, hospitals are required to have provisions for 96 hours enabling sustained operations during a disaster. As such, SBCH needs the proposed 10,600 square feet of additional space to store additional medical supplies, personal protective equipment, food, water, non-medical supplies, decontamination equipment, linens, and beds. Please see Attachment 3 for a detailed description and list of items to be stored in the basement expansion.

Because the basement addition will be dedicated to storage use only and will not intensify use of the site, we believe it may qualify for at a finding of substantial conformance.

On behalf of the applicant and project team, we thank you for your consideration of this request and ask you to please call us should you have any questions or require additional information.

Sincerely,

SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES


Suzanne Elledge
Principal Planner

Attachments

Cc: Tom Thomson

**Santa Barbara Cottage Hospital
Facilities Management Department
January 2010**

Santa Barbara Cottage Hospital is requesting an allowance to build out an additional 10,600 square feet on the basement level. This request for addition of space is necessary to store additional equipment, in accordance with regulatory agencies and in keeping with the most current standards of best practice for disaster planning.

Some items to be stored include patient care equipment that is keeping with the developments in portable medical equipment, ensuring we are able to continue to provide state of the art technology and exceptional patient care. One example is that specialty beds are rented to meet the specific needs of our patients. Other examples are included in the table below. The Center for Medicare/Medical Services (CMS), The Joint Commission (TJC), and the National Fire Protection Agency (NFPA) prohibit hospitals from storing equipment in hallways, thus additional storage for these items is necessary.

In keeping with best practices for disaster planning, Santa Barbara Cottage Hospital intends to extend the extent to which it is able to sustain operations during a disaster. Current national and State regulations require the hospital to have provisions for 72 hours, however national standards implemented in 2008 requires hospitals to have a plan for 96 hours. The hospital expects this new "planning" requirement to turn into mandating actual provisions for 96 hour sustainability. Thus, Santa Barbara Cottage Hospital needs space to store the additional 24 hours worth of medical supplies, personal protective equipment, food, water, non-medical supplies, decontamination equipment, linens, beds, and the like.

Description	Dimensions	Approx # of units	Approx. Square Feet
Patient Care Items			
Cribs	72" x 30"	8	120
Gurneys	76" x 30"	18	284
Bariatric Specialty Beds	44" x 94"	12	346
Beds	42" x 96"	30	840
Portable Safe Pt. Handling Equipment (Total Lift and Sit to Stand Lifts)	24" x 36"	31	186
Infrequently used Specialty Items: <ul style="list-style-type: none"> • Surgery • Trauma • Case Specific Equipment 	Various	88	1500
Disaster Equipment & Supplies			
Disaster Medical Supplies <ul style="list-style-type: none"> • IV Bags • Syringes • GI supplies • Gauze • Casting supplies • Disposable Stethoscopes 	4' x 4' pallets	16	258
Disaster Medical Supplies <ul style="list-style-type: none"> • Includes same items as above, already stored in carts to be moved to disaster treatment area(s). 	3' x 5' rolling cabinets	16	240

Description	Dimensions	Approx # of units	Approx. Square Feet
Additional Emergency Food Supplies	4' x 4' pallets	50	800
Additional Bottled Water Supply	4' x 4' pallets	20	320
Decontamination Supplies <ul style="list-style-type: none"> • 2 Portable Decon showers with accessories (water bladder, gurney conveyor, soap, brushes, trash bags, signs, cones) • Decontamination Level C Powered Air Purifying Respirators • Decon boots • Decon Suits • Decon Batteries & Charging stations 	4' x 4' pallets	18	288
Personal Protective Equipment for Pandemic <ul style="list-style-type: none"> • N-95 Masks 	4' x 4' pallets	8	128
Surge Capacity <ul style="list-style-type: none"> • Tents • Cots 	4' x 6' crates 4' x 4' pallets	4 4	96 64
Evacuation slides to transport patients down stairwells	4' x 4' pallets	6	96
Housekeeping toiletries, cleaning supplies, medical waste (sharps, pharmaceutical, and chemo waste) containers, trash bags, paper goods	4' x 4' pallets	12	192
Linens	36" x 66" carts	16	264
Miscellaneous Emergency Supplies: Engineering Filters, Batteries, Fans, Office Supplies	4' x 4' pallets	44	704
Equipment Footprint Space			6726

Note, per industry guidelines and the need to have access routes/aisles in between shelves and pallet storage, the storage space for the above noted items would also require approximately 3874 additional square feet of open space. This estimation is 37%, which is conservative based on the industry standard of 45% open space in a storeroom environment, allowing for pallet jack movement.

Thus, the total square footage needed would be approximately 10,600.

Equipment Footprint Space	6726
Open Space for Access/Paths	3874
Total Storage Space	10,600

SANTA BARBARA COTTAGE HOSPITAL (SBCH)
EXISTING AND PROPOSED BASEMENT PLANS

A copy of the plans are available for public review under separate cover.



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: August 5, 2010
AGENDA DATE: August 12, 2010
PROJECT ADDRESS: 320 W Pueblo Street (MST2003-00152)
 Santa Barbara Cottage Hospital (SBCH) Modernization Plan
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Suzanne Riegle, Assistant Planner *SR*

I. PROJECT DESCRIPTION

On March 24, 2005, the Santa Barbara Cottage Hospital (SBCH) Modernization Plan was approved by the Planning Commission, and is currently under construction. Recent changes in both state and federal law require the hospital to maintain sufficient provisions and medical supplies to operate for 96 hours in the event of an emergency. Because of these changes, the hospital is requesting a Substantial Conformance Determination to allow the expansion of the approved basement floor area by 10,600 square feet (s.f.) to accommodate the storage of such provisions. The proposal does not increase the building's footprint or height. The request would require City Council to approve an allocation of 10,600 s.f. of new non-residential square footage under SBMC§28.87.300 under the dual designation of Community Priority and Economic Development.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Substantial Conformance Determination that the additional construction of 10,600 square feet of nonresidential development is consistent with the previously approved the Development Plan Approval. (SBMC §28.87.300 & 28.94.050)
2. Recommendation to City Council to allocation 10,600 s.f. of additional non-residential square footage to the project under Economic Development with a dual designation as a Community Priority.

III. RECOMMENDATION

Staff requests the Planning Commission to: 1) Provide staff with comments regarding the supportability of a Substantial Conformance Determination (SCD); and 2) Recommend that City Council approve the Economic Development and Community Priority square footage allocation.

IV. SUBSTANTIAL CONFORMANCE

The Community Development Department staff is responsible for making substantial conformance determinations, and depending on the scope of the request, this can occur with or without Planning Commission's input. The applicant requested a Level 4 Substantial Conformance Determination, which requires formal input from the Planning Commission because although Staff is inclined to grant this request, we feel that the Planning Commission's input is necessary in order to make the determination.

	Permitted	Proposed
Main Hospital	745,480 net s.f.	10,600 net s.f. addition (1.4%)
Parking Spaces	1,372 spaces	1,372 spaces *

The proposed project revision would meet the General Acute Care Hospital Facility land use requirements specified in SP-8 Hospital Zone (SBMC§28.49) and the General Plan.

The proposed project is an approximately 1.4% increase in square footage over the previously approved and permitted project. The project area is located in Land Use Area A, which is identified as the General Acute Care Hospital Facility and is located between Oak Park Lane on the west, Junipero Street on the north, Bath Street on the east and Pueblo Street on the south.

SBCH proposes additional basement storage area for the purposes of storing the increased emergency provisions that are now required under national and state regulations, to enable the hospital to sustain operations for 96 hours in the event of a disaster. A memorandum from SBCH Facilities Management Department dated January 2010 is included as an attachment to Exhibit C. The memorandum documents the space allocation requirements for each identified supply and/or equipment required to meet both state and federal requirements.

Although the SCD request is for the additional construction of 10,600 square feet in the basement, the only real change is a reduction in the amount of grading. The approved project included over excavation in the area of the proposed basement, which was required as part of the foundation of the building, with the subsequent filling of the area with dirt so that the area was not useable. The proposed basement addition would simply eliminate the 5,500 cubic yards of imported fill that was approved as part of the previous project, thus reducing the short-term construction impacts by reducing the total number of required truck trips that would have been required for imported soil. Staff requests the Commission's input on whether the proposal substantially conforms to the approved project.

V. ISSUES

A. DESIGN REVIEW

This proposed basement expansion project would not require review by the Architectural Board of Review because the improvements are subterranean. The proposed project does not affect the approved elevations of the project or site planning. The proposal will not increase the

finished height of the building, change the building footprint or increase the approved buildings mass, bulk and scale.

B. ENVIRONMENTAL REVIEW

A Final Environmental Impact Report (EIR) identified significant but mitigable impacts and a significant unavoidable impact related to long-term transportation and circulation impacts created by the approved project. Pursuant to CEQA, the Planning Commission adopted the EIR for this project on March 24, 2005. Each of the adopted required mitigation measures outlined in the EIR were incorporated into the proposed conditions of project approval in PC Resolution No. 020-05 attached as Exhibit A. Each mitigation is being implemented as outlined in the adopted mitigation monitoring and report program that was attached to the final EIR to ensure their compliance during project implementation (PRC Sec.21081.6).

Traffic & Parking

The approved project traffic impacts were analyzed in the adopted EIR. The proposed basement expansion has been reviewed by the Transportation Division Staff and who has determined that the project does not contribute to any additional traffic and circulation impacts.

The parking ordinance requires one parking space per sleeping unit for hospital uses. During the review of the permitted project, a parking demand study was prepared and incorporated into the EIR in order to determine the actual parking demand. The parking demand determined that based on the number of patients, number of employees, and types of services provided the parking would be greater than the number of beds proposed for the hospital. Based on the additional square footage use as storage only, Transportation Staff determined that no additional parking would be required.

Grading & Archaeological

The location of the proposed basement expansion is an area that has been previously disturbed by the approved construction. No additional cut would be required, however; there will be a decrease of required fill by approximately 5,500 cubic yard. The decrease in required fill will reduce the number of required truck trips needed to transport imported fill from an off-site location. Although discovery of archaeological artifacts is not anticipated, the MMRP has outlined mitigations measures that were incorporated into the resolution as conditions of approval. Conditions for unanticipated discovery of artifacts during grading activities are identified in Resolution No. 020-05.

An addendum to the EIR has been prepared to document that the project revisions will not cause additional impacts and reduces grading impacts.

C. DEVELOPMENT PLAN APPROVAL/SQUARE FOOTAGE ALLOCATION

On May 20, 2003, the City Council granted the SBCH project a dual designation of Community Priority and Economic Development, with a preliminary allocation of 140,000 s.f. from the Economic Development category.

Although, the SBCH upgrade and modernization project clearly met the definition of both a Community Priority and Economic Development project, due to the shortage of Community Priority square footage, City Council allocated the Development Plan Approval square footage from the Economic Development category. In 2005, the SBCH project requested an increase to the preliminarily approved allocation by 42,541 s.f., primarily in association with a previous request to expand the basement to accommodate the Hospital's storage requirements. Council approved an allocation of 182,541 s.f. from the Economic Development category on March 24, 2005.

If the Substantial Conformance Determination were to be granted, Staff would recommend that the allocation of 10,600 s.f. for the basement storage area be made from the Economic Development category under a dual designation as Economic Development and a Community Priority, due to the limited amount of Community Priority square footage available. The resulting total allocation will be for the approved SBCH project and SCD project would be 193,141 s.f. (182,541 s.f. + 10,600 s.f.) from the Economic Development category under a dual designation as Economic Development and Community Priority.

This seems like a large amount of square footage for a single development. However, it is important to note that SBCH agreed to transfer approximately 158,862 s.f. of Existing Commercial Development Rights square footage back into the Economic Development category bank as part of the approval of the St. Francis residential project. Additionally, a previous St. Francis Medical Center project had 30,000 s.f. allocation of Community Priority square footage that was returned to the City because of the expiration of the approval for the project. One could argue that overall, SBCH is only requesting a little over 4,000 s.f. from the City.

VI. NEXT STEPS

Staff will make the decision to approve or deny the substantial conformance, using the input provided by the Planning Commission. If approved, the project will be scheduled on a City Council agenda for preliminary and final square footage allocation of square footage with a dual designation as a Community Priority and Economic Development.

Exhibits:

- A. PC Resolution Number 020-05
- B. Existing and proposed Basement Plan (under separate cover)
- C. Applicant's Substantial Conformance Determination request letter, dated April 8, 2010
- D. Addendum to Final EIR (under separate cover)



City of Santa Barbara Planning Division

ADDENDUM
TO A CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT
COTTAGE HOSPITAL MODERNIZATION PLAN (MST2003-00152)

320 W PUEBLO STREET
(FORMERLY IDENTIFIED AS APNS: 025-102-001; 025-101-001, -005, -022, -024, -025, -026, -
027; 025-061-015; 025-171-004, -006, -009, -011, -032, -039, AND -041.
CURRENTLY IDENTIFIED AS APNS: 025-100-001; 025-061-015; AND 025-171-050)

SCH # 2003101075

AUGUST 5, 2010

This Addendum is prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15164, which provides that an Addendum to an Environmental Impact Report may be prepared under circumstances where only minor changes or additions are necessary to make the prior document adequate for the current project as revised. This Addendum has been prepared to address the substantial conformance determination (SCD) request made by the project applicants on April 8, 2010.

PREVIOUSLY APPROVED ENVIRONMENTAL DOCUMENT

The Santa Barbara Cottage Hospital (SBCH) Environmental Impact Report (FEIR) was certified by the Planning Commission on March 24, 2005. The EIR for SBCH was prepared to evaluate the project's impact on long-term impacts to air quality, traffic, and noise due to helicopter operations and short-term construction noise impacts.

The overall project analyzed in the FEIR consisted of

The SBCH project described in the FEIR and approved by the Planning Commission on March 24, 2005 was intended to comply with State Senate Bill 1953, which requires the seismic retrofit and/or upgrading of all acute care facilities in the state. The approved project was a modernization plan that included the demolition and reconstruction of the existing acute care hospital facility and construction of several related buildings and structures. In addition to the construction plans the project included approval of a specific plan to give the hospital campus a Hospital Zone (SP-8) which identifies appropriate land uses for the hospital facilities and identifies three land use areas (A, B and C)

PROJECT DESCRIPTION

PROJECT AS DESCRIBED IN THE FEIR

Land Use Area A (General Acute Care Hospital Facility): The project involved the demolition of approximately 283,263 sq. ft. of existing hospital structures; retention of 240,100 sq. ft. of existing hospital facility and the construction of 505,380 net sq. ft. of new hospital structures resulting in a 745,480 net sq. ft. general acute care hospital facility. The acute hospital facility includes a helipad on the roof of the proposed Diagnostic and Treatment Building. The number of licensed beds was reduced from 456 to 337. To allow the new hospital construction,

the project proposed the permanent closure of the 2300 Block of Castillo Street between Pueblo and Junipero Streets.

Parking for the project includes the construction of two new multi-level parking structures and surface parking lots for a total of 1,372 parking spaces and are located in Land Use Areas A, B and C.

Land Use Area B (Parking and Medical Office Building): The proposed Knapp parking structure would be located behind the existing medical offices located in the Knapp Building at 2400 Bath Street and would contain approximately 556 parking spaces.

Land Use Area C (Parking; Child Care Facility): The proposed Pueblo parking structure would contain approximately 635 parking spaces and would be located at the northeast corner of Pueblo and Castillo Streets. A childcare center (11,813 sq. ft.) consisting of three single story structures would be located adjacent to the Pueblo parking structure.

Construction of the project is expected to take approximately nine years through the year 2013, during which the hospital would remain fully operational.

Primary landscape features for the project include a landscaped garden area at the corner of Pueblo Street and Oak Park Lane, five patient pavilion courtyards, central and western courtyards, and main entry landscaping. Preliminary earthwork quantities for the project include 143,600 cubic yards of cut and 60,500 cubic yards of fill.

The project proposes the establishment of a new Hospital Area Specific Plan (SP-8), intended to provide a hospital-oriented zone and specifies allowable land uses and development standards for three separate areas within the project site. The proposed zone would facilitate the reconstruction of the existing facilities as well future development within the SP-8 zone. A Development Agreement is also proposed to facilitate the nine year construction period and ensure that the project is carried out in a timely manner.

The FEIR identified significant unavoidable (Class I) long-term impacts to air quality, traffic and noise due to helicopter operations and short-term construction noise impacts. No feasible mitigation measures or alternatives were identified that could reduce these impacts to less than significant while still meeting the project objectives. However, mitigation measures were required by the Council as proposed conditions of approval that could lessen impacts to the extent feasible. For more details related to the EIR analysis and mitigation measures, please refer to the Final EIR.

PROPOSED CHANGES TO APPROVED SBCH ("2010 REVISED PROJECT")

On April 10, 2010, the City received a formal request for SCD from the Applicants for proposed changes to the originally Approved SBCH Project. The key changes to the project proposed are as follows:

- Expansion of the approved basement floor area by 10,600 square feet; and
- Reduction in grading quantities primarily through the elimination of 5,500 cubic feet of imported fill.

ANALYSIS OF ENVIRONMENTAL CIRCUMSTANCES

Since the time of the FEIR analysis, there have been no substantial changes in environmental conditions on the ground, the status of environmental resources, or the City's impact evaluation guidelines.

ANALYSIS OF PROJECT IMPACTS AND MITIGATIONS

Summary of Impacts

The previous FEIR for the SBCH Project stated that the project would result in significant unavoidable long-term impacts to air quality, traffic and noise due to helicopter operations and short-term construction noise impacts. No feasible mitigation measures or alternatives have been identified to lessen these impacts to less than significant while still meeting the project objectives. Significant, but mitigable impacts were identified in the areas of cultural, geophysical, hazards, hydrology, public services, transportation and circulation, and visual resources. Several mitigation measures were originally required as conditions of the original approval to lessen impacts to the extent feasible.

The proposed expanded 10,600 square foot basement area was originally proposed for overexcavation. The project revisions would not require new excavation that was not already included in the previously approved project. The expanded 10,600 square foot storage area would simply be built in place of filling the excavated area. This would result in 5,500 cubic yards less fill than originally proposed by the project. The revised project, therefore, would result in a reduction of short-term related construction impacts related to traffic and noise from the originally proposed project.

The proposed basement expansion would not result in additional hazardous material and waste impacts or changes to the approved drainage, topography, or landscaping plans. Additionally, the very small additional public services needed for the extra storage area would be minimal. City transportation staff have also determined that the revised project would not require additional parking as addition of storage space would not create new parking demand.

Potential long-term impacts associated with earthquake ground shaking, liquefaction, settlement, perched groundwater, corrosive soil, oversized rocks, compressible soils, and expansive soils would be the same for the proposed basement as the rest of the previously approved project and would be reduced through foundation design measures and mitigation measures GEO-1 through GEO-3 previously identified that require a corrosion analysis, final geotechnical investigation and geotechnical monitor. Potential temporary for construction-related geophysical impacts associated with slope instability caused by over-excavation, perched groundwater caused by groundwater seepage, and erosion caused by exposed on-site soils would be reduced by previously identified mitigation measures GEO-2 and GEO-4 requiring a final geotechnical investigation and excavation and shoring safety.

All mitigation measures previously approved as special conditions of approval for the original project are also included as special conditions of the subject substantial conformance approval. Therefore, the proposed project revisions will not result in changes or additions of project impacts, previously identified impact significance determinations, or the feasibility of previously identified mitigation measures or alternatives in the FEIR.

Addendum to FEIR

Santa Barbara Cottage Hospital Modernization Plan (MST2003-00152)

August 5, 2010

Page 4 of 4

CEQA FINDING

Based on the above review of the project, in accordance with State CEQA Guidelines Section 15162, no subsequent MND or Environmental Impact Report is required for the current project, because new information, and changes in circumstances, project description, impacts and mitigations are not substantial and do not involve new potentially significant impacts or a substantial increase in the severity of previously identified impacts, as described above.

This Addendum identifies the changes to previously identified project impacts, based on the revised project description. This Addendum, together with the Final Environmental Impact Report dated March 24, 2005 constitute adequate environmental documentation in compliance with CEQA for the proposed 2010 Revised Project.

Prepared by: Suzanne Riegle
Suzanne Riegle, Assistant Planner

Date: 7/30/10

Reviewed by: Melissa Hetrick
Melissa Hetrick, Environmental Analyst

Date: 7/30/10



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 19, 2010

TO: Mayor and Councilmembers

FROM: Business Division, Waterfront Department

SUBJECT: Introduction Of Ordinance For A 15-Year Lease With Conway Vineyards, Incorporated, For The Wine Tasting Room At 217-G Stearns Wharf

RECOMMENDATION:

That Council approve a 15-year lease with Conway Vineyards, Inc., and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a 15-Year Lease of the Premises Located at 217-G Stearns Wharf with Conway Vineyards, Inc., Effective November 25, 2010.

BACKGROUND:

The lease with the Coastal Winery wine tasting room expired on March 31, 2010, and the former tenant vacated the space at 217-G Stearns Wharf on April 5 (Attachment 2).

The Department conducted a two-phase screening and selection process to identify a prospective tenant. The Request for Qualifications (RFQ) phase was used to identify interested businesses and their general concept for the lease space. Thirty-five RFQ packets were sent out and 12 responses were received from various businesses including winegrowers from Santa Barbara, San Luis Obispo, Tulare, San Joaquin and Sonoma Counties (Attachment 1). A Selection Committee consisting of Harbor Commissioners and staff reviewed qualifications and recommended a priority list ("short list") of the top four candidates that were invited to participate in the second phase, the Request for Proposals (RFP).

The four finalists selected were Foley Family Wines, Kalyra Winery, Metropulos Fine Foods Merchant, and Conway Vineyards, Inc.

DISCUSSION:

Three business proposals were received by the August 25 deadline. Foley Family Wines did not submit a proposal. The three proposals are described briefly as follows:

Kalyra Winery and tasting room opened in February 2002 in Santa Ynez. Kalyra opened a second tasting room in 2007 at 212 State Street.

Kalyra's proposal involved moderate investment in the facility and minimal down time, estimating that the business could be opened in 21 days' time. Kalyra proposed to refurbish the mahogany bar, refurbish the Stearns Wharf premises, close its existing State Street tasting room, and relocate its operation and Alcoholic Beverage Control (ABC) license to the Stearns Wharf location. The Kalyra Santa Ynez winery and tasting room would continue normal operations.

Metropulos Fine Foods Merchant has operated at 216 East Yanonali Street since 2004. Metropulos proposed to open a tasting room on Stearns Wharf offering customers the opportunity to taste wines as well as cheeses, jams, olive oils, vinegars, cured meats, salads, soft drinks, beers, and other items that do not need to be served hot. The food would be prepared off-site at the Metropulos kitchen facility. Metropulos proposed significant investment in the facility and acquisition of a new ABC license that would be necessary for serving food and wine.

Conway Vineyards (Conway) was founded in 2007 and has a wine production facility in Santa Maria and vineyards at Rancho Arroyo Grande. Conway produced approximately 40,000 cases of premium table wine from the 2008 harvest and anticipates approximately 50,000 cases from the 2009 harvest. The wines are made from grapes grown in select Santa Barbara and Central Coast vineyards. Although relatively new to the wine business, the company has retained managers and consultants with extensive experience in the wine production / wine sales industry and Conway has solid financial resources.

The Conway proposal involves establishing a quality wine tasting room on Stearns Wharf through an extensive tenant improvement, significant monetary investment in the lease space and a comprehensive marketing plan. Conway currently has an ABC license that will be used at the Wharf location.

The criteria for evaluation included:

1. Business plan
2. Management team
3. Planned improvements to the lease space
4. Financial qualifications

Staff visited each location and met with the owners during the month of August. The Harbor Commission Selection Committee met with staff in August to review the proposals and receive presentations from the respondents. All three proposals were of outstanding quality. After carefully considering the three proposals, the Selection Committee recommended the Conway proposal as being the most responsive and appropriate to reinvigorate the wine tasting room concession on Stearns Wharf as evidenced by the business plan, management team, planned improvements and financial qualifications.

The business terms of the proposed lease are summarized as follows:

- **Permitted Uses:** A wine tasting room and retail store selling wine, beer, juices, waters, retail items and specialty foods commonly found in wine tasting rooms including cheeses, baguettes, croissants and coffee drinks. Tenant may carry T-shirts, sweatshirts and hats that carry a design/logo featuring the name of the business;
- **Term:** Five-year lease, with two 5-year options to extend
- **Base Rent:** \$4,160 per month
- **Percentage Rent:** Base rent or 10% of gross sales, whichever is greater
- **Insurance:** City standard requirements of commercial general liability, property, and business interruption insurance
- **Personal Guaranty:** Signed by Christopher Conway

The Harbor Commission recommended approval of the Conway proposal and directed staff to negotiate a lease agreement based on the business terms outlined in the RFQ / RFP and proceed to City Council for final approval at the September 16, 2010, meeting.

ATTACHMENTS: 1. RFQ Respondents
2. Site Plan

PREPARED BY: Scott Riedman, Waterfront Business Manager

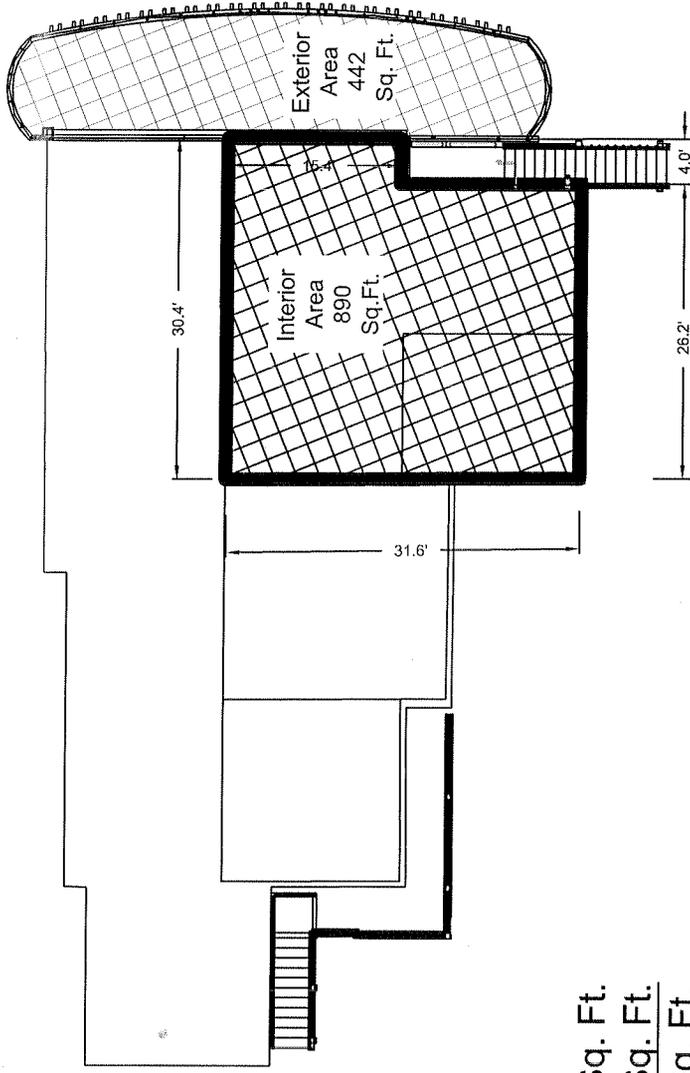
SUBMITTED BY: John N. Bridley, Waterfront Director

APPROVED BY: City Administrator's Office

Stearns Wharf Wine Tasting Room / responses to RFQ

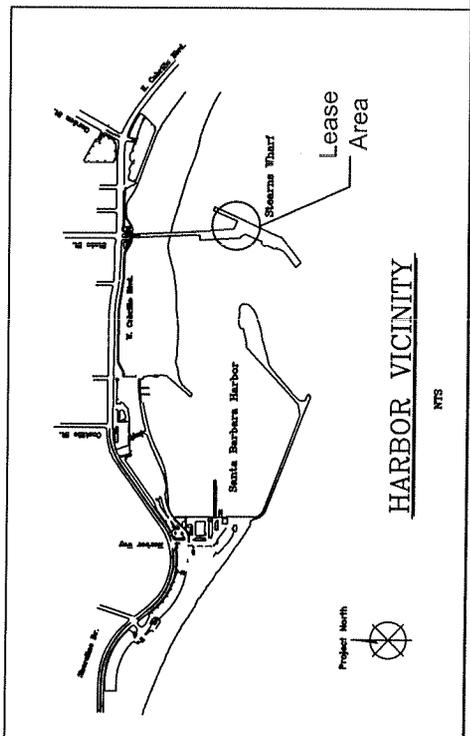
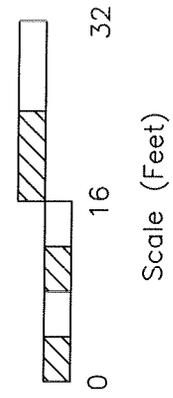
Company	Principal	Address	Website
RFQ selected- in alphabetical order			
Conway Family Wines	Christopher Conway	591 Hi Mountain Road, Arroyo Grande	www.conwayvineyards.com
Foley Family Wines	William Foley II	389 Fourth Street, East Sonoma, CA	www.foleyfamilywines.com
Kalyra Winery	Martin Brown	212 State Street	www.kalyrawinery.com
Metropolis Fine Foods	Craig & Ann Addis	216 East Yanonali St	www.metrofinefoods.com
RFQ Not selected- in alphabetical order			
Channel Islands Winery	Doug Scott & Virga Paskus	760 W Loop Drive, Camarillo	
Kunin Winery LLC	Seth & Magan Kunin	28 Anacapa St #A	www.kuninwines.com
La Belle Winery	Marti Woodmansee	Terra Bella, CA	www.labellewinery.com
Oreana Winemaking Co. LLC	Christian Garvin	205 Anacapa Street	www.oreanawinery.com
"Pacific Wine Room"	Mark Lawrence & Sarah Sugich	"Blush" 630 State St	
Presidio Vineyard & Winery	Doug Braun	Lompoc / Solvang	www.presidiowinery.com
"Skippers"	Jon Marshall	217-C Stearns Wharf	
Watts Winery & Vineyards	Craig & Shari Watts	12470 Locke Road, Lockeford CA (Lodi)	www.wattswinery.com

Second Floor Plan
 Old Wharf Building
 217 #G Stearns Wharf



Interior Lease Area: 890 Sq. Ft.
 Exterior Lease Area: 442 Sq. Ft.
 Total Lease Area: 1,322 Sq. Ft.

ATTACHMENT #2



REVISIONS		DATE: 05/10/10	APPROVED BY: S. Reichman	DRAWN BY: J.J.
		ADDRESS: 217 #G Stearns Wharf		SHEET NO: 1 of 1
			City of Santa Barbara	DRAWING NO: 2170-013
			Waterfront Department	

Exhibit A: Lease Area

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A 15-YEAR LEASE OF THE PREMISES LOCATED AT 217-G STEARNS WHARF WITH CONWAY VINEYARDS, INC., EFFECTIVE NOVEMBER 25, 2010.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, An Ordinance of the Council of the City of Santa Barbara Approving a 15-Year Lease With Conway Vineyards, Inc., Effective November 25, 2010, is hereby approved.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 19, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department
Facilities Division, Waterfront Department

SUBJECT: Increase In Construction Change Order Authority For The Marina One Replacement Project - Phases II - IV

RECOMMENDATION: That Council:

- A. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Marina One Replacement Project – Phases II - IV (Project), Contract No. 23,532 in the amount of \$164,825, for a total project change order expenditure authority of \$586,325; and
- B. Increase appropriations and estimated revenues by \$4,060,000 in the Waterfront Capital Fund to cover the cost of the Project, funded from a loan from the Department of Boating and Waterways (DBAW).

DISCUSSION:

PROJECT DESCRIPTION

On September 14, 2010, Council awarded and authorized the Public Works Director to execute a contract with Bellingham Marine Industries, Inc. to construct the Project. The Project will replace the docking system and associated utilities for the L-P fingers. As part of the bid, an additive bid item was included to construct four additional slips at P finger. Because of the nature of funding for this Project from the Department of Boating and Waterways (DBAW), the additive alternate bid item was not included in the award of the Project on September 14, 2010. However, since that time, the DBAW has provided the Waterfront Department final approval of funding for this additional work. Increasing the change order authority by \$164,825 for this additive bid item will allow this work to be completed.

FUNDING

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

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Base Contract	Change Order	Total
Initial Contract Amount	\$4,215,146	\$421,500	\$4,636,646
Proposed Increase		\$164,825	\$164,825
Totals	\$4,215,146	\$586,325	\$4,801,471

ESTIMATED TOTAL PROJECT COST (Phases II - IV)

Design Phases II – IV (by Contract)	\$63,305
City Staff Costs	\$22,000
Subtotal	\$85,305
Construction Contract	\$4,215,146
Construction Change Order Allowance	\$586,325
Subtotal	\$4,801,471
Construction Management/Inspection (by City Staff)	\$220,000
Other Construction Costs (float inspection)	\$15,000
Construction Support (by Contract)	\$137,500
Subtotal	\$372,500
TOTAL PROJECT COST	\$5,259,276

The DBAW originally approved a total loan amount of \$5,501,000 for the construction of Phases I – IV, of which approximately \$1,996,000 was used for Phase I. The remaining \$3,505,000, along with an anticipated loan increase of \$1,755,000, will be used to fund Phases II – IV, bringing the total proposed DBAW funding to \$5,260,000. The City's Fiscal Year 2011 budget includes \$1.2 million in budgeted funds for Phase II. The appropriations needed for the remaining phases of the Project are then \$4,060,000, which is the amount being recommended to be appropriated in this agenda report. Staff anticipates the \$1,755,000 loan increase will be approved by the DBAW; otherwise, there are sufficient reserves in the Waterfront's Harbor Preservation Fund to cover this portion of the costs should the DBAW not approve the loan increase.

Now that the full amount of the Project cost is known, staff recommends that the total amount of \$4,060,000, needed to fund Phases II – IV, be appropriated along with the estimated revenues related to the loan proceeds to be received from the DBAW throughout the construction of the Project.

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/LS/mj
Karl Treiberg, Waterfront Facilities Manager

SUBMITTED BY: Christine F. Andersen, Public Works Director
John Bridley, Waterfront Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 19, 2010

TO: Mayor and Councilmembers

FROM: Accounting Division, Finance Department

SUBJECT: Fiscal Year 2011 Interim Financial Statements For The Two Months Ended August 31, 2010

RECOMMENDATION:

That Council accept the Fiscal Year 2011 Interim Financial Statements for the Two Months Ended August 31, 2010.

DISCUSSION:

The interim financial statements for the two months ended August 31, 2010 (16.7% of the fiscal year) are attached. The interim financial statements include budgetary activity in comparison to actual activity for the General Fund, Enterprise Funds, Internal Service Funds, and select Special Revenue Funds.

ATTACHMENT: Interim Financial Statements for the Two Months Ended August 31, 2010

PREPARED BY: Rudolf J. Livingston, Accounting Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
Summary by Fund
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget
GENERAL FUND					
Revenue	102,061,117	12,765,053	-	89,296,064	12.5%
Expenditures	102,266,416	19,242,608	836,423	82,187,385	19.6%
<i>Addition to / (use of) reserves</i>	(205,299)	(6,477,555)	(836,423)		
WATER OPERATING FUND					
Revenue	34,632,686	5,861,967	-	28,770,719	16.9%
Expenditures	35,669,711	5,728,906	3,651,323	26,289,482	26.3%
<i>Addition to / (use of) reserves</i>	(1,037,025)	133,061	(3,651,323)		
WASTEWATER OPERATING FUND					
Revenue	14,985,411	2,746,088	-	12,239,323	18.3%
Expenditures	18,916,345	2,786,355	3,030,640	13,099,350	30.8%
<i>Addition to / (use of) reserves</i>	(3,930,934)	(40,267)	(3,030,640)		
DOWNTOWN PARKING					
Revenue	6,689,440	1,147,018	-	5,542,422	17.1%
Expenditures	7,363,740	1,047,351	816,870	5,499,520	25.3%
<i>Addition to / (use of) reserves</i>	(674,300)	99,667	(816,870)		
AIRPORT OPERATING FUND					
Revenue	13,065,477	2,224,884	-	10,840,593	17.0%
Expenditures	13,134,132	1,884,196	687,911	10,562,026	19.6%
<i>Addition to / (use of) reserves</i>	(68,655)	340,689	(687,911)		
GOLF COURSE FUND					
Revenue	2,049,194	392,661	-	1,656,533	19.2%
Expenditures	2,060,811	487,061	136,552	1,437,198	30.3%
<i>Addition to / (use of) reserves</i>	(11,617)	(94,400)	(136,552)		
INTRA-CITY SERVICE FUND					
Revenue	6,083,553	788,329	-	5,295,224	13.0%
Expenditures	6,781,899	761,844	732,275	5,287,780	22.0%
<i>Addition to / (use of) reserves</i>	(698,346)	26,485	(732,275)		

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
Summary by Fund
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget
FLEET REPLACEMENT FUND					
Revenue	2,227,068	375,902	-	1,851,166	16.9%
Expenditures	4,631,542	224,678	1,516,833	2,890,031	37.6%
<i>Addition to / (use of) reserves</i>	<u>(2,404,474)</u>	<u>151,224</u>	<u>(1,516,833)</u>		
FLEET MAINTENANCE FUND					
Revenue	2,429,418	402,423	-	2,026,995	16.6%
Expenditures	2,485,972	392,121	309,895	1,783,956	28.2%
<i>Addition to / (use of) reserves</i>	<u>(56,554)</u>	<u>10,302</u>	<u>(309,895)</u>		
SELF INSURANCE TRUST FUND					
Revenue	5,694,553	905,504	-	4,789,049	15.9%
Expenditures	6,194,109	1,806,062	523,435	3,864,612	37.6%
<i>Addition to / (use of) reserves</i>	<u>(499,556)</u>	<u>(900,558)</u>	<u>(523,435)</u>		
INFORMATION SYSTEMS ICS FUND					
Revenue	2,302,393	381,931	-	1,920,462	16.6%
Expenditures	2,307,501	400,575	106,664	1,800,261	22.0%
<i>Addition to / (use of) reserves</i>	<u>(5,108)</u>	<u>(18,645)</u>	<u>(106,664)</u>		
WATERFRONT FUND					
Revenue	11,762,974	2,209,303	-	9,553,671	18.8%
Expenditures	11,850,433	1,689,570	925,093	9,235,770	22.1%
<i>Addition to / (use of) reserves</i>	<u>(87,459)</u>	<u>519,733</u>	<u>(925,093)</u>		
TOTAL FOR ALL FUNDS					
Revenue	203,983,284	30,201,064	-	173,782,220	14.8%
Expenditures	213,662,612	36,451,327	13,273,913	163,937,371	23.3%
<i>Addition to / (use of) reserves</i>	<u>(9,679,328)</u>	<u>(6,250,263)</u>	<u>(13,273,913)</u>		

*** It is City policy to adopt a balanced budget. In most cases, encumbrance balances exist at year-end. These encumbrance balances are obligations of each fund and must be reported at the beginning of each fiscal year. In addition, a corresponding appropriations entry must be made in order to accommodate the 'carried-over' encumbrance amount. Most differences between budgeted annual revenues and expenses are due to these encumbrance carryovers.*

CITY OF SANTA BARBARA
General Fund
Interim Statement of Budgeted and Actual Revenues
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

	Annual Budget	YTD Actual	Remaining Balance	Percent Received	Previous YTD
TAXES					
Sales and Use	16,714,359	1,961,993	14,752,366	11.7%	1,996,196
Property Taxes	22,790,000	-	22,790,000	0.0%	-
Utility Users Tax	7,040,000	1,188,669	5,851,331	16.9%	1,168,927
Transient Occupancy Tax	11,157,000	2,704,447	8,452,553	24.2%	2,408,068
Franchise Fees	3,266,000	552,071	2,713,929	16.9%	525,235
Business License	2,168,000	279,877	1,888,123	12.9%	267,324
Real Property Transfer Tax	358,100	66,798	291,302	18.7%	66,567
<i>Total</i>	<u>63,493,459</u>	<u>6,753,856</u>	<u>56,739,603</u>	10.6%	<u>6,432,318</u>
LICENSES & PERMITS					
Licenses & Permits	194,000	20,111	173,890	10.4%	29,463
<i>Total</i>	<u>194,000</u>	<u>20,111</u>	<u>173,890</u>	10.4%	<u>29,463</u>
FINES & FORFEITURES					
Parking Violations	2,469,069	409,052	2,060,017	16.6%	461,627
Library Fines	115,000	17,655	97,345	15.4%	17,261
Municipal Court Fines	150,000	8,575	141,425	5.7%	29,225
Other Fines & Forfeitures	175,000	35,881	139,119	20.5%	24,890
<i>Total</i>	<u>2,909,069</u>	<u>471,163</u>	<u>2,437,906</u>	16.2%	<u>533,004</u>
USE OF MONEY & PROPERTY					
Investment Income	848,615	136,520	712,095	16.1%	177,296
Rents & Concessions	421,535	70,911	350,624	16.8%	64,864
<i>Total</i>	<u>1,270,150</u>	<u>207,431</u>	<u>1,062,719</u>	16.3%	<u>242,160</u>
INTERGOVERNMENTAL					
Grants	1,420,693	93,144	1,327,549	6.6%	-
Vehicle License Fees	150,000	74,717	75,283	49.8%	88,554
Reimbursements	14,040	1,396	12,644	9.9%	-
<i>Total</i>	<u>1,584,733</u>	<u>169,257</u>	<u>1,415,476</u>	10.7%	<u>88,554</u>
FEES & SERVICE CHARGES					
Finance	858,930	141,266	717,664	16.4%	135,648
Community Development	4,452,856	807,525	3,645,331	18.1%	834,694
Recreation	2,358,031	544,978	1,813,053	23.1%	474,866
Public Safety	476,348	74,721	401,627	15.7%	77,084
Public Works	5,219,373	907,647	4,311,726	17.4%	848,516
Library	779,643	4,831	774,812	0.6%	6,924
Reimbursements	5,956,688	943,276	5,013,412	15.8%	846,197
<i>Total</i>	<u>20,101,869</u>	<u>3,424,245</u>	<u>16,677,624</u>	17.0%	<u>3,223,929</u>
OTHER MISCELLANEOUS REVENUES					
Miscellaneous	1,282,193	456,480	825,713	35.6%	305,838
Indirect Allocations	6,520,510	1,086,752	5,433,758	16.7%	1,295,519
Operating Transfers-In	4,705,134	175,760	4,529,374	3.7%	234,990
<i>Total</i>	<u>12,507,837</u>	<u>1,718,991</u>	<u>10,788,846</u>	13.7%	<u>1,836,347</u>
TOTAL REVENUES	<u>102,061,117</u>	<u>12,765,053</u>	<u>89,296,064</u>	12.5%	<u>12,385,774</u>

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
GENERAL GOVERNMENT						
<u>Mayor & City Council</u>						
MAYOR	686,819	125,696	2,277	558,847	18.6%	
<i>Total</i>	686,819	125,696	2,277	558,847	18.6%	114,742
<u>City Attorney</u>						
CITY ATTORNEY	1,867,900	395,455	-	1,472,445	21.2%	
<i>Total</i>	1,867,900	395,455	-	1,472,445	21.2%	310,649
<u>Administration</u>						
CITY ADMINISTRATOR	1,289,339	229,323	5,371	1,054,645	18.2%	
LABOR RELATIONS	110,649	15,280	-	95,369	13.8%	
CITY TV	399,169	68,934	31,530	298,705	25.2%	
<i>Total</i>	1,799,157	313,537	36,901	1,448,719	19.5%	326,417
<u>Administrative Services</u>						
CITY CLERK	433,472	74,756	24,835	333,881	23.0%	
HUMAN RESOURCES	1,072,931	164,995	22,358	885,578	17.5%	
ADMIN SVCS-EMPLOYEE DEVELOPMENT	135,367	22,090	-	113,277	16.3%	
<i>Total</i>	1,641,770	261,842	47,193	1,332,736	18.8%	267,148
<u>Finance</u>						
ADMINISTRATION	225,246	104,908	7,495	112,843	49.9%	
TREASURY	442,107	68,121	1,700	372,286	15.8%	
CASHIERING & COLLECTION	419,606	82,583	-	337,023	19.7%	
LICENSES & PERMITS	383,444	80,412	-	303,032	21.0%	
BUDGET MANAGEMENT	376,809	68,664	-	308,145	18.2%	
ACCOUNTING	389,626	65,297	-	324,329	16.8%	
PAYROLL	266,456	48,789	-	217,667	18.3%	
ACCOUNTS PAYABLE	207,691	38,136	-	169,555	18.4%	
CITY BILLING & CUSTOMER SERVICE	575,806	82,262	-	493,544	14.3%	
PURCHASING	657,198	126,192	3,401	527,604	19.7%	
CENTRAL STORES	158,284	27,194	556	130,534	17.5%	
MAIL SERVICES	86,794	14,925	2,448	69,421	20.0%	
<i>Total</i>	4,189,067	807,483	15,601	3,365,983	19.6%	693,558
TOTAL GENERAL GOVERNMENT	10,184,713	1,904,012	101,972	8,178,729	19.7%	1,712,515
PUBLIC SAFETY						
<u>Police</u>						
CHIEF'S STAFF	1,167,171	218,410	-	948,761	18.7%	
SUPPORT SERVICES	568,188	101,130	2,105	464,953	18.2%	
RECORDS	1,298,843	231,845	22,777	1,044,220	19.6%	
COMMUNITY SVCS	915,200	196,155	6,178	712,867	22.1%	
CRIME ANALYSIS	7,067	1,178	-	5,889	16.7%	
PROPERTY ROOM	128,526	24,404	820	103,302	19.6%	

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>** Remaining Balance</u>	<u>YTD Expended and Encumbered</u>	<u>Previous YTD</u>
PUBLIC SAFETY						
<u>Police</u>						
TRNG/RECRUITMENT	461,709	81,186	2,306	378,217	18.1%	
RANGE	1,023,098	180,339	18,621	824,138	19.4%	
BEAT COORDINATORS	490,445	103,111	-	387,334	21.0%	
INFORMATION TECHNOLOGY	1,112,749	348,917	6,005	757,827	31.9%	
INVESTIGATIVE DIVISION	4,437,263	788,833	6,025	3,642,405	17.9%	
CRIME LAB	219,231	25,918	589	192,724	12.1%	
PATROL DIVISION	13,480,216	2,477,532	164,003	10,838,681	19.6%	
TRAFFIC	1,320,753	239,238	1,304	1,080,211	18.2%	
SPECIAL EVENTS	984,500	479,946	-	504,554	48.8%	
TACTICAL PATROL FORCE	1,143,556	213,156	-	930,400	18.6%	
STREET SWEEPING ENFORCEMENT	285,115	52,402	-	232,713	18.4%	
NIGHT LIFE ENFORCEMENT	333,926	30,079	-	303,847	9.0%	
PARKING ENFORCEMENT	1,024,125	169,186	28,811	826,128	19.3%	
CCC	2,346,794	350,108	5,368	1,991,318	15.1%	
ANIMAL CONTROL	539,388	63,431	-	475,957	11.8%	
<i>Total</i>	<u>33,287,862</u>	<u>6,376,504</u>	<u>264,910</u>	<u>26,646,448</u>	20.0%	<u>5,159,452</u>
<u>Fire</u>						
ADMINISTRATION	816,405	142,335	5,260	668,810	18.1%	
EMERGENCY SERVICES AND PUBLIC ED	210,178	37,420	-	172,758	17.8%	
PREVENTION	1,201,381	196,305	1,967	1,003,109	16.5%	
WILDLAND FIRE MITIGATION PROGRAM	180,935	34,090	25,412	121,433	32.9%	
OPERATIONS	17,331,070	3,289,092	56,417	13,985,560	19.3%	
ARFF	1,701,697	363,018	-	1,338,679	21.3%	
<i>Total</i>	<u>21,441,666</u>	<u>4,062,260</u>	<u>89,056</u>	<u>17,290,349</u>	19.4%	<u>3,193,315</u>
TOTAL PUBLIC SAFETY	<u>54,729,528</u>	<u>10,438,765</u>	<u>353,967</u>	<u>43,936,797</u>	19.7%	<u>8,352,767</u>
PUBLIC WORKS						
<u>Public Works</u>						
ADMINISTRATION	872,992	138,233	13,527	721,232	17.4%	
ENGINEERING SVCS	4,353,334	803,232	2,958	3,547,144	18.5%	
PUBLIC RT OF WAY MGMT	983,568	181,019	6,105	796,444	19.0%	
ENVIRONMENTAL PROGRAMS	361,153	36,885	87,607	236,661	34.5%	
<i>Total</i>	<u>6,571,047</u>	<u>1,159,369</u>	<u>110,197</u>	<u>5,301,481</u>	19.3%	<u>926,169</u>
TOTAL PUBLIC WORKS	<u>6,571,047</u>	<u>1,159,369</u>	<u>110,197</u>	<u>5,301,481</u>	19.3%	<u>926,169</u>
COMMUNITY SERVICES						
<u>Parks & Recreation</u>						
PRGM MGMT & BUS SVCS	476,287	107,222	-	369,065	22.5%	
FACILITIES	354,519	63,994	9,245	281,280	20.7%	
CULTURAL ARTS	420,422	80,046	8,448	331,929	21.0%	

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
COMMUNITY SERVICES						
<u>Parks & Recreation</u>						
YOUTH ACTIVITIES	733,831	204,770	7,787	521,274	29.0%	
SR CITIZENS	653,938	102,841	575	550,521	15.8%	
AQUATICS	1,042,852	373,231	40,574	629,047	39.7%	
SPORTS	495,345	65,323	18,450	411,572	16.9%	
TENNIS	258,175	41,738	-	216,437	16.2%	
NEIGHBORHOOD & OUTREACH SERV	989,941	189,311	6,850	793,780	19.8%	
ADMINISTRATION	520,544	95,143	-	425,401	18.3%	
PROJECT MANAGEMENT TEAM	223,659	40,170	-	183,489	18.0%	
BUSINESS SERVICES	302,136	47,912	4,042	250,182	17.2%	
FACILITY & PROJECT MGT	951,580	275,027	1,820	674,733	29.1%	
GROUNDS MANAGEMENT	4,134,610	677,154	68,324	3,389,132	18.0%	
FORESTRY	1,163,333	169,322	2,841	991,170	14.8%	
BEACH MAINTENANCE	164,643	25,139	17,415	122,089	25.8%	
<i>Total</i>	12,885,815	2,560,966	186,372	10,138,477	21.3%	2,570,710
<u>Library</u>						
ADMINISTRATION	399,732	66,296	-	333,436	16.6%	
PUBLIC SERVICES	1,997,383	328,811	3,950	1,664,622	16.7%	
SUPPORT SERVICES	1,773,265	284,474	12,689	1,476,102	16.8%	
<i>Total</i>	4,170,380	679,581	16,639	3,474,160	16.7%	581,772
TOTAL COMMUNITY SERVICES	17,056,195	3,240,546	203,011	13,612,638	20.2%	3,152,482
COMMUNITY DEVELOPMENT						
<u>Community Development</u>						
ADMINISTRATION	427,609	99,928	891	326,790	23.6%	
ECON DEV	52,296	8,529	-	43,767	16.3%	
CITY ARTS ADVISORY PROGRAM	427,260	-	-	427,260	0.0%	
HUMAN SVCS	819,851	6,322	-	813,529	0.8%	
RDA	685,691	128,375	-	557,316	18.7%	
RDA HSG DEV	642,855	111,243	-	531,612	17.3%	
LR PLANNING/STUDIES	716,236	145,229	752	570,255	20.4%	
DEV & DESIGN REVIEW	952,017	159,752	11,471	780,794	18.0%	
ZONING	809,341	139,756	1,198	668,387	17.4%	
DESIGN REV & HIST PRESERVATN	886,555	131,205	19,741	735,609	17.0%	
SHO/ENVIRON REVIEW/TRAINING	737,535	135,753	4,454	597,327	19.0%	
BLDG PERMITS	1,027,134	195,268	777	831,089	19.1%	
RECORDS & ARCHIVES	523,630	84,943	19,883	418,804	20.0%	
PLAN CK & COUNTER SRV	1,252,403	239,464	8,108	1,004,830	19.8%	
<i>Total</i>	9,960,413	1,585,767	67,277	8,307,369	16.6%	1,297,325
TOTAL COMMUNITY DEVELOPMENT	9,960,413	1,585,767	67,277	8,307,369	16.6%	1,297,325

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
NON-DEPARTMENTAL						
<u>Non-Departmental</u>						
DUES, MEMBERSHIPS, & LICENSES	22,272	667	-	21,605	3.0%	
COMMUNITY PROMOTIONS	1,537,890	530,755	-	1,007,135	34.5%	
SPECIAL PROJECTS	359,264	700	-	358,564	0.2%	
TRANSFERS OUT	43,500	7,250	-	36,250	16.7%	
DEBT SERVICE TRANSFERS	350,445	290,081	-	60,364	82.8%	
CAPITAL OUTLAY TRANSFER	508,170	84,695	-	423,475	16.7%	
APPROP. RESERVE	942,979	-	-	942,979	0.0%	
<i>Total</i>	3,764,520	914,148	-	2,850,372	24.3%	847,534
TOTAL NON-DEPARTMENTAL	3,764,520	914,148	-	2,850,372	24.3%	847,534
TOTAL EXPENDITURES	102,266,416	19,242,608	836,423	82,187,385	19.6%	16,288,793

*** The legal level of budgetary control is at the department level for the General Fund. Therefore, as long as the department as a whole is within budget, budgetary compliance has been achieved. The City actively monitors the budget status of each department and takes measures to address potential over budget situations before they occur.*

For Enterprise and Internal Service Funds, the legal level of budgetary control is at the fund level. The City also monitors and addresses these fund types for potential over budget situations.

CITY OF SANTA BARBARA
Special Revenue Funds
Interim Statement of Revenues and Expenditures
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget
TRAFFIC SAFETY FUND					
Revenue	470,000	34,987	-	435,013	7.4%
Expenditures	470,000	76,197	-	393,803	16.2%
<i>Revenue Less Expenditures</i>	-	(41,210)	-	41,210	
CREEK RESTORATION/WATER QUALITY IMPRVMT					
Revenue	2,407,300	578,595	-	1,828,705	24.0%
Expenditures	4,163,728	547,623	509,483	3,106,622	25.4%
<i>Revenue Less Expenditures</i>	(1,756,428)	30,972	(509,483)	(1,277,917)	
SOLID WASTE PROGRAM					
Revenue	17,512,032	2,841,917	-	14,670,115	16.2%
Expenditures	18,387,408	2,815,625	170,048	15,401,735	16.2%
<i>Revenue Less Expenditures</i>	(875,376)	26,291	(170,048)	(731,620)	
COMM.DEVELOPMENT BLOCK GRANT					
Revenue	2,572,514	427,624	-	2,144,889	16.6%
Expenditures	2,003,480	183,585	48,380	1,771,515	11.6%
<i>Revenue Less Expenditures</i>	569,034	244,039	(48,380)	373,374	
COUNTY LIBRARY					
Revenue	1,748,519	28,431	-	1,720,088	1.6%
Expenditures	1,782,819	312,564	59,068	1,411,187	20.8%
<i>Revenue Less Expenditures</i>	(34,300)	(284,133)	(59,068)	308,901	
STREETS FUND					
Revenue	9,926,670	1,353,518	-	8,573,152	13.6%
Expenditures	13,933,618	1,310,661	2,641,719	9,981,238	28.4%
<i>Revenue Less Expenditures</i>	(4,006,948)	42,857	(2,641,719)	(1,408,086)	
MEASURE A					
Revenue	2,882,759	122,642	-	2,760,117	4.3%
Expenditures	2,882,759	230,147	1,038,429	1,614,183	44.0%
<i>Revenue Less Expenditures</i>	-	(107,505)	(1,038,429)	1,145,934	

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

WATER OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Water Sales - Metered	30,350,000	5,636,375	-	24,713,625	18.6%	5,809,041
Service Charges	395,000	68,130	-	326,870	17.2%	49,901
Cater JPA Treatment Charges	2,272,520	-	-	2,272,520	0.0%	1,145,464
Licenses & Permits	-	-	-	-	100.0%	-
Investment Income	860,900	154,996	-	705,904	18.0%	197,614
Grants	-	-	-	-	100.0%	-
Reimbursements	-	-	-	-	100.0%	-
Miscellaneous	754,266	2,466	-	751,800	0.3%	6,010
TOTAL REVENUES	<u>34,632,686</u>	<u>5,861,967</u>	<u>-</u>	<u>28,770,719</u>	16.9%	<u>7,208,029</u>
EXPENSES						
Salaries & Benefits	7,606,945	1,345,381	-	6,261,564	17.7%	1,077,101
Materials, Supplies & Services	10,173,513	1,103,804	3,079,454	5,990,255	41.1%	1,141,940
Special Projects	737,378	59,708	110,161	567,509	23.0%	8,209
Water Purchases	8,177,644	1,071,491	414,238	6,691,915	18.2%	1,141,232
Debt Service	5,088,853	1,581,581	-	3,507,272	31.1%	1,563,254
Capital Outlay Transfers	3,349,702	558,284	-	2,791,418	16.7%	883,749
Equipment	177,227	8,603	25,254	143,370	19.1%	30,619
Capitalized Fixed Assets	191,932	-	22,216	169,716	11.6%	-
Other	43,000	55	-	42,945	0.1%	-
Appropriated Reserve	123,517	-	-	123,517	0.0%	-
TOTAL EXPENSES	<u>35,669,711</u>	<u>5,728,906</u>	<u>3,651,323</u>	<u>26,289,482</u>	26.3%	<u>5,846,105</u>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

WASTEWATER OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Service Charges	14,200,000	2,461,329	-	11,738,670	17.3%	2,423,635
Fees	452,911	222,252	-	230,659	49.1%	224,492
Investment Income	296,100	53,997	-	242,103	18.2%	69,849
Public Works	11,400	3,828	-	7,572	33.6%	(1,100)
Miscellaneous	25,000	4,682	-	20,318	18.7%	4,600
TOTAL REVENUES	<u>14,985,411</u>	<u>2,746,088</u>	<u>-</u>	<u>12,239,323</u>	<u>18.3%</u>	<u>2,721,476</u>
EXPENSES						
Salaries & Benefits	5,178,153	903,559	-	4,274,594	17.4%	719,563
Materials, Supplies & Services	5,812,865	690,563	3,020,039	2,102,263	63.8%	596,466
Special Projects	5,000	121,482	-	(116,482)	2429.6%	121,043
Transfers-Out	-	-	-	-	100.0%	10,833
Debt Service	1,352,038	-	-	1,352,038	0.0%	-
Capital Outlay Transfers	6,295,500	1,049,250	-	5,246,250	16.7%	471,198
Equipment	54,428	566	5,434	48,428	11.0%	(1,743)
Capitalized Fixed Assets	97,261	20,935	5,167	71,159	26.8%	-
Appropriated Reserve	121,100	-	-	121,100	0.0%	-
TOTAL EXPENSES	<u>18,916,345</u>	<u>2,786,355</u>	<u>3,030,640</u>	<u>13,099,350</u>	<u>30.8%</u>	<u>1,917,361</u>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)
DOWNTOWN PARKING

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Improvement Tax	840,000	190,714	-	649,286	22.7%	190,887
Parking Fees	5,606,000	915,519	-	4,690,481	16.3%	874,430
Investment Income	154,700	28,858	-	125,842	18.7%	39,368
Rents & Concessions	23,740	-	-	23,740	0.0%	-
Reimbursements	20,000	4,598	-	15,402	23.0%	-
Miscellaneous	1,500	79	-	1,421	5.3%	(26)
Operating Transfers-In	43,500	7,250	-	36,250	16.7%	43,500
TOTAL REVENUES	<u>6,689,440</u>	<u>1,147,018</u>	<u>-</u>	<u>5,542,422</u>	<u>17.1%</u>	<u>1,148,160</u>
EXPENSES						
Salaries & Benefits	3,847,242	690,471	-	3,156,771	17.9%	538,287
Materials, Supplies & Services	1,807,229	192,692	155,838	1,458,699	19.3%	237,178
Special Projects	702,939	7,250	654,732	40,957	94.2%	127,009
Transfers-Out	312,621	46,937	-	265,684	15.0%	52,104
Capital Outlay Transfers	660,000	110,000	-	550,000	16.7%	209,793
Equipment	25,000	-	6,300	18,700	25.2%	-
Capitalized Fixed Assets	-	-	-	-	100.0%	3,518
Appropriated Reserve	8,709	-	-	8,709	0.0%	-
TOTAL EXPENSES	<u>7,363,740</u>	<u>1,047,351</u>	<u>816,870</u>	<u>5,499,520</u>	<u>25.3%</u>	<u>1,167,889</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)
AIRPORT OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Leases - Commercial / Industrial	3,977,000	705,328	-	3,271,672	17.7%	703,739
Leases - Terminal	4,927,950	848,182	-	4,079,768	17.2%	753,635
Leases - Non-Commerical Aviation	1,095,875	215,483	-	880,392	19.7%	185,705
Leases - Commerical Aviation	2,637,000	378,888	-	2,258,112	14.4%	343,685
Investment Income	231,100	45,343	-	185,757	19.6%	61,882
Miscellaneous	196,552	31,660	-	164,892	16.1%	8,501
TOTAL REVENUES	<u>13,065,477</u>	<u>2,224,884</u>	<u>-</u>	<u>10,840,593</u>	<u>17.0%</u>	<u>2,057,146</u>
EXPENSES						
Salaries & Benefits	4,913,183	881,458	-	4,031,725	17.9%	682,137
Materials, Supplies & Services	6,432,710	851,808	686,062	4,894,840	23.9%	775,236
Special Projects	912,307	54,088	1,849	856,370	6.1%	-
Transfers-Out	31,049	5,175	-	25,874	16.7%	-
Capital Outlay Transfers	550,000	91,667	-	458,333	16.7%	108,512
Equipment	24,610	-	-	24,610	0.0%	17,687
Appropriated Reserve	270,273	-	-	270,273	0.0%	-
TOTAL EXPENSES	<u>13,134,132</u>	<u>1,884,196</u>	<u>687,911</u>	<u>10,562,026</u>	<u>19.6%</u>	<u>1,583,571</u>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

GOLF COURSE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Fees & Card Sales	1,725,172	327,272	-	1,397,900	19.0%	319,956
Investment Income	20,200	3,087	-	17,113	15.3%	7,351
Rents & Concessions	300,322	59,750	-	240,572	19.9%	62,755
Miscellaneous	3,500	2,553	-	947	72.9%	2,013
TOTAL REVENUES	<u>2,049,194</u>	<u>392,661</u>	<u>-</u>	<u>1,656,533</u>	19.2%	<u>392,076</u>
EXPENSES						
Salaries & Benefits	1,095,646	205,424	-	890,222	18.7%	168,766
Materials, Supplies & Services	611,462	112,945	127,028	371,489	39.2%	68,033
Special Projects	14,524	-	9,524	5,000	65.6%	-
Debt Service	213,407	157,025	-	56,382	73.6%	156,016
Capital Outlay Transfers	70,000	11,667	-	58,333	16.7%	92
Equipment	3,500	-	-	3,500	0.0%	-
Capitalized Fixed Assets	-	-	-	-	100.0%	7,813
Appropriated Reserve	52,272	-	-	52,272	0.0%	-
TOTAL EXPENSES	<u>2,060,811</u>	<u>487,061</u>	<u>136,552</u>	<u>1,437,198</u>	30.3%	<u>400,720</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

INTRA-CITY SERVICE FUND

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Work Orders - Bldg Maint.	3,598,018	499,500	-	3,098,518	13.9%	572,795
Grants	742,970	-	-	742,970	0.0%	-
Service Charges	1,742,565	288,761	-	1,453,804	16.6%	288,120
Miscellaneous	-	68	-	(68)	100.0%	-
Operating Transfers-In	-	-	-	-	100.0%	10,833
TOTAL REVENUES	6,083,553	788,329	-	5,295,224	13.0%	871,749
EXPENSES						
Salaries & Benefits	2,858,723	525,610	-	2,333,113	18.4%	440,231
Materials, Supplies & Services	1,109,096	130,422	195,786	782,888	29.4%	137,684
Special Projects	2,010,520	102,730	514,088	1,393,702	30.7%	55,613
Capital Outlay Transfers	-	-	-	-	100.0%	138
Equipment	23,000	-	5,838	17,162	25.4%	-
Capitalized Fixed Assets	780,560	3,082	16,563	760,916	2.5%	140
TOTAL EXPENSES	6,781,899	761,844	732,275	5,287,780	22.0%	633,806

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

FLEET REPLACEMENT FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Vehicle Rental Charges	1,791,427	298,571	-	1,492,856	16.7%	223,837
Investment Income	153,300	31,552	-	121,748	20.6%	36,360
Rents & Concessions	232,341	38,724	-	193,618	16.7%	40,475
Miscellaneous	50,000	7,055	-	42,945	14.1%	13,175
TOTAL REVENUES	<u>2,227,068</u>	<u>375,902</u>	<u>-</u>	<u>1,851,166</u>	16.9%	<u>313,846</u>
EXPENSES						
Salaries & Benefits	150,983	28,887	-	122,096	19.1%	22,974
Materials, Supplies & Services	993	166	-	828	16.7%	187
Capitalized Fixed Assets	4,479,566	195,625	1,516,833	2,767,108	38.2%	303,288
TOTAL EXPENSES	<u>4,631,542</u>	<u>224,678</u>	<u>1,516,833</u>	<u>2,890,031</u>	37.6%	<u>326,449</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

FLEET MAINTENANCE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Vehicle Maintenance Charges	2,369,418	394,903	-	1,974,515	16.7%	419,277
Miscellaneous	60,000	7,520	-	52,480	12.5%	-
TOTAL REVENUES	<u>2,429,418</u>	<u>402,423</u>	<u>-</u>	<u>2,026,995</u>	<u>16.6%</u>	<u>419,277</u>
EXPENSES						
Salaries & Benefits	1,141,256	216,277	-	924,979	19.0%	174,102
Materials, Supplies & Services	1,255,238	169,372	297,154	788,711	37.2%	109,266
Special Projects	87,279	6,471	10,541	70,266	19.5%	2,790
Equipment	2,200	-	2,200	-	100.0%	-
TOTAL EXPENSES	<u>2,485,972</u>	<u>392,121</u>	<u>309,895</u>	<u>1,783,956</u>	<u>28.2%</u>	<u>286,158</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

SELF INSURANCE TRUST FUND

	** Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Insurance Premiums	2,583,750	430,625	-	2,153,125	16.7%	491,769
Workers' Compensation Premiums	2,643,581	440,597	-	2,202,984	16.7%	413,821
OSH Charges	277,322	-	-	277,322	0.0%	50,420
Investment Income	189,900	34,242	-	155,658	18.0%	58,376
Miscellaneous	-	40	-	(40)	100.0%	832
TOTAL REVENUES	5,694,553	905,504	-	4,789,049	15.9%	1,015,218
EXPENSES						
Salaries & Benefits	523,458	70,696	-	452,762	13.5%	73,877
Materials, Supplies & Services	4,928,992	1,017,379	523,435	3,388,179	31.3%	2,717,878
Transfers-Out	717,988	717,988	-	-	100.0%	-
Capital Outlay Transfers	-	-	-	-	100.0%	184
Appropriated Reserve	23,671	-	-	23,671	0.0%	-
TOTAL EXPENSES	6,194,109	1,806,062	523,435	3,864,612	37.6%	2,791,939

*** The Self Insurance Trust Fund is an internal service fund of the City, which accounts for the cost of providing workers' compensation, property and liability insurance as well as unemployment insurance and certain self-insured employee benefits on a city-wide basis. Internal Service Funds charge other funds for the cost of providing their specific services.*

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

INFORMATION SYSTEMS ICS FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Service charges	2,302,393	381,931	-	1,920,462	16.6%	406,885
Miscellaneous	-	-	-	-	100.0%	45
TOTAL REVENUES	<u>2,302,393</u>	<u>381,931</u>	<u>-</u>	<u>1,920,462</u>	<u>16.6%</u>	<u>406,931</u>
EXPENSES						
Salaries & Benefits	1,481,770	277,238	-	1,204,532	18.7%	217,432
Materials, Supplies & Services	511,979	120,511	57,249	334,219	34.7%	120,879
Special Projects	1,700	624	12,000	(10,924)	742.6%	142
Equipment	249,213	2,203	37,416	209,595	15.9%	117
Appropriated Reserve	62,839	-	-	62,839	0.0%	-
TOTAL EXPENSES	<u>2,307,501</u>	<u>400,575</u>	<u>106,664</u>	<u>1,800,261</u>	<u>22.0%</u>	<u>338,570</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

WATERFRONT FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Leases - Commercial	1,372,773	243,716	-	1,129,057	17.8%	265,185
Leases - Food Service	2,173,351	424,222	-	1,749,129	19.5%	398,393
Slip Rental Fees	3,864,398	638,803	-	3,225,595	16.5%	608,179
Visitors Fees	555,894	105,101	-	450,793	18.9%	105,838
Slip Transfer Fees	621,957	101,275	-	520,682	16.3%	102,275
Parking Revenue	1,912,769	488,041	-	1,424,728	25.5%	480,376
Wharf Parking	244,477	51,941	-	192,536	21.2%	53,417
Other Fees & Charges	361,252	63,747	-	297,505	17.6%	59,596
Investment Income	215,759	22,745	-	193,014	10.5%	34,049
Rents & Concessions	299,504	55,707	-	243,797	18.6%	143,073
Grants	12,190	-	-	12,190	0.0%	-
Miscellaneous	128,650	14,006	-	114,644	10.9%	73,734
TOTAL REVENUES	<u>11,762,974</u>	<u>2,209,303</u>	<u>-</u>	<u>9,553,671</u>	<u>18.8%</u>	<u>2,324,114</u>
EXPENSES						
Salaries & Benefits	5,480,825	1,038,196	-	4,442,629	18.9%	821,691
Materials, Supplies & Services	3,405,267	468,611	880,093	2,056,564	39.6%	422,598
Special Projects	147,074	12,481	45,000	89,593	39.1%	20,530
Debt Service	1,665,997	-	-	1,665,997	0.0%	-
Capital Outlay Transfers	969,361	161,560	-	807,801	16.7%	188,564
Equipment	81,909	8,723	-	73,186	10.6%	1,923
Appropriated Reserve	100,000	-	-	100,000	0.0%	-
TOTAL EXPENSES	<u>11,850,433</u>	<u>1,689,570</u>	<u>925,093</u>	<u>9,235,770</u>	<u>22.1%</u>	<u>1,455,305</u>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.



CITY OF SANTA BARBARA

REDEVELOPMENT AGENCY BOARD AGENDA REPORT

AGENDA DATE: October 19, 2010

TO: Redevelopment Agency Board

FROM: Accounting Division, Finance Department

SUBJECT: Redevelopment Agency Fiscal Year 2010 Interim Financial Statements For The Two Months Ended August 31, 2010

RECOMMENDATION:

That the Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2010 Interim Financial Statements for the Two Months Ended August 31, 2010.

DISCUSSION:

The interim financial statements for the two months ended August 31, 2010 (16.7% of the fiscal year) are attached. The interim financial statements include budgetary activity in comparison to actual activity for the Redevelopment Agency's General, Housing, and Capital Projects Funds.

ATTACHMENT: Redevelopment Agency Interim Financial Statements for the Two Months Ended August 31, 2010

PREPARED BY: Rudolf J. Livingston, Accounting Manager

SUBMITTED BY: Robert Samario, Fiscal Officer

APPROVED BY: City Administrator's Office

REDEVELOPMENT AGENCY
OF THE
CITY OF SANTA BARBARA

INTERIM FINANCIAL STATEMENTS
FISCAL YEAR 2011
FOR THE TWO MONTHS
ENDED AUGUST 31, 2010

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA

General Fund

Interim Statement of Revenues, Expenditures and Encumbrances
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
Incremental Property Taxes	\$ 16,071,200	\$ -	\$ -	\$ 16,071,200	0.00%
Investment Income	160,000	29,025	-	130,975	18.14%
Interest Loans	5,000	-	-	5,000	0.00%
Rents	22,800	6,033	-	16,767	26.46%
Total Revenues	<u>16,259,000</u>	<u>35,058</u>	<u>-</u>	<u>16,223,942</u>	<u>0.22%</u>
Use of Fund Balance	1,311,645	218,608	-	-	16.67%
Total Sources	<u>\$ 17,570,645</u>	<u>\$ 253,666</u>	<u>\$ -</u>	<u>\$ 16,223,942</u>	<u>1.44%</u>
Expenditures:					
Material, Supplies & Services:					
Office Supplies & Expense	\$ 3,000	\$ 105	\$ -	\$ 2,895	3.50%
Mapping, Drafting & Presentation	250	-	-	250	0.00%
Janitorial & Hshld Supplies	100	-	-	100	0.00%
Minor Tools	100	-	-	100	0.00%
Special Supplies & Expenses	5,000	210	1,482	3,308	33.84%
Building Materials	100	-	-	100	0.00%
Equipment Repair	1,000	-	-	1,000	0.00%
Professional Services - Contract	747,938	128,375	-	619,563	17.16%
Legal Services	154,508	23,898	-	130,610	15.47%
Engineering Services	20,000	4,083	-	15,917	20.42%
Non-Contractual Services	12,000	570	-	11,430	4.75%
Meeting & Travel	7,500	390	-	7,110	5.20%
Mileage Reimbursement	300	-	-	300	0.00%
Dues, Memberships, & Licenses	15,000	-	-	15,000	0.00%
Publications	1,500	-	-	1,500	0.00%
Training	7,500	-	-	7,500	0.00%
Advertising	2,000	-	-	2,000	0.00%
Printing and Binding	3,000	34	-	2,966	1.13%
Postage/Delivery	1,000	-	-	1,000	0.00%
Non-Allocated Telephone	500	-	-	500	0.00%
Vehicle Fuel	1,300	82	-	1,218	6.31%
Equipment Rental	500	-	-	500	0.00%
Total Supplies & Services	<u>984,096</u>	<u>157,747</u>	<u>1,482</u>	<u>824,867</u>	<u>16.18%</u>
Allocated Costs:					
Desktop Maint Replacement	23,616	3,936	-	19,680	16.67%
GIS Allocations	4,754	792	-	3,962	16.66%
Building Maintenance	1,899	317	-	1,582	16.69%
Planned Maintenance Program	3,984	664	-	3,320	16.67%
Vehicle Replacement	3,934	656	-	3,278	16.68%
Vehicle Maintenance	3,874	646	-	3,228	16.68%
Telephone	2,212	369	-	1,843	16.68%
Custodial	4,310	718	-	3,592	16.66%
Communications	3,706	618	-	3,088	16.68%
Property Insurance	6,897	1,150	-	5,747	16.67%
Allocated Facilities Rent	6,770	1,128	-	5,642	16.66%
Overhead Allocation	623,829	103,972	-	519,857	16.67%
Total Allocated Costs	<u>689,785</u>	<u>114,966</u>	<u>-</u>	<u>574,819</u>	<u>16.67%</u>
Special Projects	2,306,242	96,369	33,179	2,176,694	5.62%
Transfers	12,390,249	2,074,501	-	10,315,748	16.74%
Grants	1,104,503	2,647	67,880	1,033,976	6.39%
Equipment	8,070	-	-	8,070	0.00%
Fiscal Agent Charges	11,500	3,284	-	8,216	28.56%
Appropriated Reserve	76,200	-	-	76,200	0.00%
Total Expenditures	<u>\$ 17,570,645</u>	<u>\$ 2,449,514</u>	<u>\$ 102,541</u>	<u>\$ 15,018,590</u>	<u>14.52%</u>

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA
Housing Fund
Interim Statement of Revenues, Expenditures and Encumbrances
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
Incremental Property Taxes	\$ 4,017,800	\$ -	\$ -	\$ 4,017,800	0.00%
Investment Income	60,000	10,442	-	49,558	17.40%
Interest Loans	200,000	50,169	-	149,831	25.08%
Total Revenues	<u>4,277,800</u>	<u>60,611</u>	<u>-</u>	<u>4,217,189</u>	<u>1.42%</u>
Use of Fund Balance	4,520,938	753,596	-	-	16.67%
Total Sources	<u>\$ 8,798,738</u>	<u>\$ 814,207</u>	<u>\$ -</u>	<u>\$ 4,217,189</u>	<u>9.25%</u>
Expenditures:					
Material, Supplies & Services:					
Office Supplies & Expense	\$ 1,800	\$ 105	\$ -	\$ 1,695	5.83%
Special Supplies & Expenses	1,800	-	-	1,800	0.00%
Equipment Repair	500	-	-	500	0.00%
Professional Services - Contract	737,975	114,922	-	623,053	15.57%
Non-Contractual Services	2,000	541	-	1,459	27.05%
Meeting & Travel	1,000	-	-	1,000	0.00%
Dues, Memberships, & Licenses	2,025	204	-	1,821	10.07%
Publications	200	-	-	200	0.00%
Training	1,000	212	-	788	21.20%
Postage/Delivery	200	162	-	38	81.00%
Total Supplies & Services	<u>748,500</u>	<u>116,146</u>	<u>-</u>	<u>632,354</u>	<u>15.52%</u>
Allocated Costs:					
Desktop Maintenance Replacement	7,085	1,181	-	5,904	16.67%
GIS Allocations	2,377	396	-	1,981	16.66%
Building Maintenance	950	158	-	792	16.63%
Planned Maintenance Program	2,361	394	-	1,967	16.69%
Telephone	691	115	-	576	16.64%
Custodial	2,189	365	-	1,824	16.67%
Communications	1,235	206	-	1,029	16.68%
Insurance	141	24	-	117	17.02%
Allocated Facilities Rent	4,013	669	-	3,344	16.67%
Overhead Allocation	163,175	27,196	-	135,979	16.67%
Total Allocated Costs	<u>184,217</u>	<u>30,704</u>	<u>-</u>	<u>153,513</u>	<u>16.67%</u>
Equipment	2,500	-	-	2,500	0.00%
Housing Activity	7,145,626	-	-	7,145,626	0.00%
Principal	480,000	480,000	-	-	100.00%
Interest	156,595	81,538	-	75,057	52.07%
Fiscal Agent Charges	1,300	1,265	-	35	97.31%
Appropriated Reserve	80,000	-	-	80,000	0.00%
Total Expenditures	<u>\$ 8,798,738</u>	<u>\$ 709,653</u>	<u>\$ -</u>	<u>\$ 8,089,085</u>	<u>8.07%</u>

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA
Capital Projects Fund
Interim Statement of Revenues, Expenditures and Encumbrances
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
Transfers-In	\$ 4,876,865	\$ 812,811	\$ -	\$ 4,064,054	16.67%
Total Revenues	<u>4,876,865</u>	<u>812,811</u>	<u>-</u>	<u>4,064,054</u>	<u>16.67%</u>
Use of Fund Balance	11,818,085	1,969,756	-	9,848,329	16.67%
Total Sources	<u>\$ 16,694,950</u>	<u>\$ 2,782,567</u>	<u>\$ -</u>	<u>\$ 13,912,383</u>	<u>16.67%</u>
Expenditures:					
Arbitrage Rebate	\$ 440,000	\$ -	\$ -	\$ 440,000	0.00%
Total Non-Capital Expenditures	<u>440,000</u>	<u>-</u>	<u>-</u>	<u>440,000</u>	<u>0.00%</u>
Capital Outlay:					
Finished					
IPM - Sustainable Park Improvements	9,511	-	-	9,511	0.00%
Underground Tank Abatement	69,181	-	-	69,181	0.00%
Fire Station #1 EOC	3,213	-	-	3,213	0.00%
Fire Station #1 Remodel	27,864	1,331	4,850	21,683	22.18%
Soil Remediation - 125 State St	370,063	106,431	2,435	261,197	29.42%
Construction Phase					
925 De La Vina Rental Costs	302,906	41,518	-	261,388	13.71%
Carrillo Rec Center Restoration	122,089	14,041	108,048	-	100.00%
Design Phase					
Phase II - E Cabrillo Sidewalks	590,226	11,585	-	578,641	1.96%
Parking Lot Capital Improvements	188,715	13,883	300	174,532	7.52%
DP Structure (9,10) Const. Imprvmt	2,250,000	-	-	2,250,000	0.00%
Planning Phase					
Chase Palm Park Light/Electric	568,577	-	-	568,577	0.00%
Plaza Del Mar Restroom Renovation	212,000	-	-	212,000	0.00%
Pershing Park Restroom Renovation	120,000	-	-	120,000	0.00%
Panhandling Edu. & Alt. Giving	75,000	-	75,000	-	100.00%
PD Locker Room Upgrade	7,426,882	10,502	131,246	7,285,134	1.91%
Opportunity Acquisition Fund	366,500	-	-	366,500	0.00%
RDA Project Contingency Account	2,153,768	-	-	2,153,768	0.00%
Housing Fund Contingency Account	348,455	-	-	348,455	0.00%
Lower West Downtown Street Lighting	750,000	-	-	750,000	0.00%
Cabrillo Pav Arts Ctr Assessment St	250,000	-	-	250,000	0.00%
State St Pedestrian Amenities Pilot	50,000	-	-	50,000	0.00%
Total Expenditures	<u>\$ 16,694,950</u>	<u>\$ 199,291</u>	<u>\$ 321,879</u>	<u>\$ 16,173,780</u>	<u>3.12%</u>

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA
RDA Bonds - Series 2001A
Interim Statement of Revenues, Expenditures and Encumbrances
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
Investment Income	\$ -	\$ 58	\$ -	\$ (58)	100.00%
Transfers-In	-	765,277	-	(765,277)	100.00%
Total Revenues	-	765,335	-	(765,335)	100.00%
Use of Fund Balance	3,145,943	524,344	-	2,621,599	16.67%
Total Sources	<u>\$ 3,145,943</u>	<u>\$ 1,289,679</u>	<u>\$ -</u>	<u>\$ 1,856,264</u>	40.99%
Expenditures:					
Construction Phase					
Brinkerhoff Lighting	\$ 181,242	\$ 15,875	\$ 57,236	\$ 108,131	40.34%
Carrillo Rec Center Restoration	1,000,000	210,286	789,714	-	100.00%
Design Phase					
Mission Creek Flood Control @ Depot	1,964,701	-	-	1,964,701	0.00%
Total Expenditures	<u>\$ 3,145,943</u>	<u>\$ 226,161</u>	<u>\$ 846,950</u>	<u>\$ 2,072,832</u>	34.11%

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA
RDA Bonds - Series 2003A
Interim Statement of Revenues, Expenditures and Encumbrances
For the Two Months Ended August 31, 2010 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
Investment Income	\$ -	\$ 254	\$ -	\$ (254)	100.00%
Transfers-In	-	496,413	-	(496,413)	100.00%
Total Revenues	-	496,667	-	(496,667)	100.00%
Use of Fund Balance	14,120,129	2,353,444	-	11,766,685	16.67%
Total Sources	<u>\$ 14,120,129</u>	<u>\$ 2,850,111</u>	<u>\$ -</u>	<u>\$ 11,270,018</u>	20.18%
Expenditures:					
Capital Outlay:					
Finished					
IPM - Sustainable Park Improvements	\$ 816	\$ -	\$ 816	\$ -	100.00%
Anapamu Open Space Enhancements	2,464	-	-	2,464	0.00%
Construction Phase					
West Beach Pedestrian Improvements	422,673	70,402	108,524	243,747	42.33%
West Downtown Improvement	788,535	32,518	477,928	278,089	64.73%
Carrillo Rec Ctr Restoration	2,349,569	57,622	892,675	1,399,272	40.45%
Design Phase					
Helena Parking Lot Development	489,462	2,380	-	487,082	0.49%
Plaza De La Guerra Infrastructure	2,226,069	25,707	86,268	2,114,094	5.03%
Fire Department Administration	3,582,781	40,529	74,762	3,467,490	3.22%
DP Structure #2, 9, 10 Improvements	87,661	25,027	23,295	39,339	55.12%
Artist Workspace	525,419	173	-	525,246	0.03%
Westside Community Center	176,414	24,922	5,910	145,582	17.48%
Planning Phase					
Mission Creek Flood Control - Park Development	751,367	-	-	751,367	0.00%
Mission Creek Flood Control @ Depot	535,299	-	-	535,299	0.00%
Chase Palm Park Restroom Renovation	186,600	-	-	186,600	0.00%
Downtown Sidewalks	175,000	22,346	-	152,654	12.77%
Library Plaza Renovation	150,000	8,130	-	141,870	5.42%
Chase Palm Park Wisteria Arbor	835,000	-	-	835,000	0.00%
On-Hold Status					
Visitor Center Condo Purchase	500,000	-	-	500,000	0.00%
Lower State Street Sidewalks	335,000	-	-	335,000	0.00%
Total Expenditures	<u>\$ 14,120,129</u>	<u>\$ 309,756</u>	<u>\$ 1,670,178</u>	<u>\$ 12,140,195</u>	14.02%



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 19, 2010

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Cachuma Joint Powers Agencies Reorganization

RECOMMENDATION:

That Council approve in concept, subject to further clarification, the Conceptual Form and Structure for the Organization of the Cachuma Conservation Release Board (CCRB) and Cachuma Operation and Maintenance Board (COMB), and authorize the City's Water Resources Manager and the City Attorney to negotiate the appropriate agreement amendments for approval by Council.

DISCUSSION:

The City is a member of two joint powers agencies related to the Cachuma Project, the City's primary water supply. The CCRB represents the Cachuma Project water rights of the four South Coast members and currently implements fishery projects identified in the Cachuma Project Biological Opinion and the Lower Santa Ynez River Fish Management Plan. CCRB coordinates with and shares some project costs with Improvement District No. 1 (ID #1) of the Santa Ynez River Water Conservation District.

COMB administers the contractual obligation between the five Cachuma Project members and the U.S. Bureau of Reclamation (Reclamation) and is responsible for operating and maintaining the Cachuma Project facilities that convey water from Lake Cachuma to the South Coast. These include Tecolote Tunnel, the South Coast Conduit (the pipeline running from the south end of Tecolote Tunnel to Carpinteria), and several smaller reservoirs along the conduit. Councilmember Das Williams is the City's appointed board member for both CCRB and COMB, and Councilmember Dale Francisco serves as an alternate.

The two joint powers agencies have, for the most part, cooperated to address issues related to the Cachuma Project and the Santa Ynez River. However, differences in the individual members' unique water rights, water supply portfolios, and financial situations have sometimes led to conflicts. For some time, reorganization of one or both agencies has been discussed in an attempt to have them align more closely with the rights and interests held by each member agency. Reorganization discussions became

particularly active as fishery issues became more prominent and as the Cachuma Project water rights hearing process before the State Water Resources Control Board (SWRCB) has unfolded. Most recently, both the Carpinteria Valley Water District and the Montecito Water District have given notice of intent to withdraw from CCRB at the end of 2010, citing concerns about the cost effectiveness of activities undertaken by CCRB.

Recent attempts to address reorganization have resulted in a conceptual reorganization plan (attached), which is recommended for approval, in concept and subject to further clarification of certain issues, along with authorization to negotiate the necessary amendments to the applicable Joint Powers Agency Agreements.

The main features of the plan are:

1. Amend the COMB Joint Powers Agreement (JPA) to provide that obligations, liability, and financial responsibility related to the facilities that convey water to the South Coast would be borne only by the four South Coast members, with no involvement by ID #1.
2. Maintain the current requirement for unanimous COMB member approval prior to COMB seeking to acquire the Bradbury Dam facility or other Cachuma Project facilities north of the Tecolote Tunnel inlet.
3. Amend the COMB JPA to provide for specified fishery activities to be implemented on behalf of Reclamation by COMB (instead of by CCRB), subject to certain conditions.
4. CCRB would continue to exist at least through the current SWRCB hearing process.
5. The South Coast members of the Cachuma Project (which may choose to act through CCRB) and ID #1 may enter into a Joint Defense and Cooperation Agreement related to the current Federal Biological Opinion related to steelhead in the lower Santa Ynez River, the anticipated Federal re-consultation regarding fishery issues in the lower Santa Ynez River, and the Cachuma Project permits currently pending before the SWRCB.
6. COMB staff would not be employed by any individual Cachuma Project member or combination of members, unless approved unanimously by the COMB Board of Directors.
7. CCRB and ID #1 will affirm the assignment to COMB of certain responsibilities under the 2001 Memorandum of Understanding regarding implementation of the Federal Biological Opinion on steelhead in the lower Santa Ynez River.

The conceptual plan is being considered by all five participating agencies in preparation for the October 25, 2010 meetings of COMB and CCRB. Staff has been actively involved in the development of the conceptual plan and supports approval, in concept and subject to further clarification, of the document at this time as the basis for moving forward with preparing formal documents for approval by each of the member agencies.

ATTACHMENT: Conceptual Form and Structure for Organization of CCRB and COMB

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

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

**CONCEPTUAL FORM AND STRUCTURE
FOR ORGANIZATION OF CCRB AND COMB**

DRAFT 9/13/10

The Cachuma Member Unit Managers have reviewed an option for “friendly” amendment to the COMB JPA in order to maintain a better organizational structure for all five Cachuma Member Units to “jointly” implement obligations under the Cachuma Master Contract, including the approved Fishery/Management Plan (FMP) and the 2000 Biological Opinion including any amended or new Biological Opinion (collectively BO) Projects, without requiring ID #1 participation in South Coast activities. The conceptual considerations for reorganization are summarized as follows:

1. The COMB JPA would be amended to provide that for COMB projects, operations and maintenance activities and facilities acquisition from the Tecolote intake tower south through the South Coast Conduit, all obligations, liability and financial responsibility would be born by the four South Coast Member Units, which would include a blanket indemnification for ID #1. For such projects, operations and maintenance and facilities acquisition, only South Coast Member Unit approval would be involved, and COMB agendas would be structured so ID #1 attendance would not be required for those items.

2. Confirm that the COMB JPA requires unanimous approval of all Member Units before COMB would seek to or acquire the operations, transfer or ownership of facilities north of the Tecolote intake tower, including but not limited to, the Bradbury Dam facility, the outlet works, control house, Hilton Creek watering system or other appurtenances used for impounding or releasing of water stored within the Cachuma Project.

3. The COMB JPA would also be amended to provide “Fishery Activities,” including the FMP, projects under the BO and activities included in 5 year plans developed pursuant to Master Contract Article 27 (MCA27), would be implemented through COMB, on behalf of Reclamation, subject to the following:

a. COMB would maintain an operations committee structure made up of all Member Unit Managers to provide early and ongoing review and recommendations for projects and activities to the COMB Board. For projects from the Tecolote intake tower south, only South Coast manager review will be involved and the Operations Committee agenda would be structured so ID #1 attendance would not be required for those items.

b. Funding for FMP, BO and MCA27 projects and activities would be through grants, MCA27 funds and County Water Agency funding, consistent with the 2001 MOU. Member Unit funding in excess of such amounts will require majority approval, except that a project over \$1 million will still require unanimous approval.

c. Subject to funding availability, COMB may implement (1) any project or activity in the FMP; (2) any mandatory project under the BO; (3) any project or activity for

which NMFS provides written confirmation that it qualifies as a credited replacement project or activity for any mandatory project or activity under the BO; (4) any project or activity in an unanimously approved MCA27 5 year plan; and (5) any other project or activity unanimously approved by COMB.

d. MCA27 plans will be formally developed and updated on a 5 year basis as called for by the Cachuma Master Contract. Initial approval and any update will require unanimous approval.

e. The addition or modification of any projects to or activities in the FMP implementation, including adaptive management type projects or activities, regulatory compliance and COMB implementation of a new, revised or amended Biological Opinion, shall require unanimous approval.

f. Unless unanimously approved, COMB will provide only administrative support¹ to the Member Units, individually or collectively with respect to the BO, reconsultation, and the Cachuma Permits pending before the SWRCB, including information on the status of project implementation, with advocacy for such matters being the responsibility of the Member Units, either individually or through partnership.

4. CCRB would remain in place, at least through the current SWRCB hearing process, including for responsibilities related to the 2002 Settlement Agreement.

5. The South Coast Member Units (which may choose to act through CCRB) and ID #1 may execute a Joint Defense and Cooperation Agreement(s) for advocacy of their common interests related to the BO, reconsultation, and the Cachuma Permits pending before the SWRCB, with each agency free to advocate their individual and unaligned interests.

6. Unless unanimously approved, COMB staff shall not be employed by or provide services to any other, or combination of, Cachuma Member Units.

7. The CCRB Board and ID #1 will affirm the responsibilities of CCRB and ID #1 under Section 4, Financial Arrangements, and Section 5, Administrative and Monitoring Support of the 2001 MOU are being assigned to and will be fulfilled by COMB.

¹ "Administrative support" requires further definition. Chris Dahlstrom to provide mark-up based on current Joint Advocacy Agreement.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 19, 2010

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Architectural Board Of Review Approval Of 903 West Mission Street

RECOMMENDATION:

That Council deny the appeal of Pamela Brandon and support the Architectural Board of Review's Preliminary Approval of the proposed accessory dwelling unit and new garage at 903 West Mission Street.

DISCUSSION:

Project Description

The proposed project involves the construction of a 525 square-foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of an existing 317 square foot non-conforming garage, an addition of a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage on a 5,000 square foot lot that is currently developed with an 844 square foot single family residence and a 317 square foot detached garage.

Project History

On July 28, 2010, the Staff Hearing Officer (SHO) reviewed and approved two modifications to permit construction of a new garage within the required 20 foot front setback along Gillespie Street (SBMC § 28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3). The SHO Resolution #041-01 is attached as Attachment 2.

On August 23, 2010, the Architectural Board of Review (ABR) granted Preliminary Approval by a vote of 3/1/0 of an application for the design review of an accessory dwelling unit above a new garage. The ABR minutes are attached as Attachment 3.

On September 2, 2010, an appeal of the ABR Preliminary Approval was filed by the adjacent neighbor, Pamela Brandon residing at 905 W. Mission Street (Attachment 1). The appeal asserts that the project design is not consistent with the surrounding

neighborhood, the project is not consistent with the Zoning Ordinance, and that the project negatively affects the appellant's property values.

Although the ABR's Preliminary Approval of the proposed project has been appealed, the appellant did not appeal the Staff Hearing Officer's decision to approve the modifications.

APPEAL ISSUES

Neighborhood Compatibility

The appellant states that the modern style of architecture is not consistent with the surrounding neighborhood.

The ABR has reviewed the proposal on four occasions (Attachment 3). The first two times the project was reviewed, the ABR took issue with the lack of neighborhood compatibility and the overall style. The Board requested that the applicant reduce roof pitches and ridge heights, and asked the applicant to study a design that was more compatible in style, massing, and materials with the surrounding neighborhood. The Board was not fully supportive of the modification to provide less than the 600 square feet of required open yard, because the presentation seemed too aggressive for the lot.

On May 17, 2010, the project returned to the ABR with a revised proposal that incorporated changes to the overall design aesthetic, roof forms and building materials. The height of the second story addition was reduced by approximately 5', which in turn reduced the overall mass and bulk of the project. The revisions to the architectural style accomplished a more cohesive proposal and resulted in a reduction in the overall scale of the building that was problematic in the previous design. The Board was supportive of the modern architectural style in this eclectic neighborhood, as modernism is part of the eclectic mix.

The Board thoroughly reviewed the modification requests and supported the modification for the new garage to encroach 18" into the front setback because it enabled a more usable private space in the back yard, and because the plane of the garage is set back from the existing house on site and the structure would not protrude beyond the existing structure on site. The Board supported the modification to provide less than required common area of 600 square feet because of the size of the lot, narrow width and its location on a corner. The Board appreciated the change in architectural design. Satisfied with the revised design, the Board forwarded the project to the Staff Hearing Officer.

One Board member felt that, although this architectural style is seen throughout the City, this proposed design was out of context with the overall neighborhood.

Subsequently, the project was reviewed by the Staff Hearing Officer on July 28, 2010. The appellant, Pam Brandon spoke at the public hearing and voiced her concerns about loss of privacy and reduced property value and suggested having a skylight in lieu of, or relocating, the window overlooking her backyard. The Staff Hearing Officer approved the project with the added condition that the ABR would review the proposed window location on the second-story building with respect to providing maximum privacy for the neighbor.

The project returned to the ABR for Preliminary Review and at that time the applicant proposed clerestory windows so that the new accessory dwelling unit could still receive light from the north while still addressing the privacy concerns of the adjacent neighbor. The ABR granted a Preliminary Approval with comments regarding building materials. The ABR stated that the introduction of clerestory windows on the second story sufficiently addressed the privacy concerns from the adjacent neighbor. (See Attachment 5)

Zoning Ordinance Consistency

The appellant asserts that the project does not comply with the Municipal Code for accessory dwelling units and that the property is less than 5,000 square feet as required per SBMC §28.18.075.E.

The subject property's dimensions are 50' x 100' per the County of Santa Barbara Assessor's Map and, therefore, the size of the lot is 5,000 square feet, which is consistent with the requirements for an accessory dwelling unit.

As summarized in the attached Staff Hearing Officer Staff Report (Attachment 2) dated July 21, 2010, with the approval of the requested modifications, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan.

As of the writing of this report, no other inconsistencies have been alleged by the appellant.

Second Story Window

The appellant states that the approved project negatively affects her property values, because allowing a window on the second story facing west, will encroach upon her privacy.

The applicant proposes a clerestory window that is 7'-6" above the finished floor of the second story (Attachment 5). The ABR stated at the last meeting that the applicant's privacy concerns had been adequately addressed. Staff believes that the clerestory window does not result in a privacy issue.

The proposed clerestory windows are compatible with the proposed modern architectural style; however, if the project were to be revised to a more traditional style, it could result in windows that may actually impact the appellant's privacy.

Additionally, the required interior yard setback is three feet for parking structures, and six feet for the second story. As currently proposed, the garage is set back 10' from the property line and the second story is setback 7.5'. Allowing the building to encroach 18" into the front yard provides an additional buffer between the new structure and the neighbor's property and aids in preserving privacy between the two properties.

CONCLUSION:

The proposed project has undergone a thorough review by staff, the ABR and the Staff Hearing Officer. It is staff's position that: appropriate consideration has been given to the

appellant's issues as part of the Architectural Board of Review and Staff Hearing Officer review processes; the project is compatible with the neighborhood; the project is consistent with the Zoning Ordinance; and the proposed clerestory window does not impact the appellant's privacy.

NOTE: Attachment 5, Project Plans, has been sent separately to Mayor and Council and is available for public review in the City Clerk's office.

ATTACHMENTS:

1. Appellant's letter dated September 2, 2010
2. Staff Hearing Officer Staff Report, Minutes and Resolution #041-10
3. ABR minutes
4. Section showing second story clerestory window
5. Project Plans

PREPARED BY: Kelly Brodison, Assistant Planner

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

APPROVED BY: City Administrator's Office

RECEIVED

September 02, 2010

2010 SEP -2 AM 11:12

Dear City Council,

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

This letter appeals the decision of the ABR from the August 23, 2010 meeting in which the board voted 4 to 1 for the Preliminary Approval for 903 W. Mission St., case MST2009-00388. Only 5 ABR members voted because 2 of the ABR members stepped down from voting due to the fact that they are the architect and landscape architect working on the 903 W. Mission Street project.

As recommended by the City Clerk's office, I will keep my reasons for the appeal brief in this letter. My appeal is based on the following:

- 1) The design plans that were approved are not in keeping with the neighborhood style and character. The proposed plan is for a pre-fab metal building with a modern style, which is not a style within our neighborhood.

According to the Santa Barbara Municipal Code, one of the criteria that should be looked at by the ABR when it reviews and approves or disapproves the design of a proposed development project is the following question: "Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?"

- 2) As I've looked through the file at the city Planning & Zoning Department for this property, I have discovered substantive inaccuracies. For example, according to city and county records this property is under 5000 square feet. According to the Santa Barbara Municipal Code, accessory dwelling units are allowed on certain R-2 lots with a total lot area of between 5,000 and 6,000 square feet. See attachment for the city and county records regarding 903 W. Mission Street's lot size. I am preparing a detailed presentation to show these inaccuracies at the appeal meeting. I ask you to enforce that accurate information be used to make a decision about modification requests and design plans that come before the city, including this project.
- 3) This project negatively affects my property value. This project did not fit within the standard rules of the Municipal Code for allowing a second dwelling unit, so the property owner of 903 W. Mission St. had to apply for modifications. The city approved the modifications. Then, the ABR gave preliminary approval to plans that further devalue my property. The city, through those approvals, has given that property a huge boost in property value while bringing my property value down.

My realtor gave her expert opinion to the ABR and the Staff Hearing Officer about the negative affect on my property value due to the modification approval and the design plans. If the city allows this second story dwelling unit, then I would ask that you help minimize the further loss of value on my property by requiring the design to fit within the neighborhood and to not allow any windows on the second story that face into my private backyard, unnecessarily invading my property's privacy. If future buyers of my property walk into my backyard and look up to see a 13'(thirteen feet) wide window peering down on them, it will negatively affect their interest in buying my property.

From my first notification of this project (which was the notice of a public hearing for the Staff Hearing Officer) I tried to talk to my neighbor and work through my biggest concerns even up to the day before submitting this letter, trying to reach an agreement. I would have much preferred to work this out between neighbors rather than both of us having to spend time and money contesting this.

I intend to submit additional documenting evidence to the City Council prior to the hearing of this appeal.

Sincerely,

A handwritten signature in cursive script that reads "Pam Brandon". The signature is fluid and extends to the right with a long tail.

Pam Brandon
905 W. Mission St.
Santa Barbara, CA 93101
805.451.1802
PamBrandon@cox.net

Attachment



Home Government Residents Business Visitors Site Map >> Contact Us >>

THE CITY OF SANTA BARBARA

Home > Residents > Licenses & Permits > Case Status Lookup > Lookup Query Form Search:

Parcel Lookup Results - Details

Parcel Details

[Back](#)

Parcel Address:	903 W MISSION ST
Parcel Number:	043-113-009
Zone District:	R-2
General Plan Neighborhood:	Westside: Westside
Lot Size (from County Assessor's Rolls):	0.11 Acres
Lot Size (Estimate from City's GIS System):	4,975.35 Square Feet
Slope (Estimate from City's GIS System):	1%
High Fire Area:	No

Parcel Tags



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: July 21, 2010
AGENDA DATE: July 28, 2010
PROJECT ADDRESS: 903 W. Mission Street (MST2009-00388)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner
 Kelly Brodison, Assistant Planner

*DNK
KAB*

I. PROJECT DESCRIPTION

The 5,000 square foot lot is currently developed with an 844 square foot single family residence and a 317 square foot detached garage. The proposed project involves the construction of 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The discretionary applications required for this project are Modifications to permit construction of the garage within the required 20 foot front setback (SBMC § 28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3).

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, as submitted.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: AB Design Studio, Inc.	Property Owner: Heidi Ferguson
Parcel Number: 043-113-009	Lot Area: 5,000 sq. ft.
General Plan:	Zoning: R-2
Existing Use: One-Family Residence	Topography: Flat

Adjacent Land Uses:

North – One-Family Residence	East - One-Family Residence
South – One-Family Residence	West – One-Family Residence

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	844 sf	557 sf addition = 1,401 sf
Garage	317 sf	623 sf

C. PROPOSED LOT AREA COVERAGE

Building: 1,999 sf 40% Hardscape: 513 sf 10% Landscape: 2,488 sf 50%

IV. DISCUSSION

The subject property is located on the corner of West Mission and Gillespie Streets and therefore, has two front yard setbacks. The proposed project involves the construction of an accessory dwelling unit above a new 623 square foot three-car garage. Modification approvals are required for a new garage to be located within the required 20-foot front setback and to provide less than the required common open yard area of 600 square feet.

The existing 317 square foot garage is non-conforming to size and encroaches within the interior setback. The new garage is proposed to provide a third covered parking spot for the accessory dwelling unit, and would comply with the interior setbacks. However, in order to provide the required 10 foot width for the common open yard at the rear of the lot and the required 20' minimum interior depth of the garage, the applicant is requesting a modification for the garage to encroach approximately 18" into the 20' front setback on Gillespie Street. Staff's position is that requiring the garage to meet the 20' setback for garages facing the street would not benefit the project and would, in fact create the need for a modification of the common open yard minimum dimensions. Transportation Staff has reviewed the proposal, and prefers the requested encroachment into the front setback instead of reducing the interior depth of the garage by 18", because 12" of the encroachment is due to the thickness of the walls of the garage. The length of the area in front of the garage door is 19.5', which meets Transportation Division standards.

Two dwelling units are allowed on this 5,000 square foot lot in the R-2 Zone, with the special provisions for accessory dwelling units. Common open yard on lots developed with accessory dwelling units requires that the open yard may be provided in one area of at least 600 square feet or two areas, each of which must be at least 300 square feet, each with a minimum dimension of 10'x10'. The existing house is situated on the lot in such a way that that neither of these open space requirements can be met and additionally, the lot is constrained with two front setbacks. However, the project does meet the locational requirements for the open yard and provides one area of 375 square feet for the new unit residence, two areas of 237 and 130 square feet, each meeting the 10'x10' minimum dimension, for the existing residence. Additionally, the project meets the requirements for the private outdoor living space for both units as well as provides areas for enjoyment of the yard. Although the minimum area of 300 feet is not being met for the front unit, it is Staff's position that adequate open yard is being provided.

V. FINDINGS AND CONDITION

The Staff Hearing Officer finds that the front setback modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot. By allowing the proposed three-car garage to encroach 18" into the front setback, the project meets current Municipal Code requirements by providing three parking spaces on site, while still providing a useable space at the rear of the lot.

The Staff Hearing Officer finds that the Modification of the open yard for the front unit to be less than the required 300 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Although one area does not meet the minimum dimension of least 300 square feet, the project provides enough area by providing three separate open yard areas totaling more than the required total of 600 square feet.

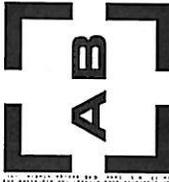
Said approval is subject to a condition that all construction within the City right of way, including new driveway, curb, gutter, sidewalk, relocation of street sweeping sign etc. will require a permit from the Public Works Department.

Exhibits:

- A. Site Plan
- B. Applicant's letter, dated June 7, 2010
- C. ABR Minutes

keynotes

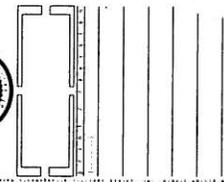
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- 2



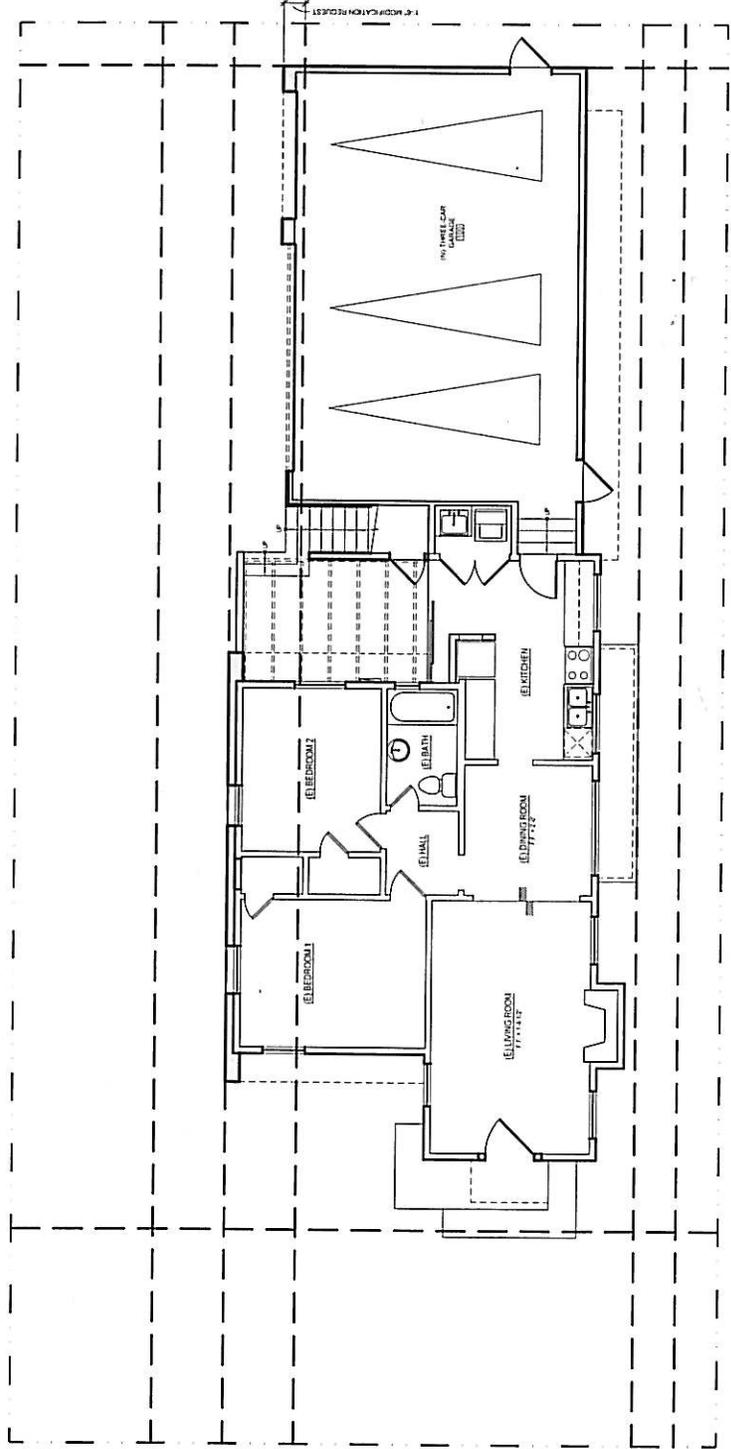
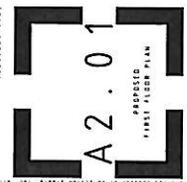
DESIGN STUDIO
ARCHITECTURE
INCORPORATED
1115 S. GATEWAY BLVD
SUITE 100
SAN ANTONIO, TEXAS 78204
PHONE: (214) 521-1111
FAX: (214) 521-1112
WWW.ABDESIGNSTUDIO.COM

PROJECT: 903 WEST MISSION
OWNER: WEST MISSION STREET
SANTA BARBARA, CA 93101
ARCHITECT: AB DESIGN STUDIO
DATE: 08/14/10

CLIENT: JERROLD
DESIGNER: JERROLD
DATE: 08/14/10



903 WEST MISSION
WEST MISSION STREET
SANTA BARBARA, CA 93101
JERROLD
JERROLD

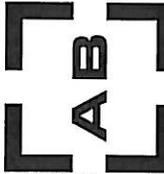


wall legend

- || FINISH WALL
- || DEMO WALL
- || RETAIN TO REMAIN

PROPOSED FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

keynotes

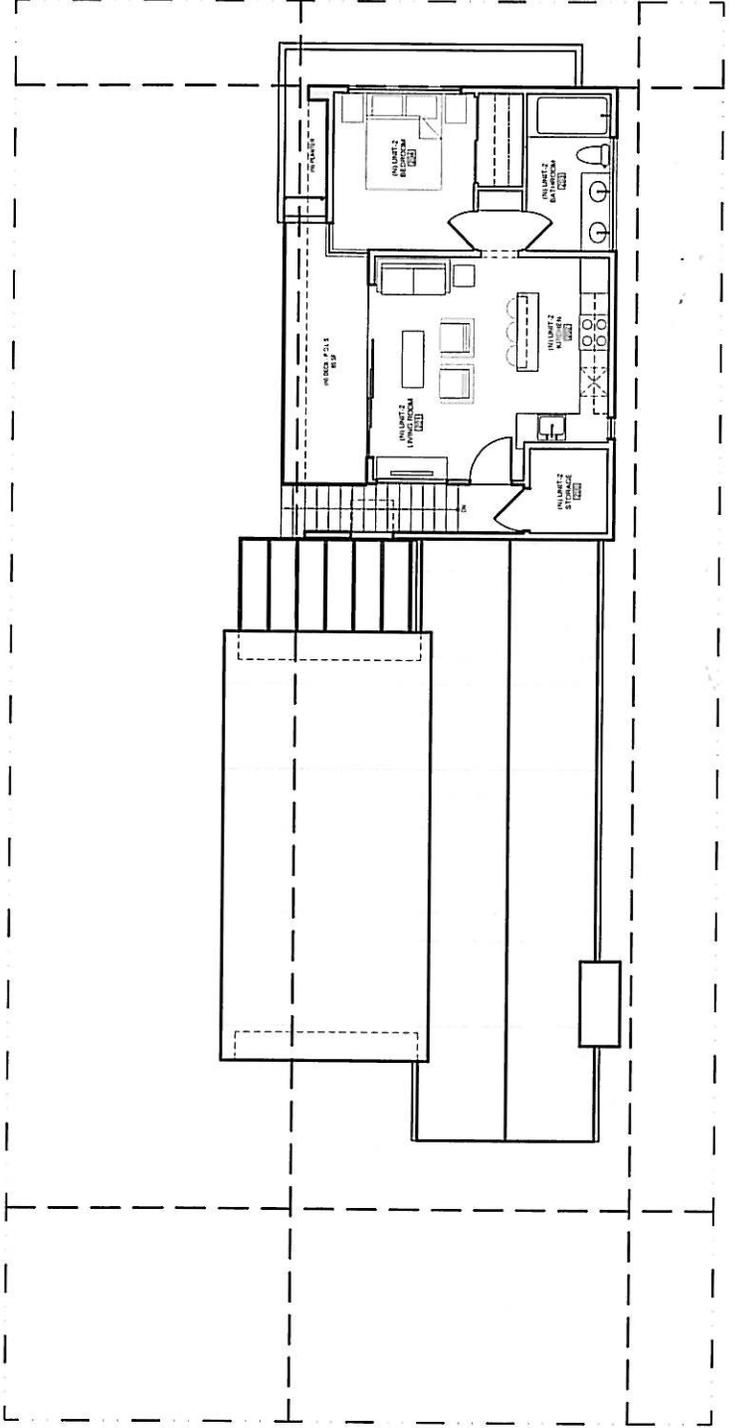


DESIGN STUDIO
INCORPORATED
1000 10TH AVENUE
SUITE 1000
SAN FRANCISCO, CA 94103
TEL: 415.774.1111
WWW.ABDESIGNSTUDIO.COM

PROJECT: 903 WEST MISSION
1000 10TH AVENUE
SAN FRANCISCO, CA 94103
OWNER: MERRILL LYNCH PIERCE
FENNER SMITH
ARCHITECT: AB DESIGN STUDIO
DATE: 08/14/07



903 WEST MISSION
PROJECT: MERRILL LYNCH PIERCE
FENNER SMITH
OWNER: MERRILL LYNCH PIERCE
FENNER SMITH
ARCHITECT: AB DESIGN STUDIO
DATE: 08/14/07

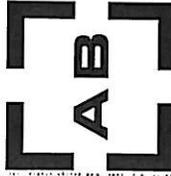


wall legend



PROPOSED SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"

keynotes



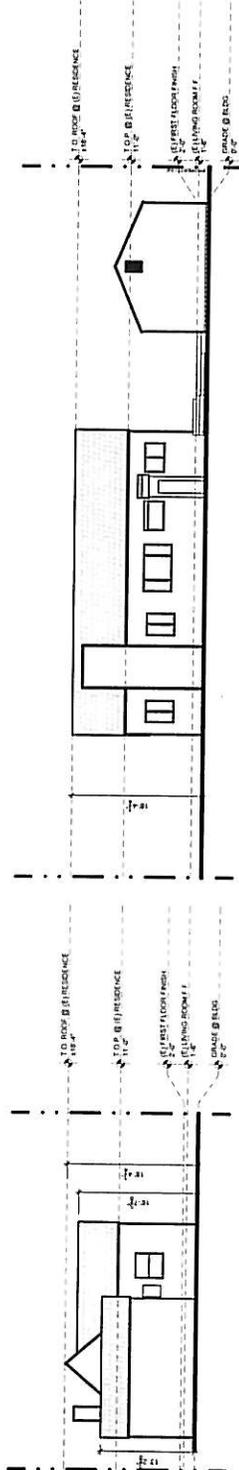
DESIGN STUDIO
CORPORATION
1115 S. GATE AVENUE
SUITE 100
SAN ANTONIO, TEXAS 78204
TEL: 214.520.1115
WWW.ABDESIGNSTUDIO.COM

PROJECT: 903 WEST MISSION
1905 GARDEN VILLAGE #1
HOUSTON, TX 77058
CONTRACT: 1000000000000000

FROM: ARCHITECT
TO: CLIENT
DATE: 10/15/10
PROJECT: 903 WEST MISSION
1905 GARDEN VILLAGE #1
HOUSTON, TX 77058
CONTRACT: 1000000000000000



903 WEST MISSION
1905 GARDEN VILLAGE #1
HOUSTON, TX 77058
CONTRACT: 1000000000000000



EXISTING EAST ELEVATION 4
SCALE 1/8" = 1'-0"

EXISTING SOUTH ELEVATION 2
SCALE 1/8" = 1'-0"



PROPOSED EAST ELEVATION 3
SCALE 1/8" = 1'-0"

PROPOSED SOUTH ELEVATION 1
SCALE 1/8" = 1'-0"



4629
Revised
letter
to come
3 rooms
Jed -

MODIFICATIONS LETTER

June 7, 2010

Roxanne Milazzo
City Of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Subject: 903 W. Mission
Modification Request
APN: 043.113.009; Land-use Zone R-2

Via: Hand Delivered

Dear Staff Hearing Officer

1. There is an existing single-family residence of 844 sf with a detached non-conforming two-car garage of 317 sf on the above referenced property. The property is a corner lot and thus has two front yard setbacks to the Easterly and Northerly. The existing detached non-conforming two-car garage encroaches into the interior yard setback on the Southerly side of the property. All buildings on the lot have building permits. There are no existing enforcement cases open.

The proposal is to add a new 3-car garage with a 525 sf accessory unit above. The existing single-story home will be remodeled on the exterior, the interior will remain as-is. As part of this proposal, the existing non-conforming garage will be removed. A new garage, conforming with interior dimension requirements will be constructed outside of the interior yard setback on the Southerly side of the lot. This garage will be connected to the existing residence. To conform with open yard requirements on this restricted lot, the front face of the garage will encroach into the 20 foot setback, 18".

2. There are two modifications being requested. The first is to allow the new conforming three-car garage to encroach into the front yard setback on the Easterly side (Gillespie) of the lot. The setback for the home is 15 feet, but garages that face streets are to be setback 20 feet. This minor encroachment will allow for a usable open space complying with City Standards to be located behind the new garage. There are other homes (across the street and on the same block) that encroach considerably more than 18". The face of the garage will remaining behind the face of the existing residence.

3. The second modification is necessary to allow the required 600 sf of open yard to be split into two areas. The first area is behind the new garage and totals 375 sf, which complies. The second area is located in the Front Yard and is 237 sf, which does not comply. The Code states that 600 sf is the minimum and can be split into two 300 sf areas on the site. Because our lot is hindered by two front yards and the location of the existing home, we cannot have the other area be larger than 300 sf. This area, however is in the front of the home and adjacent to over 2000 sf of open yard protected by the Setbacks on each street. The area will not be fenced in. This is a common modification for older homes on smaller corner lots with two front yards.

4. These two Modifications allow the homeowner to build a project that fits her needs. They are minor in nature and supported by ABR. There is precedence in the neighborhood of recent projects that have street facing garages encroaching into the front yard setback. There are also several two unit and multi-unit properties on this block on small 5,000 sf lots.

Because this lot has two front yard setbacks, it is impossible for this property to comply with the required 1250 sf open yard requirement for single family. The mod we are requesting for the open yard will not impact the neighborhood, make the home imposing or have an adverse affect on the existing site. The is still ample usable open space that exists today and will remain in perpetuity with this addition. We are actually creating MORE useable open yard for the residents by splitting it up and moving the garage forward.

We feel that this is an appropriate solution in that the addition to the home is consistent with the neighborhood. We have met with many of the neighbors who support the project and modifications. The changes to the exterior will bring this home current and the home owners will be able to raise their family and enjoy it for the next 30 years.

Sincerely,



Clay Aurell, AIA, LEED AP
Principal Architect

CA:ca

cc: Heidi Ferguson



ARCHITECTURAL BOARD OF REVIEW
CASE SUMMARY

903 W MISSION ST

MST2009-00388

R-NEW UNIT

Page: 1

Project Description:

Revised proposal to construct a new 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage on a 5,000 square foot lot. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The project requires Staff Hearing Officer review for a requested zoning modification to provide less than the required 600 square feet of open yard and to allow the garage to encroach into the required 20 foot front-yard setback.

Activities:

7/16/2010 *ABR-Posting Sign Issued*

5/17/2010 *ABR-Concept Review (Continued)*

(Third Concept Review. Project requires Environmental Assessment and Staff Hearing Officer review for two requested zoning modifications.)

(5:45)

Present: Josh Blumer, Architect, AB Design Studio; and Heidi Harbaugh, Owner.

Public comment opened at 6:02 p.m. As no one wished to speak, public comment was closed.

Staff clarified the Alternative Open Yard and Private Outdoor Living Space Requirements, per SBMC 28.18.060.C.3, for proposals involving an accessory dwelling unit.

Motion: Continued indefinitely to Staff Hearing Officer and return to Full Board with comments:
1) *The Board finds the requested modifications acceptable to achieve the open space, recognizing that it is a small corner lot, which makes it difficult for compliance with standard open space lot requirements.*
2) *The Board is appreciative of the proposed change in architectural design as it reduces the overall mass of the building.*

Activities:

3) The Board finds acceptable the second floor setbacks away from the garage, and the inclusion of the planter element to soften that corner of the building.

4) The Board looks forward to refinement of the garage elevation to include secondary architectural elements to add additional scale at the garage doors and the lower wing of the west elevation.

LANDSCAPING:

1) Locate the perimeter fencing five feet back from the existing retaining wall to comply with Ordinance requirements.

2) Study providing a landscape area between the two garage doors.

3) Study introducing a trellis structure on the large garage door to soften with a vine planting.

4) Study incorporating some ground cover relief at the new driveway to be consistent with the character of the neighborhood.

Action: Rivera/Sherry, 4/1/0. Motion carried. (Mosel opposed, Aurell stepped down, Gilliland/Zink absent).

5/12/2010**ABR-FYI/Research**

AB Design Studio is the new architect for the project as of May 2010.

The project had two concept reviews with the previous architect and is now on the third concept review (5/17) with the new architect.

5/4/2010**ABR-Resubmittal Received**

Revised description - updated numbers and mod applications.

12/14/2009**ABR-Concept Review (Continued)**

(Second Concept Review. Project requires Environmental Assessment and Staff Hearing Officer review for a modification to provide less than the 600 square feet of the required open yard area.)

(7:35)

Present: Tarah Brown, Applicant; Marc Perry, Architect; and Heidi Harbaugh, Owner.

Public comment opened at 7:46 p.m. As no one wished to speak, public comment was closed.

An opposition letter from Christine Cunningham was acknowledged by the Board.

Motion: Continued indefinitely to Full Board with comments:

1) Study reducing the roof pitches on the addition to further reduce the ridge heights.

2) Study ways to uniform the style of the building; particularly the window proportions and style, etc.

3) Eliminate the long shed roof element on the east and west elevation of the addition.

4) Return with building sections and plate heights of the first and second floor.

5) Study the eave of the north elevation over the garage.

6) Study the wood trellis element over the second story balcony.

7) The Board has mixed opinions on the proposed modification, and defers further comment at this time.

Activities:

8) Study introducing dormer elements in the second floor addition to reduce the apparent mass.
Action: Aurell/Gilliland, 5/1/0. Motion carried. (Mosel opposed, Gross/Sherry absent.)

12/8/2009 ABR-Resubmittal Received

received three sets for continued concept review. Applicant needs to do arch letter report and go to SHC for open yard mod.

10/5/2009 ABR-Concept Review (New) - PH

(Comments Only; Project requires Environmental Assessment.)

(3:30)

Present: Tarah Brown, Applicant; Marc Perry, Architect; and Heidi Harbaugh, Owner.

Public comment opened at 3:53 p.m. As no one wished to speak, public comment was closed.

An opposition letter from Paula Westbury was acknowledged by the Board.

Motion: Continued indefinitely to Full Board with comments:

- 1) The Board understands the constraints involved with corner lots; however, the Board feels the project is moving in the wrong direction as it lacks compatibility with both the existing house and the neighborhood.
 - 2) Study the overall style for a design that is compatible in style, massing, and materials, and provides neighborhood compatibility and continuity of style throughout the project.
 - 3) Provide an entrance to the second unit that incorporates a pedestrian street presence and neighborhood compatibility.
 - 4) Study the proposed fencing and material to be more compatible with the overall style of the house and neighborhood.
 - 5) The Board finds the proposed curb cut to be excessive in length and would prefer to have it minimized. Verify the length of the proposed curb cut with the Transportation Division staff and if possible revise to reduce the length.
 - 6) The Board reserves their comments on the modification at this time pending the above items, as the project has not reached the appropriate project threshold.
- Action: Sherry/Gross, 8/0/0. Motion carried.

10/5/2009 ABR-Mailed Notice Prepared

Prepared 9/14/09; mail out date 9/24/09; applicant prepared mailing labels.

9/16/2009 ABR-FYI/Research

Note: as the proposal is considered an accessory unit for a lot with 5,000 square feet - this imposes specific size conditions on both units. The main residence may not have more than three bedrooms and

Activities:

may not exceed 1200 sq.ft. The accessory unit may not have more than one bedroom and may not exceed 600 sq.ft. This imposes restrictions on any proposed additions to the main residence which, as a result of this proposal, will be a two-bedrooms and 854 square feet.

9/15/2009 ABR-Resubmittal Received

resubmittal to address prelim plan check comments. First concept review scheduled for 10/5/09.

9/10/2009 ABR-Correspondence/Contact

Spoke to applicant regarding PLCK comments and faxed PLCK to architect Marc Perry (805-653-5321) 9/10/09.

Issues to address include: 200 cubic feet of exterior storage; recalculate the P.O.L.S.; the front steps encroaching into the front setback and the maximum 3' x 3' dimensions.

8/27/2009 ABR-FYI/Research

note that the applicant provided the mailing labels and therefore was only charged for the posting sign.

--update-- per Jaime Limon - applicant is to be charged the total fee for postage (# of labels x 0.43).
Postage fee $79 \times 0.43 = 33.97$. MJB 9/8/09

8/27/2009 ABR-Posting Sign Issued

posting sign issued

8/27/2009 ABR-FYI/Research

Note per applicant, they will be widenign the curbcut as part of this permit and applicant was advised that an encroachment permit will most likely be required and to check with P.W. regarding this matter. Also, applicant advised that she spoke to Chelsey in Transportation Planning and they will be relocating an existing no-parking sign at the site.

ACTUAL TIME: 10:05 A.M.

C. **APPLICATION OF AB DESIGN STUDIO, ARCHITECT FOR HEIDI FERGUSON, 903 W. MISSION STREET, 043-113-009, R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL - 12 UNITS PER ACRE (MST2009-00388)**

The 5,000 square foot lot is currently developed with an 844 square foot single family residence and a 317 square foot detached garage. The proposed project involves the construction of 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The discretionary applications required for this project are Modifications to permit construction of the garage within the required 20 foot front setback (SBMC §28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3).

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

Present: Clay Aurell, Architect, AB Design Studio; Heidi Ferguson, Owner.

Kelly Brodison, Assistant Planner, gave the Staff presentation and recommendation.

Three letters in opposition from Pam Brandon, Brandon Smith and Paula Westbury were acknowledged.

The Public Hearing was opened at 10:26 a.m.

Pam Brandon next door neighbor: concerned about loss of privacy and reduced property value; suggested having a skylight in lieu of, or relocating, the window overlooking her backyard.

Mimi Greenberg: opposed to Ms. Brandon's loss of privacy (submitted written comments).

The Public Hearing was closed at 10:33.

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

ACTION:

Assigned Resolution No. 041-10

The front setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot. By allowing the proposed three-car garage to encroach 18" into the front setback, the project meets current Municipal Code requirements by providing three parking spaces on site, while still providing a useable space at the rear of the lot.

The Modification of the open yard for the front unit to be less than the required 300 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Although one area does not meet the minimum dimension of least 300 square feet, the project provides enough area by providing three separate open yard areas totaling more than the required total of 600 square feet.

Said approval is subject to the following conditions: 1) All construction within the City right of way, including new driveway, curb, gutter, sidewalk, relocation of street sweeping sign etc. will require a permit from the Public Works Department; 2) The ABR shall review the proposed window location on the second-story building with respect to providing maximum privacy for the neighbor.

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

III. ADJOURNMENT

Ms. Reardon adjourned the meeting at 10:41 a.m.

Submitted by,

Gloria Shafer, Staff Hearing Officer Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 041-10
903 W. MISSION DRIVE
MODIFICATIONS
JULY 28, 2010

APPLICATION OF AB DESIGN STUDIO, ARCHITECT FOR HEIDI FERGUSON, 903 W. MISSION STREET, 043-113-009, R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL - 12 UNITS PER ACRE (MST2009-00388)

The 5,000 square foot lot is currently developed with an 844 square foot single family residence and a 317 square foot detached garage. The proposed project involves the construction of 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The discretionary applications required for this project are Modifications to permit construction of the garage within the required 20 foot front setback (SBMC § 28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3).

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

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, two people appeared to speak in opposition of the application, and no people appeared to speak in favor thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 21, 2010.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Paula Westbury, 650 Miramonte Drive, Santa Barbara, Ca

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I. Approved the subject application making the following findings and determinations:

The front setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot. By allowing the proposed three-car garage to encroach 18" into the front setback, the project meets current Municipal Code requirements by providing three parking spaces on site, while still providing a useable space at the rear of the lot.

STAFF HEARING OFFICER RESOLUTION NO. 041-10
903 W. MISSION DRIVE
JULY 28, 2010
PAGE 2

The Modification of the open yard for the front unit to be less than the required 300 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Although one area does not meet the minimum dimension of least 300 square feet, the project provides enough area by providing three separate open yard areas totaling more than the required total of 600 square feet.

- II. Said approval is subject to the following conditions: 1) All construction within the City right of way, including new driveway, curb, gutter, sidewalk, relocation of street sweeping sign etc. will require a permit from the Public Works Department; 2) The Architectural Board of Review shall review the proposed window location on the second-story building with respect to providing maximum privacy for the neighbor.

This motion was passed and adopted on the 28th day of July, 2010 by the Staff Hearing Officer of the city of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Gloria Shafer, Staff Hearing Officer Secretary

7-29-2010

Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.



ARCHITECTURAL BOARD OF REVIEW
CASE SUMMARY

903 W MISSION ST

MST2009-00388

R-NEW UNIT

Page: 1

Project Description:

Revised proposal to construct a new 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage on a 5,000 square foot lot. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The project requires Staff Hearing Officer review for a requested zoning modification to provide less than the required 600 square feet of open yard and to allow the garage to encroach into the required 20 foot front-yard setback.

Activities:

8/23/2010 *ABR-Prelim Approval - Project*

8/23/2010 *ABR-Preliminary Review Hearing*

(Preliminary approval is requested. Project requires compliance with Staff Hearing Officer Resolution No. 041-10.)

(3:36)

Present: Josh Blumer, Architect, AB Design Studio; and Heidi Harbaugh, Owner; Chris Gilliland, Landscape Architect; and Kelly Brodison, Assistant Planner.

The Chair read out to the Board the Staff Hearing Officer Resolution #041-10 requirements.

Public comment opened at 3:49 p.m.

The following public comment spoke either in support or in opposition of the proposed project:

- 1) Mimi Greenberg (submitted letter as adjacent property owner) - in opposition regarding privacy issues and possible decreased property values.*
- 2) Pam Brandon, (submitted letter) - in opposition regarding previous notification issues, privacy issues, possible decreased property values and solar access.*

Activities:

A letter of concern from Paula Westbury was acknowledged by the Board.

Public comment closed at 3:56 p.m.

Motion: Preliminary Approval and continued indefinitely to Full Board with comments:

1) Reconsider the material choice for the entry canopy.

2) Return with sizable material samples of all final finishes, except the concrete, for a final review; the proposed metal finish is to be non-reflective.

Action: Rivera/Sherry, 3/1/0. Motion carried. (Mosel opposed to architectural style. Aurell and Gilliland stepped down, Zink absent).

8/17/2010***ABR-Resubmittal Received***

Rec'd 3 sets for preliminary approval at ABR. Rec'd SHO approval 7/28/10 Reso No 041-10.

7/16/2010***ABR-Posting Sign Issued*****5/17/2010*****ABR-Concept Review (Continued)***

(Third Concept Review. Project requires Environmental Assessment and Staff Hearing Officer review for two requested zoning modifications.)

(5:45)

Present: Josh Blumer, Architect, AB Design Studio; and Heidi Harbaugh, Owner.

Public comment opened at 6:02 p.m. As no one wished to speak, public comment was closed.

Staff clarified the Alternative Open Yard and Private Outdoor Living Space Requirements, per SBMC 28.18.060.C.3, for proposals involving an accessory dwelling unit.

Motion: Continued indefinitely to Staff Hearing Officer and return to Full Board with comments:

1) The Board finds the requested modifications acceptable to achieve the open space, recognizing that it is a small corner lot, which makes it difficult for compliance with standard open space lot requirements.

2) The Board is appreciative of the proposed change in architectural design as it reduces the overall mass of the building.

3) The Board finds acceptable the second floor setbacks away from the garage, and the inclusion of the planter element to soften that corner of the building.

4) The Board looks forward to refinement of the garage elevation to include secondary architectural elements to add additional scale at the garage doors and the lower wing of the west elevation.

LANDSCAPING:

1) Locate the perimeter fencing five feet back from the existing retaining wall to comply with Ordinance requirements.

Activities:

- 2) Study providing a landscape area between the two garage doors.
- 3) Study introducing a trellis structure on the large garage door to soften with a vine planting.
- 4) Study incorporating some ground cover relief at the new driveway to be consistent with the character of the neighborhood.

Action: Rivera/Sherry, 4/1/0. Motion carried. (Mosel opposed, Aurell stepped down, Gilliland/Zink absent).

5/12/2010 **ABR-FYI/Research**

AB Design Studio is the new architect for the project as of May 2010.

The project had two concept reviews with the previous architect and is now on the third concept review (5/17) with the new architect.

5/4/2010 **ABR-Resubmittal Received**

Revised description - updated numbers and mod applications.

12/14/2009 **ABR-Concept Review (Continued)**

(Second Concept Review. Project requires Environmental Assessment and Staff Hearing Officer review for a modification to provide less than the 600 square feet of the required open yard area.)

(7:35)

Present: Tarah Brown, Applicant; Marc Perry, Architect; and Heidi Harbaugh, Owner.

Public comment opened at 7:46 p.m. As no one wished to speak, public comment was closed.

An opposition letter from Christine Cunningham was acknowledged by the Board.

Motion: Continued indefinitely to Full Board with comments:

- 1) Study reducing the roof pitches on the addition to further reduce the ridge heights.
- 2) Study ways to uniform the style of the building; particularly the window proportions and style, etc.
- 3) Eliminate the long shed roof element on the east and west elevation of the addition.
- 4) Return with building sections and plate heights of the first and second floor.
- 5) Study the eave of the north elevation over the garage.
- 6) Study the wood trellis element over the second story balcony.
- 7) The Board has mixed opinions on the proposed modification, and defers further comment at this time.
- 8) Study introducing dormer elements in the second floor addition to reduce the apparent mass.

Action: Aurell/Gilliland, 5/1/0. Motion carried. (Mosel opposed, Gross/Sherry absent.)

12/8/2009 **ABR-Resubmittal Received**

received three sets for continued concept review. Applicant needs to do arch letter report and go to SHC

Activities:

for open yard mod.

10/5/2009 ABR-Concept Review (New) - PH

(Comments Only; Project requires Environmental Assessment.)

(3:30)

Present: Tarah Brown, Applicant; Marc Perry, Architect; and Heidi Harbaugh, Owner.

Public comment opened at 3:53 p.m. As no one wished to speak, public comment was closed.

An opposition letter from Paula Westbury was acknowledged by the Board.

Motion: Continued indefinitely to Full Board with comments:

- 1) The Board understands the constraints involved with corner lots; however, the Board feels the project is moving in the wrong direction as it lacks compatibility with both the existing house and the neighborhood.*
- 2) Study the overall style for a design that is compatible in style, massing, and materials, and provides neighborhood compatibility and continuity of style throughout the project.*
- 3) Provide an entrance to the second unit that incorporates a pedestrian street presence and neighborhood compatibility.*
- 4) Study the proposed fencing and material to be more compatible with the overall style of the house and neighborhood.*
- 5) The Board finds the proposed curb cut to be excessive in length and would prefer to have it minimized. Verify the length of the proposed curb cut with the Transportation Division staff and if possible revise to reduce the length.*
- 6) The Board reserves their comments on the modification at this time pending the above items, as the project has not reached the appropriate project threshold.*

Action: Sherry/Gross, 8/0/0. Motion carried.

10/5/2009 ABR-Mailed Notice Prepared

Prepared 9/14/09; mail out date 9/24/09; applicant prepared mailing labels.

9/16/2009 ABR-FYI/Research

Note: as the proposal is considered an accessory unit for a lot with 5,000 square feet - this imposes specific size conditions on both units. The main residence may not have more than three bedrooms and may not exceed 1200 sq.ft. The accessory unit may not have more than one bedroom and may not exceed 600 sq.ft. This imposes restrictions on any proposed additions to the main residence which, as a result of this proposal, will be a two-bedrooms and 854 square feet.

Activities:

9/15/2009 ***ABR-Resubmittal Received***

resubmittal to address prelim plan check comments. First concept review scheduled for 10/5/09.

9/10/2009 ***ABR-Correspondence/Contact***

Spoke to applicant regarding PLCK comments and faxed PLCK to architect Marc Perry (805-653-5321) 9/10/09.

Issues to address include: 200 cubic feet of exterior storage; recalculate the P.O.L.S.; the front steps encroaching into the front setback and the maximum 3' x 3' dimensions.

8/27/2009 ***ABR-FYI/Research***

note that the applicant provided the mailing labels and therefore was only charged for the posting sign.

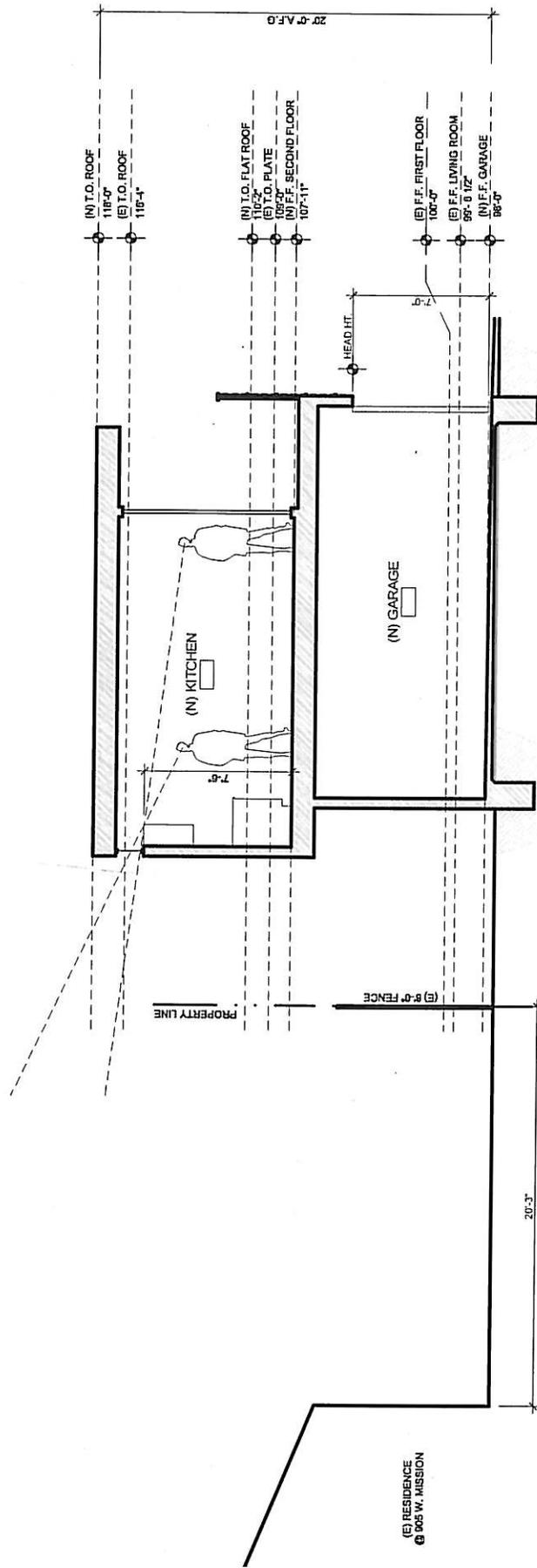
*--update-- per Jaime Limon - applicant is to be charged the total fee for postage (# of labels x 0.43).
Postage fee $79 \times 0.43 = 33.97$. MJB 9/8/09*

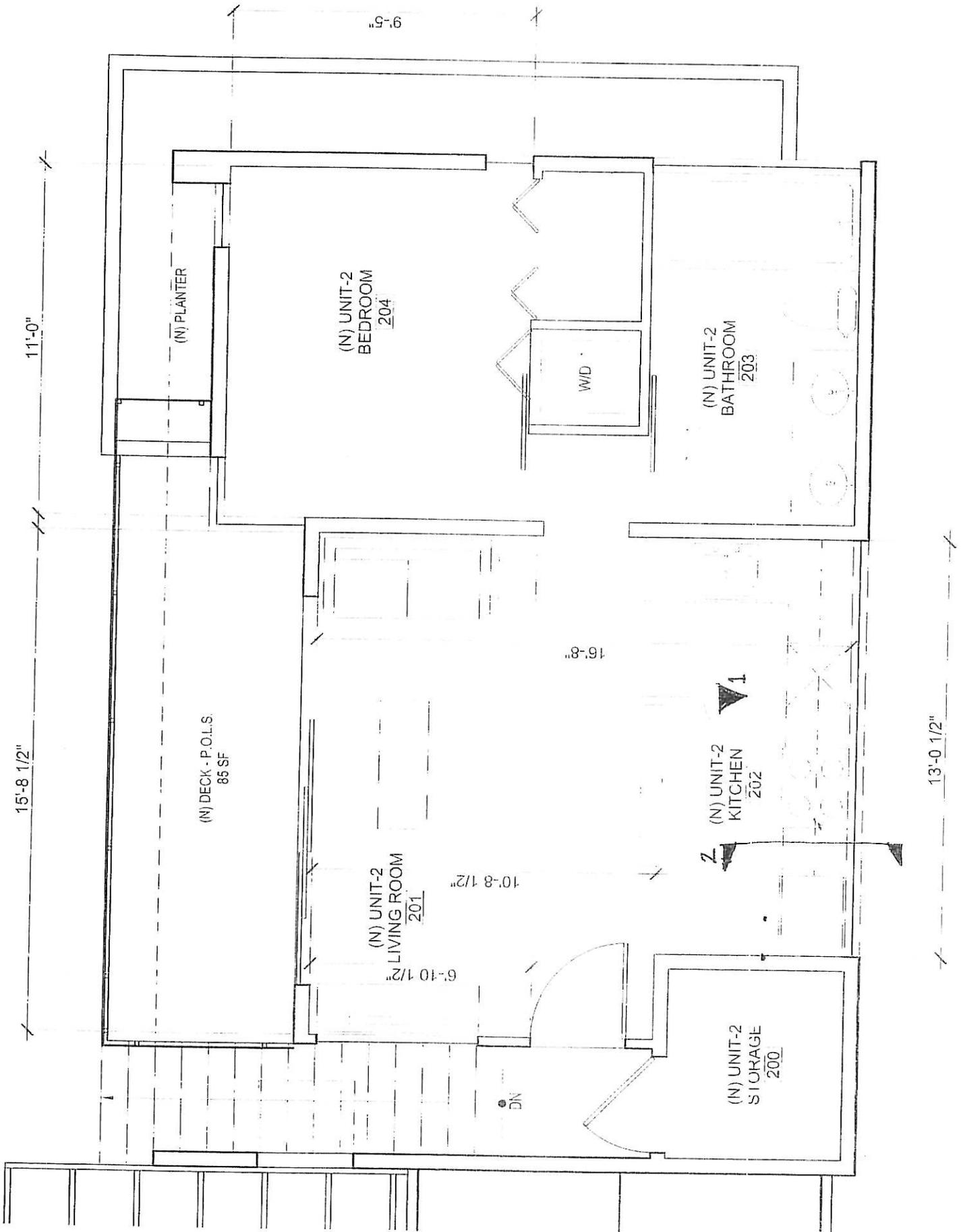
8/27/2009 ***ABR-Posting Sign Issued***

posting sign issued

8/27/2009 ***ABR-FYI/Research***

Note per applicant, they will be widenign the curbcut as part of this permit and applicant was advised that an encroachment permit will most likely be required and to check with P.W. regarding this matter. Also, applicant advised that she spoke to Chelsey in Transportation Planning and they will be relocating an existing no-parking sign at the site.





11'-0"

15'-8 1/2"

9'-5"

13'-0 1/2"

16'-8"

10'-8 1/2"

6'-10 1/2"

(N) PLANTER

(N) UNIT-2
BEDROOM
204

W/D

(N) UNIT-2
BATHROOM
203

(N) DECK - P.O.L.S
85 SF

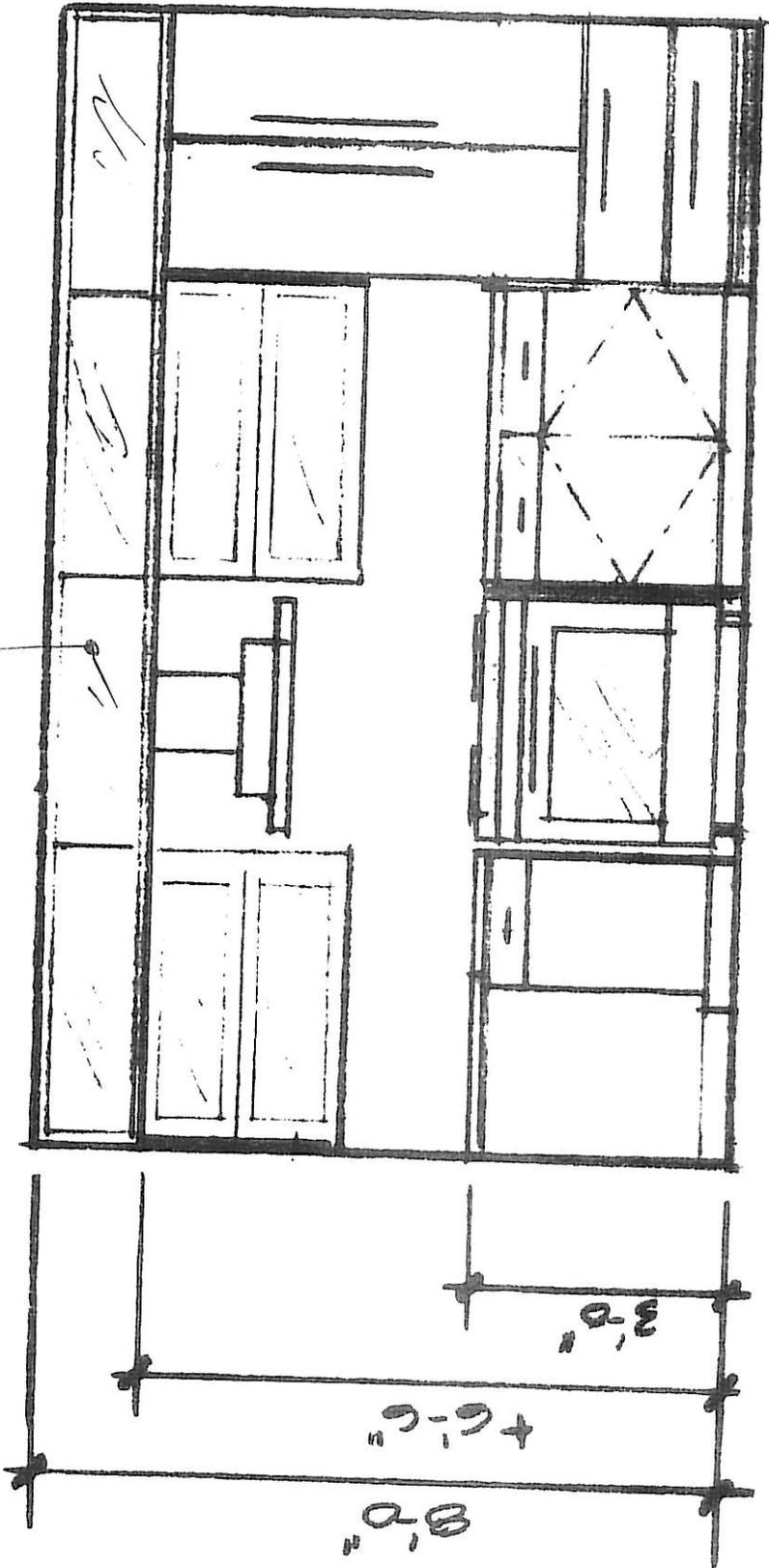
(N) UNIT-2
LIVING ROOM
201

(N) UNIT-2
KITCHEN
202

(N) UNIT-2
STORAGE
200

DN

CLEARESTORY GLAZING



KITCHEN ELEVATION 1
1/2" = 1'-0"

Executive Summary from Appellant – Pam Brandon
Re: Appeal of the ABR preliminary approval for 903 W. Mission St.

BACKGROUND

The ABR voted 3 to 1 for the preliminary approval for 903 W. Mission St. Only 4 ABR members voted; one was absent and 2 stepped down from voting due to the fact that they are the architect and landscape architect working on this project.

The Staff Hearing Officer granted 2 modifications from the Zoning Ordinance.

BASIS FOR THE APPEAL

1) **The design plans that were approved are not compatible with the neighborhood in mass, bulk, or architectural style.** The proposed plans are for a very modern architectural style with metal siding, which is not compatible with our neighborhood. The Westside is one of the oldest neighborhoods in Santa Barbara. This industrial looking modern architecture and the large mass of this structure steal the heritage and charm of our neighborhood.

By approving these design plans, the ABR failed to follow the ABR Guidelines, the City Charter, and the Municipal Code. In this packet, I have highlighted sections from the ABR Guidelines and the Municipal Code to show how this project doesn't comply.

Due to the massive size of this structure on the small lot, the project couldn't meet all the standard requirements of the Zoning Ordinance, so 2 modifications were requested.

The modifications approved were:

- 1) for the project to have less open yard space than the required 600 square feet. (the project only has half of the standard requirement.)
- 2) to allow the garage to be built into the required 20 foot front-yard setback.

If my neighbor wants to build more on to her property, it seems there are more appropriate options for this lot, more compatible with the neighborhood, and that comply with the standard rules in the Zoning Ordinance and the Municipal Code.

2) **Throughout the application/approval process for this project, there have been substantive inaccuracies and rules that were not followed which may have impacted the decisions made for the modifications and the design plans.** I ask you to enforce that accurate information be used to make a decision about modification requests and design plans that come before the city, including this project. Here are a few of the inaccuracies and examples of rules that were not followed:

- (I) I did not receive a hand-delivered notification about the project nor did I receive a mailing for the first ABR meeting. According to the planning department, my neighbor was required to hand deliver notification about the project to the 10 closest homes. It was not delivered to my house. I've spoken to one other neighbor about this; he did not receive a hand delivered notification either.
- (II) **There was significant misrepresentation of neighbor support.** At the ABR meeting for the Concept Review (I didn't attend since I wasn't notified; I have since watched the video online) I appreciate that the ABR Chair asked my neighbor if my house had given support for her project. My neighbor said Yes. However, I am the sole property owner and she never talked to me about this project. I was clearly misrepresented as a supporter of the project.

My neighbor also told the ABR she had support from the 4 homes to the right and the 4 in front. On her support letter in the file at the city, there are only 4 signatures with a Mission St. address. One has an address stated as 95 W. Mission, which another neighbor looked up in the records and said this is not a legal address. Two of those 4 signatures are not the property owners; one of which is not even living in Santa Barbara anymore. The fourth Mission St. signature is from the neighbor I describe in more detail in the next paragraph. This is considerable misrepresentation of the neighborhood support she told the ABR she had for her project.

My neighbor told the ABR she showed the plans to residents and that the 2 neighbors on the corner, one directly across Mission and the other to her side across Gillespie were supportive of these plans. Here is an excerpt of a letter from one of these neighbors to the city in opposition: "After initially agreeing to support the project based on a verbal description, a closer examination of the plans for the project and subsequent review of the proposal as laid out for the architectural review board, I have come to the determination that the impact on my own property and others in the neighborhood is greater than originally understood." The other corner neighbor has also since seen drawings and both signed the neighborhood petition included in this packet asking you to overturn this ABR preliminary approval. So far, 38 neighbors have signed the petition.

(III) In the submittal process, the architect is required to include "outlines of adjacent structures on properties abutting project property." The drawings submitted misrepresent my property and the other adjacent property. My house is not nearly as large as it is drawn and therefore the drawing shows my property as having much less open yard space than what actually exists. Also, the drawing says I have a garage and shows it sticks out in front of my house. I do not have a garage; I have a carport and it is in line with the front porch of the house. The reason I think this is an important point is because the modifications requested for 903 W. Mission were for less open yard space than required and to build the garage into the front set-back.

(IV) In the architect's letter requesting modifications to the Staff Hearing Officer, the letter states "There are also several two unit and multi-unit properties on this block on small 5000 sf lots." If you are defining the block by the municipal block there are zero two-unit properties or multi-unit properties on this block on 5000 sf lots. The definition of municipal block, as defined in the NPO update *ISSUE PAPER B: Definition Neighborhood for Compatibility Determinations*, is all properties surrounded by the same closest streets and not transversed by any roadway meant for through traffic. If you go by the street block, which is the 900 block of W. Mission St., technically there are still none, but there is a single story duplex on Monterrey St. at the corner of Mission St., so the side of that property faces Mission St. This is another factor which shows this project isn't compatible with the neighborhood.

3) This project also negatively affects my property because it:

- **invades my backyard's privacy**
- **is imposing**
- **blocks my morning sunlight**
- **takes away my mountain views**
- **takes away open air space**

Therefore, it negatively affects the enjoyment of living on my property and all of this will contribute to reducing my property value.

There are potentially other options to add improvements onto this small lot that are less imposing upon my adjacent property. For example, adding a second story over the existing home eliminates

the requirement to add a 3 car garage and therefore the entire building would be less imposing and massive than building a second story over a new 3 car garage which blocks the air space, sun, and mountain views from my backyard. A second story added over the existing house would also be less invasive of my property's backyard privacy.

PRIOR ATTEMPTS TO RESOLVE THE ISSUES

From my first notification of this project (which was the notice of a public hearing with the Staff Hearing Officer) I tried to talk to my neighbor and work through my biggest concerns even up to the day before submitting my appeal letter, trying to reach an agreement. I would have much preferred to work this out between neighbors rather than both of us having to spend time and money appealing this.

Originally there was a full length window facing my backyard, which was extremely invasive to the privacy of my backyard. That was changed from a full length window to a high window 13 feet long. In a meeting with the architect, he told me they would make the glass obscure. Although I didn't think that solved all the concerns, I suggested to my neighbor if she would put in writing and submit these as conditions – that this window would be frosted or sandblasted, that a high window would be the only window on the second floor wall that faces my backyard and that she would not change that later on – I would not file the appeal. She said she would not put anything in writing.

The window facing into my backyard is just one of the many issues that will negatively affect my property. When I asked the architect about this window, he said the window on this wall is just for light and will be inoperable. When I spoke at the ABR meeting, I suggested some reasonable solutions to the window facing my private backyard:

1. There is another exterior wall in the kitchen which faces the main house on 903 W. Mission. If they want a window in the kitchen, one can be placed on the wall facing their own main house rather than my private backyard.
2. Skylights are a relatively easy solution that allow extra light and wouldn't be an invasion into the privacy of my backyard.

The ABR did not respond to these suggestions.

The homeowner of 903 W. Mission told me skylights could not be put on a metal building. I researched this and found out that skylights are quite common in metal buildings. The architect told me that he would not put in skylights because the architect is legally liable if they leak. I called the California Architect Board and was told that if a standard skylight is installed using standard processes and procedures, the architect would not be liable for the leak.

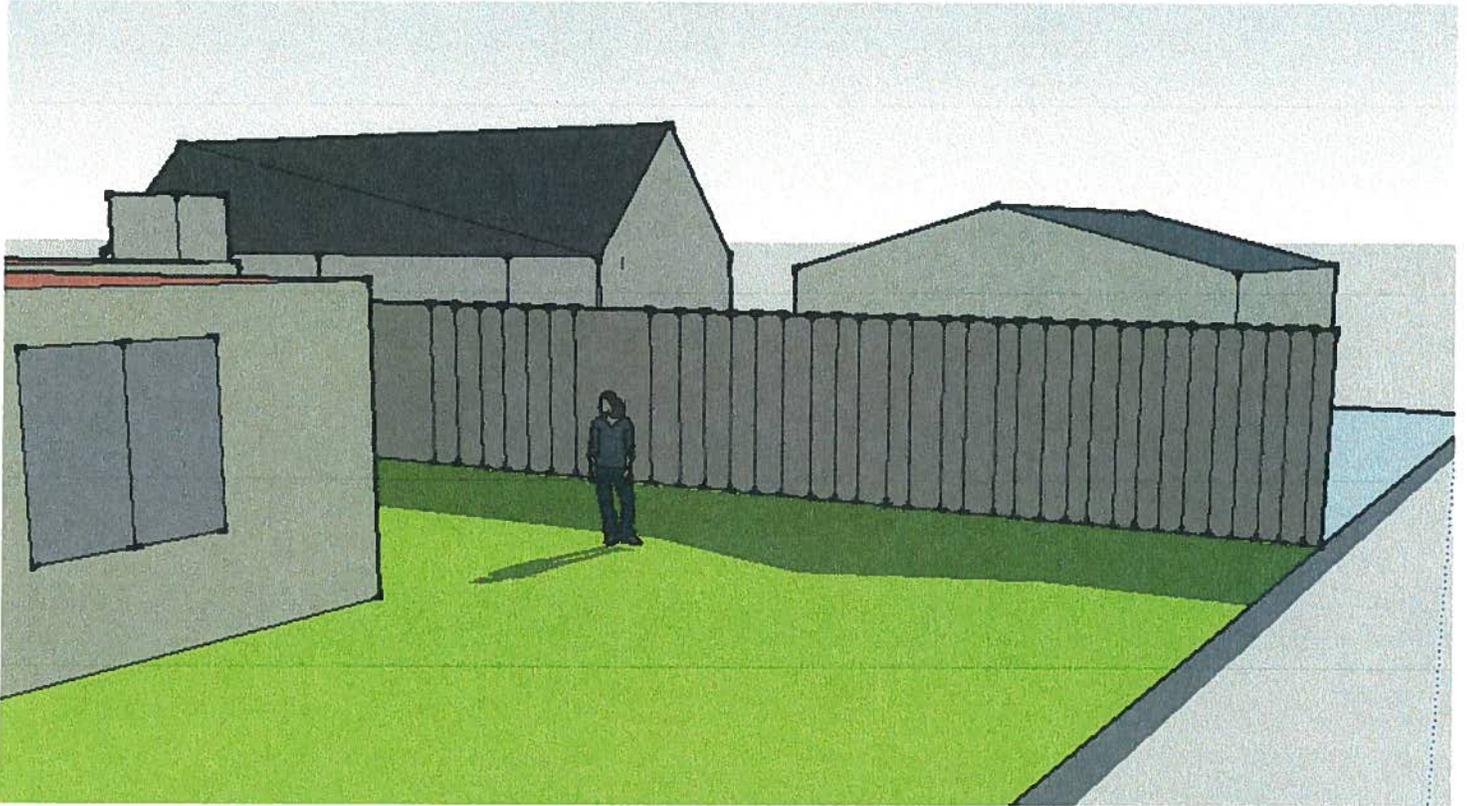
CONCLUSION

As I have spent the last month researching and learning more in depth about this project and its effects on my property and the neighborhood as a whole, I realize this massive project is completely incompatible with the neighborhood, way beyond the window/privacy issue.

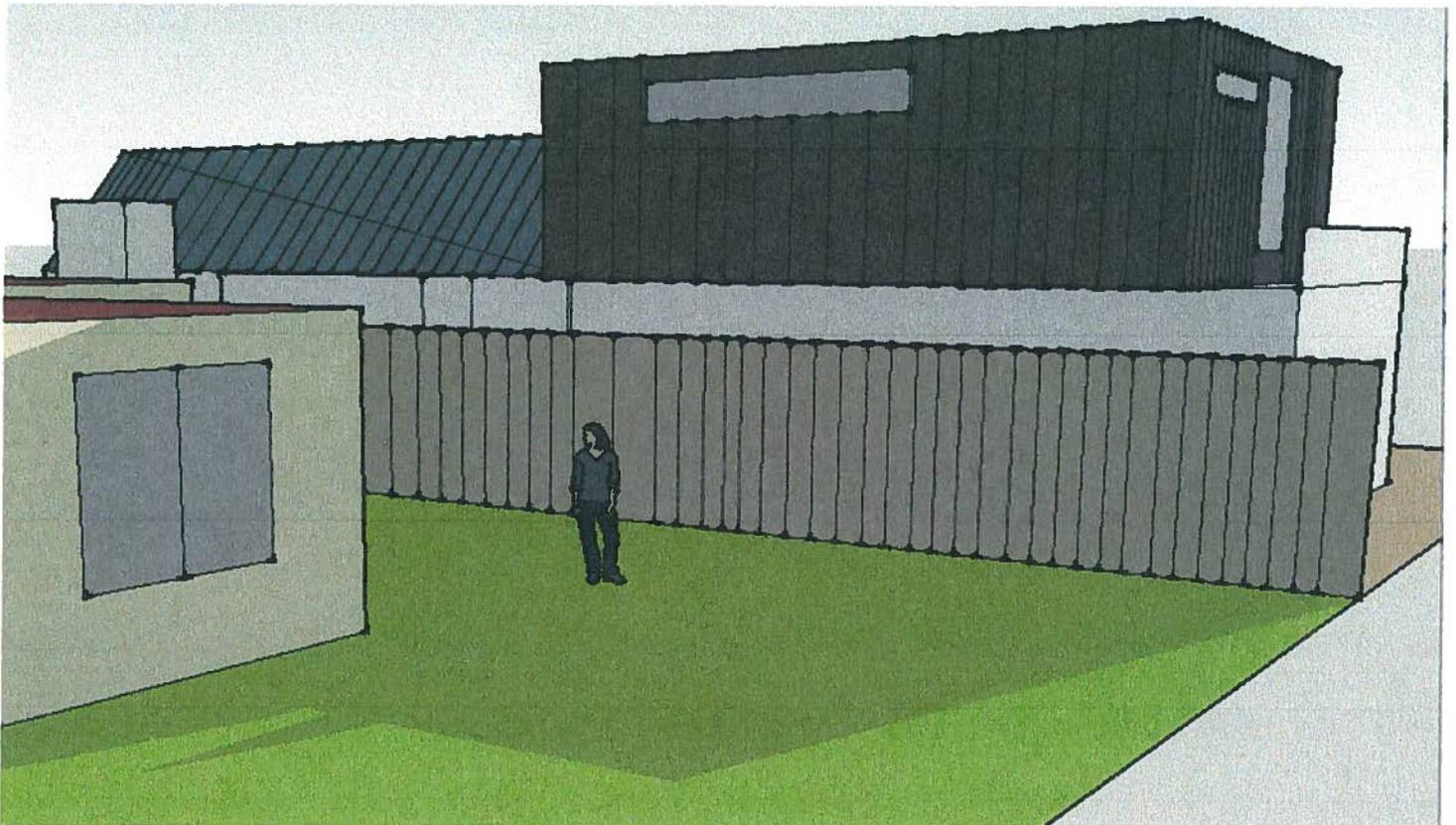
I believe I have given enough facts to support the overturning of the ABR preliminary approval.

Thank you for reading my packet and listening to my concerns. There is also much neighborhood support for this appeal. Other neighbors have written letters to the ABR and the Staff Hearing Officer. I've enclosed a petition from many neighbors who would like to see you overturn this decision of the ABR.

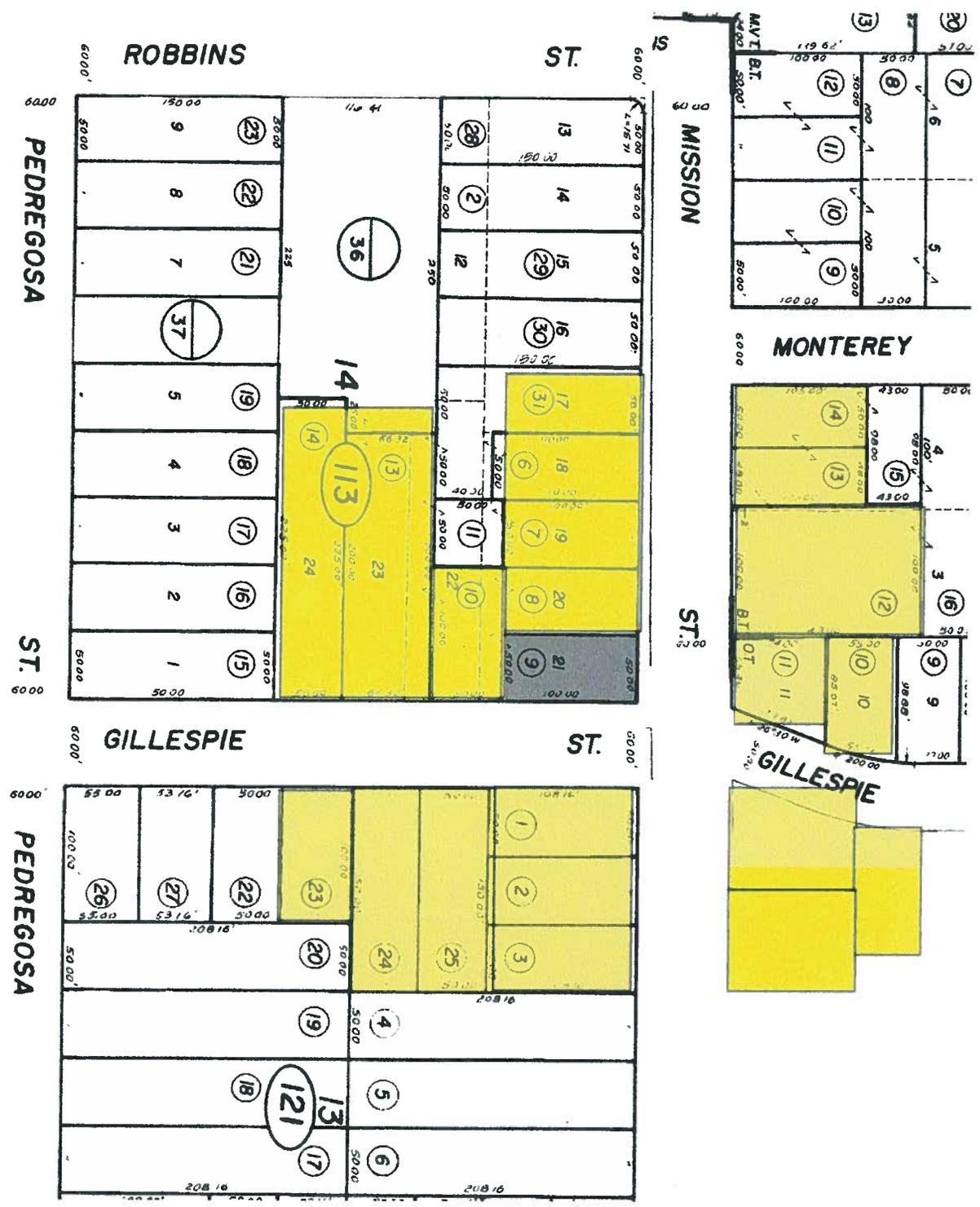
Perspicitve From Backyard of Adjacent Property
Existing home and 2 car garage



Proposed all-in-one structure: main house, accessory dwelling unit, and new 3 car garage

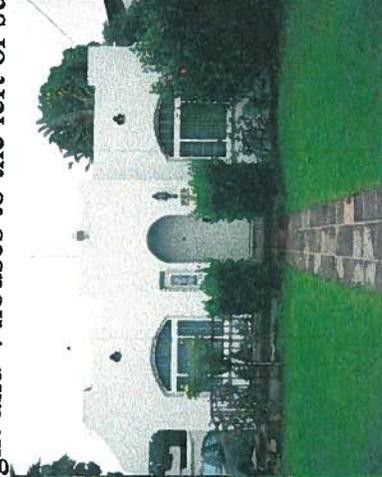


Disclaimer: I can't guarantee the drawings are 100% accurate, but should be very close in size. I made these drawings for the purpose of showing the scale and massiveness of the proposed project. Therefore, I don't have the windows drawn in the first floor, doors, landscaping, etc.



In *ISSUE PAPER B, Definition: Neighborhood for Compatibility Determinations*, the city staff recommends the definition of neighborhood to be the 20 closest residences. Therefore, I have included photos of the 20 closest residences, plus a few others all within 1 block of the proposed project.

Mission St. -- 4 houses to the right and 4 houses to the left of subject property

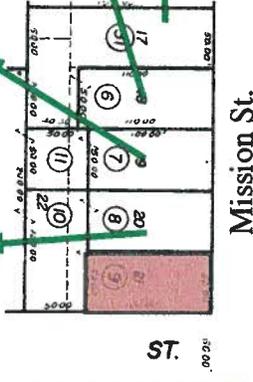
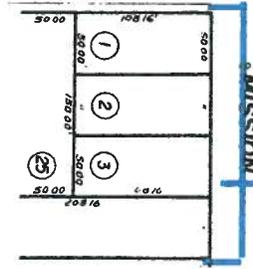
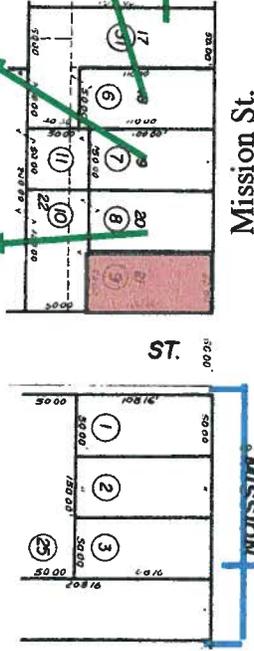


903 W. Mission St.
Subject property

905 W. Mission St.
adjacent to property on right

909 W. Mission St.
2 doors to the right from subject property

915 W. Mission St.
3 doors to the right from subject property



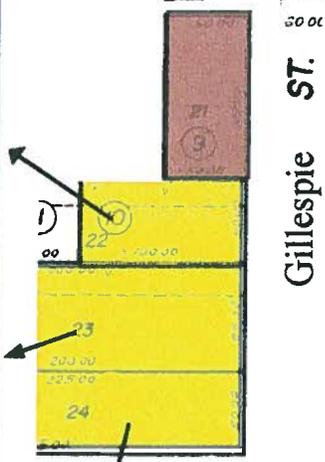
919 W. Mission St.
4 doors to the right from subject property



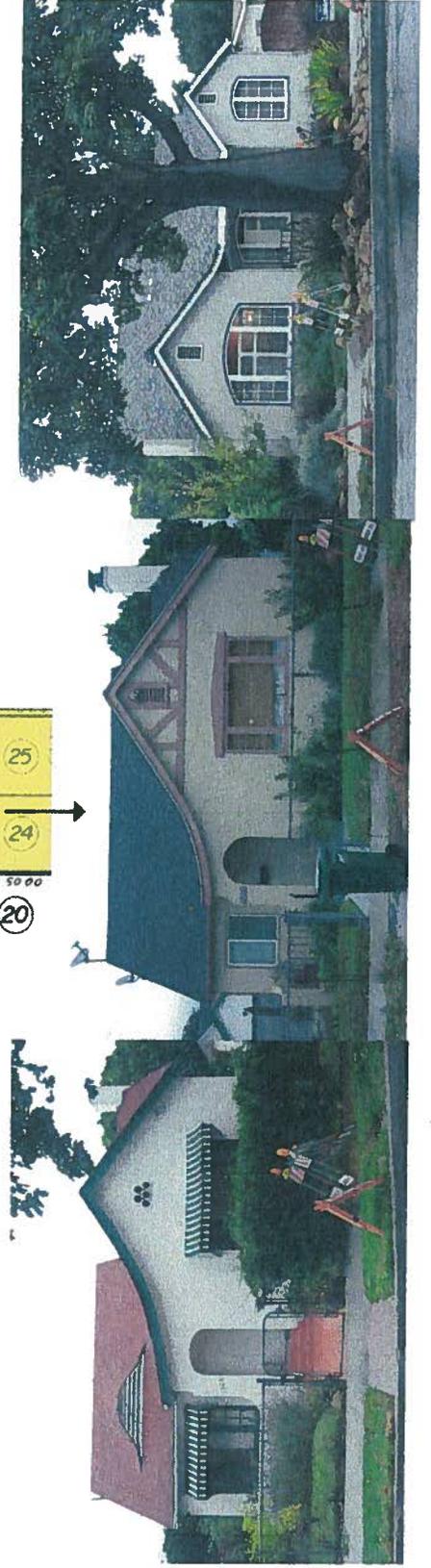
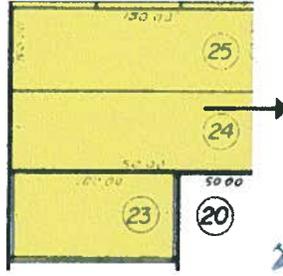
Gillespie St.: 3 houses to left behind the subject home and 3 across Gillespie



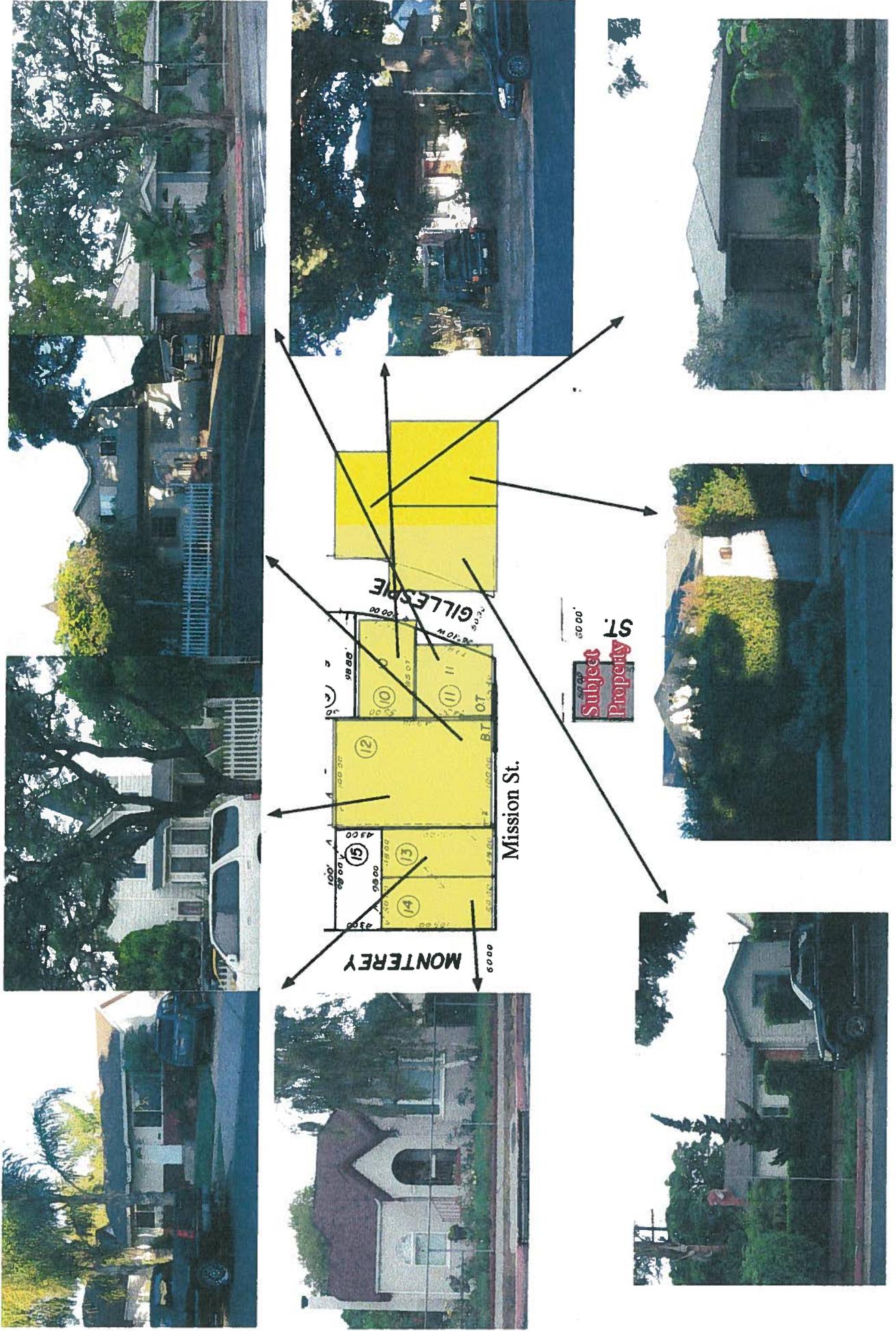
903 W. Mission St.
Subject property



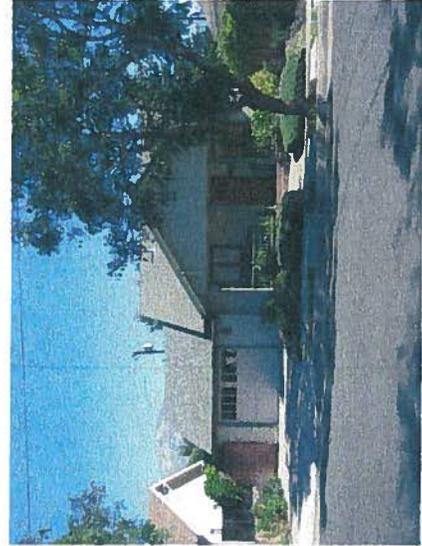
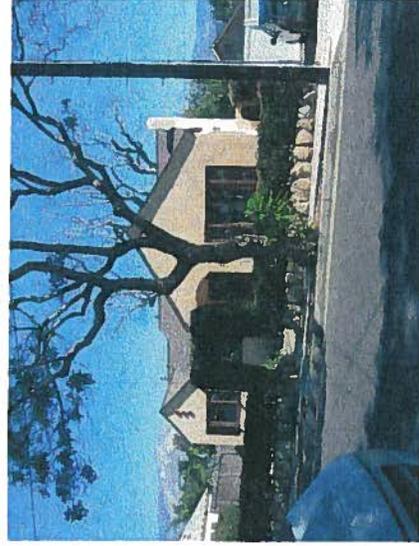
Gillespie ST.



Mission St. – opposite side of street of subject property and around corner on Gillespie



Other Neighborhood Homes Within 1 Block From Subject Home at 903 W. Mission St.



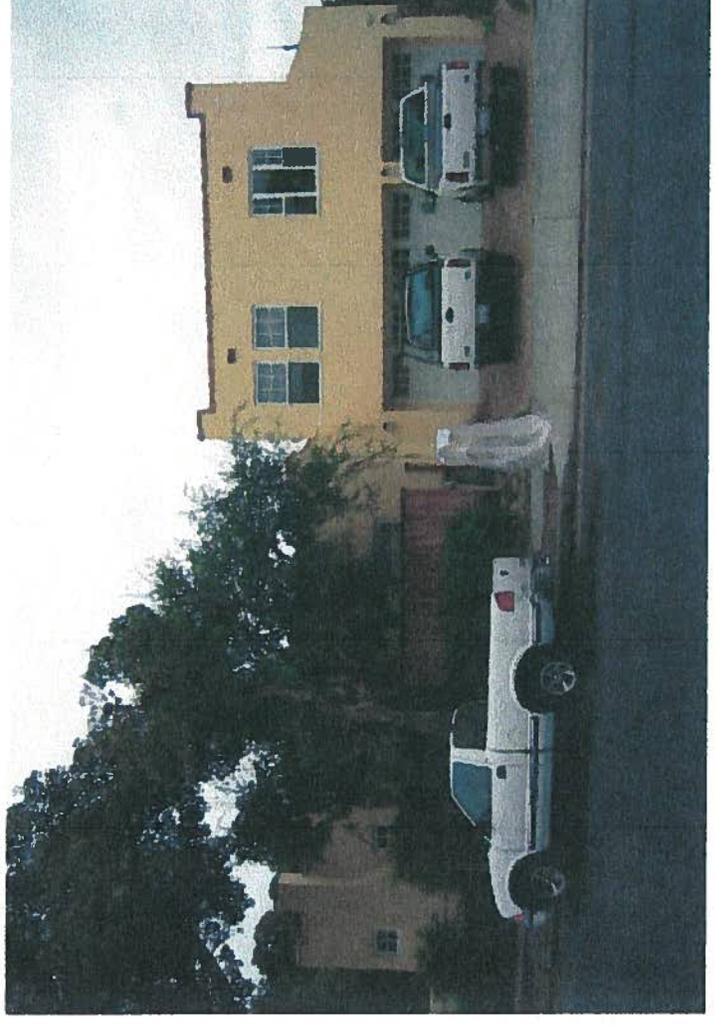


This home is several blocks away at the corner of Pedregosa and Chino. This was an example the architect on 903 W. Mission showed on his plans as a sample photo from the neighborhood.

The design on this project is compatible with the neighborhood with style, color and materials. It also was built to be compatible with the existing architecture of the existing home. This project complies with the Zoning Ordinance. They didn't need any modifications to fit this on the lot as compared to 903 W. Mission which needs 2 modifications to be allowed to build the massive project that is proposed.

Two other points why this project feels less massive than the proposed plan at 903 W. Mission St.:

- 1) this lot is 5400 sq. ft. which is bigger than 903 W. Mission St. (5000 sq. ft.)
- 2) the property that runs adjacent down the side of this lot has its driveway and garage on the side that abuts this lot, which gives some buffer between the neighbor's house and backyard and this 2 story accessory dwelling unit. That makes it feel less imposing on the adjacent property.



Dear City Council,

We are residents of the Westside and have concerns regarding the design plans for 903 W. Mission St. that were given preliminary approval from the ABR.

The design plans that were approved are not in keeping with the neighborhood style and character. The proposed plan is for a pre-fab metal building with a modern style, which is not a style within our neighborhood.

According to the Santa Barbara Municipal Code, one of the criteria that should be looked at by the ABR when it reviews and approves or disapproves the design of a proposed development project is the following question: "Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?" We believe the answer is no. We ask you to overturn the ABR's preliminary approval of these design plans.

Name	Address	Date signed
Pam Braden	905 W. Mission St., SB	9-09-10
Brandon Smith	835 W. Mission St. SB.	9 Sept 2010
Alan	2008 Gillespie St. SB	9/12/10
Tim Cunningham	2008 Gillespie St BB.	9/12/10
Don Haws	2109 Gillespie St.	9/12/10
Don Glasgow	915 W. Mission St.	9/18/10
Dottie Yensen	909 W MISSION ST	9/18/10
J. Glasgow	915 W. MISSION	9-18-10
[Signature]	2007 GILLESPIE ST.	9/19/10
WBLM	905 W MISSION ST	9/19/10
Wm. Amithern	2025 China St.	9-19-10
Wayne Dahmer	830 W MISSION ST	9-22-10

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Name	Address	Date signed
Kara On	705 W. MISSION ST	9-25-10
David Eggel	2001 Gillespie St.	9/23/10
Steve Hendrick	2008-1/2 Gillespie St.	9/28/10
Russell Clay King	38 Lourinda Place	10/04/10
Maane Soto King	-38 Lourinda Place	S.B. 10-4-10
Soel Bateya	630 W. Mission	SB 10/7/10
Carol [unclear]	2014 Gillespie St. SB	10/9/10
Reynaldo Benitez	929 W. Mission St	10/9/10
[unclear]	929 W. Mission St	10/9/10
Chris J. [unclear]	2030 Gillespie St.	10/11/10
Laurel Johnston	2030 Gillespie St.	10/11/10
Captain R. [unclear]	2025 Gillespie St	10/11/10
Jenna B. [unclear]	2025 Gillespie St	10/11/10
Francis J. [unclear]	2027 Gillespie St. S.B	10/11/10
Tom Dore	2018 GILLESPIE ST	10/11/10

Dear City Council,

We are residents of the Westside and have concerns regarding the design plans for 903 W. Mission St. that were given preliminary approval from the ABR.

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Name	Address	Date signed
Maricela Torres	912 W MISSION	10/11/10
Publio Sanchez	914 W MISSION	10/11/10
Leticia Simentales	914 W. Mission St.	10/11/10
Jim French	2005 MONTEREY ST.	10/11/10
Ryan Jones	2042 MONTEREY ST	10/11/10
W & Green	2102 MONTEREY	10/11/10
Ernest Preston	2110 Monterey	10/11/10
Lois Preston	" "	10/11/10
Antony Pugh	831 W. MISSION ST.	10/11/10
Roy Ben	831 W. Mission St	10/11/10
Andre Vallejo	829 W Mission	10/11/10

The following are excerpts from the the Municipal Code and the ABR Guidelines. I've highlighted specific text that shows, by approving these design plans, the ABR failed to follow the ABR Guidelines, the City Charter, and the Municipal Code.

SANTA BARBARA MUNICIPAL CODE

Chapter 22.68

ARCHITECTURAL BOARD OF REVIEW

22.68.045 Project Compatibility Analysis.

A. PURPOSE. The purpose of this section is to promote effective and appropriate communication between the Architectural Board of Review and the Planning Commission (or the Staff Hearing Officer) in the review of development projects and in order to promote consistency between the City land use decision making process and the City design review process as well as to show appropriate concern for preserving the historic character of certain areas of the City.

B. PROJECT COMPATIBILITY CONSIDERATIONS. In addition to any other considerations and requirements specified in this Code, the following criteria shall be considered by the Architectural Board of Review when it reviews and approves or disapproves the design of a proposed development project in a noticed public hearing pursuant to the requirements of Chapter 22.68:

1. **Compliance with City Charter and Municipal Code; Consistency with Design Guidelines.** Does the project fully comply with all applicable City Charter and Municipal Code requirements? Is the project's design consistent with design guidelines applicable to the location of the project within the City?

2. **Compatible with Architectural Character of City and Neighborhood.** Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?

3. **Appropriate size, mass, bulk, height, and scale.** Is the size, mass, bulk, height, and scale of the project appropriate for its location and its neighborhood?

4. **Sensitivity to Adjacent Landmarks and Historic Resources.** Is the design of the project appropriately sensitive to adjacent Federal, State, and City Landmarks and other nearby designated historic resources, including City structures of merit, sites, or natural features?

5. **Public Views of the Ocean and Mountains.** Does the design of the project respond appropriately to established scenic public vistas?

6. **Use of Open Space and Landscaping.** Does the project include an appropriate amount of open space and landscaping?

Excerpt from Architectural Board of Review Guidelines

Part 3: Meeting Procedures

Decisions

A. **City Charter.** In reviewing all proposed plans, the ABR is required by Section 814 of the City Charter to "consider and be guided by the protection and preservation as nearly as is practicable of the natural charm and beauty of the area in which the City is located and the historical style, qualities and characteristics of the buildings, structures and architectural features associated with and established by its long, illustrious and distinguished past."

B. **Findings to Approve a Project.** In order to approve a project, the ABR shall make a finding that the project is consistent with any applicable laws and guidelines.

C. **Project Denial.** The ABR may deny a project inconsistent with applicable guidelines. The ABR shall deny a project where a project is inconsistent with

Excerpt from Architectural Board of Review Guidelines

SECTION 1 Site and Surrounding Area Considerations

1.1 **Relation to Site.** Buildings should be designed to relate to the site's existing landforms and contours and to present an integrated appearance. Over-building of a site may be considered grounds for project denial.

1.2 Area Compatibility – Commercial and Multi-Family Residential.

A. **General.** In areas which possess examples of distinctive architecture, structures and additions should present a harmonious character to not dash or exhibit discord with the particular surrounding area in which they are placed. Structure elements should be consistent with the best elements that distinguish the particular area in which they are proposed. These elements include, but are not limited to:

- | | | |
|----------|--------------|-------------|
| • volume | • massing | • rooflines |
| • size | • proportion | • colors |
| | • scale | • textures |
| | • bulk | • materials |

Consideration of the existing setback and patterns of development in the particular area can also be important.

B. **Areas without Distinctive Architecture.** In areas which do not possess examples of distinctive architecture, structures and additions should be designed to lead the area toward designs which are harmonious with Santa Barbara's distinctive built environment.

C. **Transitional Areas.** When a project is within close proximity to a landmark district consideration may be given to that district's guidelines (SBMC 22.22.100 B). In

SECTION 2 SECTION 2 Architectural Imagery

2.1 **Building Design Compatibility and Consistency.** Buildings shall demonstrate compatibility in materials and consistency in style throughout exterior elevations. Building components such as windows, doors, arches and parapets should have proportions appropriate to the architecture. Additions should relate to the existing building in design, details, colors, and materials.

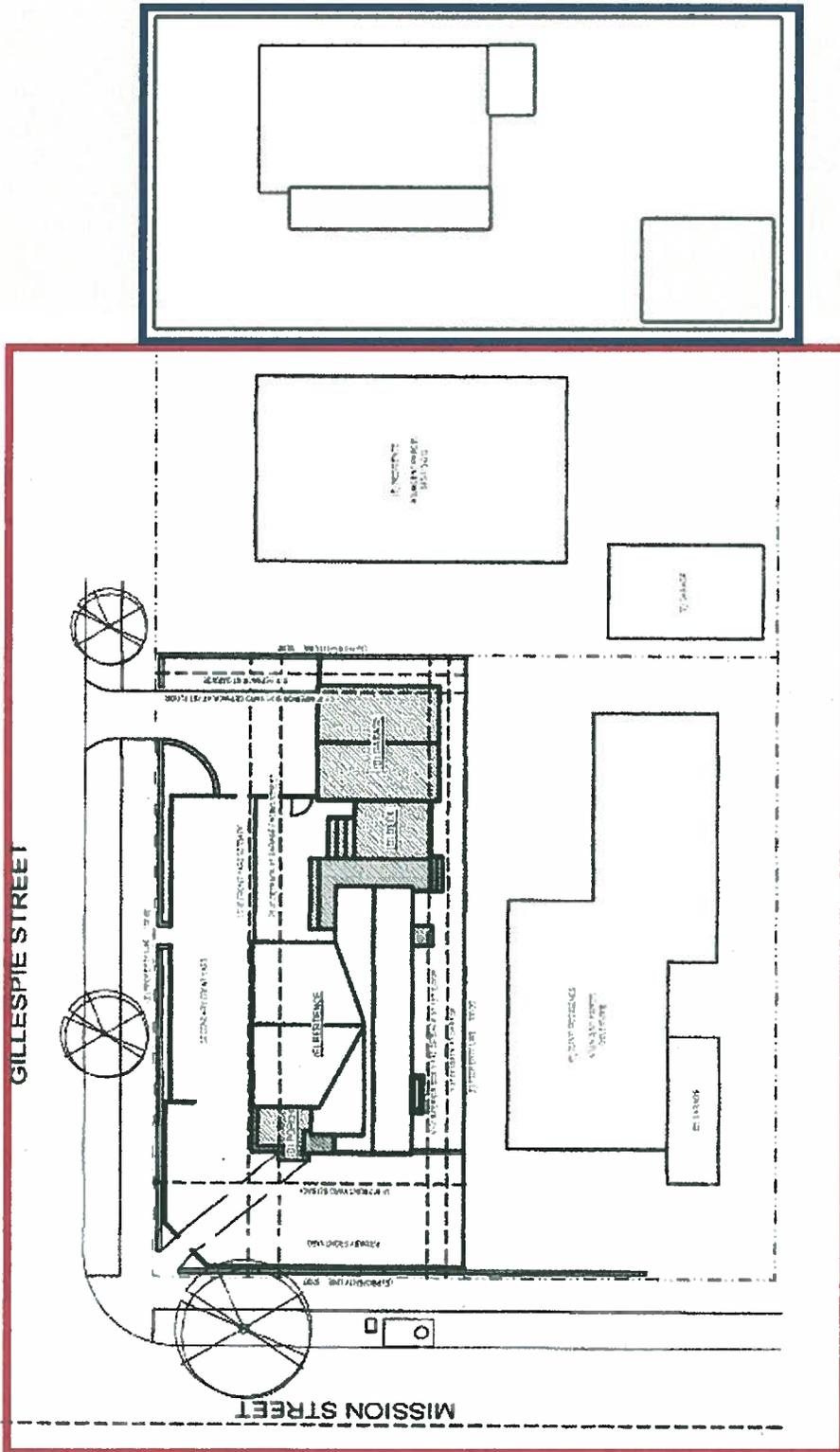
2.2 **Architectural Styles.** The ABR does not mandate required architectural styles for specific areas or locations; however, consideration should be given to several factors that influence the ABR's preference concerning proposed architectural styles. Factors such as an area's prevailing architectural styles, area compatibility and structure visibility are factors which should be considered. One of the ABR's stated goals is to encourage the preservation of pre-1925 and Hispanic styles of architecture. In addition, traditional architectural styles based on the City's Hispanic tradition are preferred at highly visible locations such as: gateway or entry points into the City, hillside development, and locations in close proximity to El Pueblo Viejo Landmark District.

9.2 **R-2 (Two Family) Zone Accessory Dwelling Units.** Review of accessory dwelling units proposed on lots with a total lot area of between 5,000 and 6,000 square feet in the R-2 Zone shall be guided by the following. Also, note landscaping guidelines specific to the R-2 zone in the ABR Landscaping Guidelines.

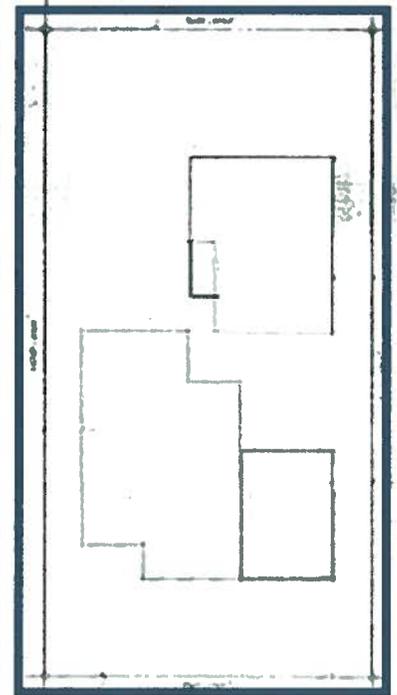
- A. Accessory Dwelling Units shall be reviewed for neighborhood compatibility and neighborhood character preservation.
- B. Encourage existing building preservation when feasible.
- C. Consider second-story window placement in relationship to neighboring buildings to preserve the privacy of existing uses on neighboring parcels.
- D. Fencing or barriers consistent with zoning shall be required along driveways to prevent parking on front yards.

Architect's Drawings Showing Adjacent Structures on Properties Abutting Project Property

The drawings in the red box are drawn by the architect. The drawings in the blue boxes show more accurate representation of the adjacent structures on these adjacent properties.



EXISTING/DEMO SITE PLAN
SCALE 1/8" = 1'-0"





Agenda Item No. _____

File Code No. **440.05**

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 19, 2010

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Conference With Labor Negotiator

RECOMMENDATION:

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

SCHEDULING: Duration, 30 minutes; anytime

REPORT: None anticipated

PREPARED BY: Kristy Schmidt, Employee Relations Manager

SUBMITTED BY: Marcelo López, Assistant City Administrator

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 19, 2010
TO: Mayor and Councilmembers
FROM: City Attorney's Office
SUBJECT: Conference With Legal Counsel – Pending Litigation

RECOMMENDATION:

That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Wayne Scoles v. City of Santa Barbara, et al.*, USDC Case No. CV09-6953 PA (RCx).

SCHEDULING:

Duration: 10 minutes; anytime

REPORT:

None anticipated

SUBMITTED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 19, 2010
TO: Mayor and Councilmembers
FROM: City Attorney's Office
SUBJECT: Conference With Legal Counsel – Pending Litigation

RECOMMENDATION:

That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *City of Santa Barbara v. Lighthouse & Corner, LLC, SBSC Case No. 1339761*.

SCHEDULING:

Duration: 15 minutes; anytime

REPORT:

None anticipated

SUBMITTED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office