

**CITY OF SANTA BARBARA
CITY COUNCIL**

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



James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

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

**OCTOBER 18, 2011
AGENDA**

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

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

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

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

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

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

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

ORDER OF BUSINESS

2:00 p.m. - City Council Meeting

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of September 8, 2011, and the regular meeting of September 20, 2011.

2. Subject: Downtown Parking Proposed Changes To Fee Resolution (550.10)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 11-048 to Establish Parking Fees in the City Parking Lot Located at 217 Helena Avenue and Eliminate the 90-Day Bus Pass Fee for Eligible Downtown Employees.

CONSENT CALENDAR (CONT'D)

3. Subject: Contract For Design Peer Review Of The Cabrillo Boulevard Bridge Replacement Project (530.04)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Drake Haglan and Associates in the amount of \$28,800 for engineering services for a peer review of the Cabrillo Boulevard Bridge Replacement Project design, and authorize the Public Works Director to approve expenditures of up to \$2,880 for extra services of Drake Haglan and Associates that may result from necessary changes in the scope of work.

4. Subject: Contract With Tetra Tech, Inc., To Review And Develop Public Works Department Safety Practices And Standard Operating Procedures (530.01)

Recommendation: That Council authorize the Public Works Director to execute a Professional Services Agreement between the City and Tetra Tech, Inc., to review safety practices and develop standard operating procedures for the Public Works Department, in an amount not to exceed \$75,183, and authorize the Public Works Director to approve expenditures of up to \$7,518 for extra services that may result from necessary changes in the scope of work.

NOTICES

5. The City Clerk has on Thursday, October 13, 2011, 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.
6. Cancellation of the regular Redevelopment Agency meeting of October 18, 2011, due to lack of business.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

ADMINISTRATIVE SERVICES DEPARTMENT

7. Subject: November 8, 2011, Election Update (110.03)

Recommendation: That Council receive an update on the November 8, 2011, Vote-By-Mail General Municipal Election.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

COMMUNITY DEVELOPMENT DEPARTMENT

8. Subject: Status Briefing On Senate Bill 375 Implementation (630.02)

Recommendation: That Council receive a status briefing on Senate Bill 375 (*Sustainable Communities and Climate Protection Act of 2008*) regional implementation efforts to date.

PUBLIC HEARINGS

9. Subject: Appeal Of Single Family Design Board Approval For 1359 And 1383 Santa Teresita Drive Erosion Repair (640.07)

Recommendation: That Council deny the appeal of Debbie Foley and uphold the decision of the Single Family Design Board to grant Project Design Approval with findings and conditions for a proposed erosion repair grading and drainage plan along a private driveway/road in the Hillside Design District.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

ADJOURNMENT



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING September 8, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 3:30 p.m.

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: None.

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

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, September 6, 2011, 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.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

Subject: *Plan Santa Barbara (PlanSB)* General Plan Update (650.05)

Recommendation: That Council consider the Council Ad Hoc Subcommittee recommended amendments to the *PlanSB* General Plan Update Elements and provide direction to staff.

(Cont'd)

Subject: *Plan Santa Barbara (PlanSB)* General Plan Update (Cont'd)

Documents:

- September 8, 2011, report from the Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- August 30, 2011, letter from Naomi Greene.
- September 7, 2011, letter from Citizens Planning Association of Santa Barbara County, Inc.
- September 8, 2011, letter from the Allied Neighborhoods Association.
- Undated letter from the Coalition for Sustainable Transportation (COAST).

Speakers:

- Staff: City Planner Bettie Weiss, Principal Transportation Planner Rob Dayton, City Attorney Stephen Wiley.
- Planning Commission: Vice Chair Sheila Lodge, Commissioner Bruce Bartlett.
- Members of the Public: Jean Holmes, League of Women Voters; Fermina Murray, Historic Resources Element Task Force; Debbie Cox Bultan, Coastal Housing Coalition; Courtney Seepel, The Towbes Group; John Campanella; Megan Birney, Community Environmental Council; Barbara Fosbrink, California State Parks; Michael Chiacos; Gil Barry, Allied Neighborhoods Association; Mark Bradley, Coalition for Sustainable Transportation (COAST); Mary Louise Days and Paul Hernadi, Citizens Planning Association; Cathie McCammon, Allied Neighborhoods Association; Alex Pujo, Santa Barbara For All; Lee Moldaver; Dave Davis, Community Environmental Council.

Discussion:

Staff's presentation included information regarding the General Plan Update process since late 2010, the sustainability framework of the General Plan as outlined in the Plan's Introduction, the amendments recommended by the Council Ad Hoc Subcommittee for the Land Use, Housing, and Circulation Elements, and the policy issues related to those three elements for which Staff requires direction from the Council.

Recess: 5:40 p.m. – 5:55 p.m.

Discussion (Cont'd):

Councilmembers stated their views regarding the issues of growth management, residential density, and parking.

(Cont'd)

Subject: *Plan Santa Barbara (PlanSB)* General Plan Update (Cont'd)

Motion:

Councilmembers White/Rowse to implement an Average Unit Density Program as recommended by the Council Ad Hoc Subcommittee; approve the Staff recommendation to eliminate the Tier 2 density from the C-M Zone of the Program; require a minimum of one parking space per developed unit; and set a timeframe for the Program of 8 years or 250 units (this number to be applied to all units in projects developed with Tier 2 and 3 densities), whichever occurs sooner, at which time the Program would sunset back to the current Variable Density Program.

Vote:

Failed to carry by roll call vote (supermajority of five affirmative votes required) (Ayes: Councilmembers Francisco, Rowse, White, Mayor Schneider; Noes: Councilmembers Hotchkiss, House, Self).

Motion:

Councilmember Hotchkiss to implement an Average Unit Density Program as recommended by the Council Ad Hoc Subcommittee; approve the Staff recommendation to eliminate the Tier 2 density from the C-M Zone of the Program; require a minimum of one parking space per developed unit; and set a timeframe for the Program of 8 years or 250 units (this number to be applied to all units in projects developed with Tier 2 and 3 densities), whichever occurs sooner, at which time the Program would sunset to an Average Unit Density Program with Tier 1 density.

The motion died for lack of a second.

Councilmembers Self and Hotchkiss changed their votes on the original motion, and therefore the action proposed thereby was approved.

Motion:

Councilmembers Hotchkiss/Self to continue this item to the regular meeting of September 13, 2011.

Vote:

Unanimous voice vote.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 7:34 p.m. to Tuesday, September 13, 2011, at 2:00 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING September 20, 2011 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, Randy Rowse, Michael Self, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: Acting City Administrator Paul Casey, Assistant City Attorney Sarah Knecht, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring September 25 - October 1, 2011, As Sea Otter Awareness Week (120.04)

Action: Proclamation presented to Amanda Hendrickson, Director of the Ty Warner Sea Center.

Councilmember House entered the meeting at 2:01 p.m.

2. Subject: Letter Of Recognition In Honor Of Rental Housing Mediation Task Force Board Member Barbara Smith Sherrill (120.08)

Action: Letter of Recognition presented to Barbara Smith Sherrill.

PUBLIC COMMENT

Speakers: Reverend Paul Vit; Ruben Baralas; Vaughan Parker; Jim Worthen; Pat Love; Geoff Alexander, Santa Barbara County Film Commission; AIE, the Person.

CONSENT CALENDAR (Item Nos. 3 - 12)

The title of the resolution related to Item No. 6 was read.

Motion:

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

Vote:

Unanimous roll call vote.

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of June 28, and July 19, 2011.

Action: Approved the recommendation.

4. Subject: Appropriation Of Asset Forfeiture Funds For The Purchase Of Equipment For Narcotic Enforcement, Armored Vehicle Cover, Communications Equipment And For The Council On Alcoholism And Drug Abuse (330.05)

Recommendation: That Council:

- A. Appropriate \$74,607 in the Fiscal Year 2012 Police Department Police Asset Forfeiture and Grants Fund from available asset forfeiture reserves (\$64,607) and an increase in budgeted revenues tied to a \$10,000 donation from the Santa Barbara Police Foundation for the purchase of four surveillance vehicles and related equipment in the amount of \$54,618, a custom cover for the Armored Response Vehicle (Bear Cat) in the amount of \$2,500, and communications equipment for hostage negotiations, called E.N.T. Call Box, in the amount of \$17,489;
- B. Appropriate \$4,700 in the Fiscal Year 2012 Police Department Police Asset Forfeiture and Grants Fund from available asset forfeiture reserves to pay the Council on Alcoholism and Drug Abuse for the City of Santa Barbara's share of the cost for the "Kids Fight Drugs" Calendar Program for 2011; and
- C. Appropriate \$47,000 in the Police Department Police Asset Forfeiture and Grants Fund from available asset forfeiture reserves to pay to the Council on Alcoholism and Drug Abuse for continued funding of the Criminal Justice Early Identification Specialist position.

Action: Approved the recommendations (September 20, 2011, report from the Chief of Police).

5. Subject: City of Santa Barbara's Five-Year Water Management Plan Update For The United States Bureau Of Reclamation (540.08)

Recommendation: That Council accept the City's Five-Year Water Management Plan Update as required by the United States Bureau of Reclamation.

Action: Approved the recommendation (September 20, 2011, report from the Public Works Director; Water Management Plan dated July 25, 2011).

6. Subject: Request For A Resolution Supporting The 2011 Santa Barbara International Marathon (520.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting the State of California Department of Transportation to Permit the Temporary Closure of Portions of State Highway 225 on November 12, 2011.

Action: Approved the recommendation; Resolution No. 11-065 (September 20, 2011, report from the Public Works Director; proposed resolution).

7. Subject: Approval Of Final Map And Execution Of Agreements For 230 Lighthouse Road (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map Number 20,797 and standard agreements relating to the approved subdivision at 230 Lighthouse Road, and authorize the City Engineer to record a recital document following completion of the required public improvements stating that the public improvements have been completed and that the Agreement for Land Development Improvements, recorded in association with this map, may be removed from the title document after the public improvements warranty period has ended.

Action: Approved the recommendation; Agreement Nos. 23,886 - 23,888 (September 20, 2011, report from the Public Works Director).

8. Subject: Sole Source Purchase Orders For Water Treatment Chemicals At The William B. Cater Water Treatment Plant (540.10)

Recommendation: That Council find it in the City's best interest to waive the formal bidding process, as authorized by Municipal Code Section 4.52.070(k), and authorize the City General Services Manager to:

- A. Issue a Purchase Order in the amount of \$35,000 to Nalco Company for the purchase of CatFloc 8108 Plus cationic polymer, with the option to renew the purchase order for an additional four years, subject to Council's adoption of the budget;

(Cont'd)

8. (Cont'd)

- B. Issue a Purchase Order in the amount of \$82,000 to Enviroclear Technologies for the purchase of Hyfloc 3755 anionic polymer, with the option to renew the purchase order for an additional four years, subject to Council's adoption of the budget; and
- C. Issue a Purchase Order in the amount of \$450,000 to Norit Americas, Inc., for the purchase of up to 600,000 pounds of Norit Hydrodarco B Powdered Activated Carbon, with the option to renew the purchase order for an additional four years, subject to Council's adoption of the budget.

Action: Approved the recommendations (September 20, 2011, report from the Public Works Director).

9. Subject: Approval Of Benefit Plans Effective January 1, 2012 (430.06)

Recommendation: That Council:

- A. Approve renewal of the Aetna and Kaiser Permanente medical plans, Delta Dental Plans, Vision Service Plan, Employee Assistance Program (EAP), Flexible Spending Accounts, and Hartford Life and Disability Insurance Plans; and
- B. Authorize the Assistant City Administrator to execute any necessary agreements.

Action: Approved the recommendations; Agreement Nos. 22,913.1 (Kaiser Permanente), 22,914.1 (Vision Service Plan), and 23,196.2 (Delta Dental) (September 20, 2011, report from the Assistant City Administrator/Administrative Services Director).

NOTICES

- 10. The City Clerk has on Thursday, September 15, 2011, 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.
- 11. Cancellation of the regular Redevelopment Agency meeting of September 20, 2011.
- 12. A City Council site visit is scheduled on Monday, September 26, 2011, at 1:30 p.m. to the property located at 21 N. Milpas Street, which is the subject of an appeal hearing set for September 27, 2011, at 2:00 p.m.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

13. Subject: Capital Improvement Projects: Annual Report For Fiscal Year 2011 (230.01)

Recommendation: That Council receive a report on the City's Capital Improvement Projects for the Fourth Quarter of Fiscal Year 2011.

Documents:

- September 20, 2011, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Assistant Public Works Director/City Engineer Pat Kelly, Acting City Administrator Paul Casey.

By consensus, the Council received the report.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

Councilmember House commented on his attendance at a meeting of the Conference and Visitors Bureau/Film Commission, during which the tracking and use of revenue from the Tourism Business Improvement District was reported, as was the City's significant increase in international tourism.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 2:46 p.m. in memory of Gerardo Ricardo, parent representative on the Leadership Council. The meeting was adjourned to Monday, September 26, 2011, at 1:30 p.m. at 21 N. Milpas Street.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 18, 2011

TO: Mayor and Councilmembers

FROM: Transportation Division, Public Works Department

SUBJECT: Downtown Parking Proposed Changes To Fee Resolution

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 11-048 to Establish Parking Fees in the City Parking Lot Located at 217 Helena Avenue and Eliminate the 90-Day Bus Pass Fee for Eligible Downtown Employees.

DISCUSSION:

Helena Parking Lot

The Helena Parking Lot, which is currently under construction, is located on a City-owned parcel at 217 Helena Avenue. Helena Avenue is located one block east of State Street and extends for three blocks between Montecito Street and Cabrillo Boulevard.

The Helena Parking Lot was originally part of a larger parcel purchased by the Redevelopment Agency (Agency) in 1994. The Agency divided the property into three parcels and sold two parcels to the Fess Parker, Jr. Family Trust for the construction of a youth hostel. The remaining parcel became the Helena Parking Lot (see attached aerial photo).

After construction of the Helena Parking Lot is complete, the Downtown Parking Program will operate and maintain the Helena Parking Lot. The project design provides for 29 standard vehicle spaces, including two ADA spaces, an electric vehicle charging station, two motorcycle spaces, and utility infrastructure to support an electronic pay station in the future, if desirable. The Helena Parking Lot benefits surrounding businesses, improves the aesthetics of the area, and advances the "Park Once" concept by providing convenient parking near Waterfront Shuttle stops on lower State Street.

On July 21, 2011, the Downtown Parking Committee recommended that parking staff offer a mix of 90-minute time limit parking and monthly permit parking in the Helena Parking Lot. The Downtown Parking Committee also recommended that the monthly parking permit fee should be comparable to the market value of the surrounding parking lots.

Downtown Parking staff recommends a fee of \$85 per month for parking permits. To discourage overnight camping in the Helena Parking Lot, staff also recommends adding the Helena Parking Lot to the list of lots covered by overnight parking restrictions.

MTD Bus Pass

Additionally, Council eliminated the program that provided a 90-day MTD bus pass for a reduced fee of \$55 per pass to eligible downtown employees as part of the fiscal year 2010 budget. A resolution amending the fee schedule was not prepared at that time. Staff now desires to include the elimination of the 90-day MTD bus pass fee of \$55 per pass in the present Council Resolution amending Resolution 11-048.

BUDGET/FINANCIAL INFORMATION:

The change in the Fee Resolution will be revenue neutral for the Downtown Parking Program. Staff expects the revenue generated from monthly parking permit fees to offset a portion of the cost of maintenance and operation of the lot.

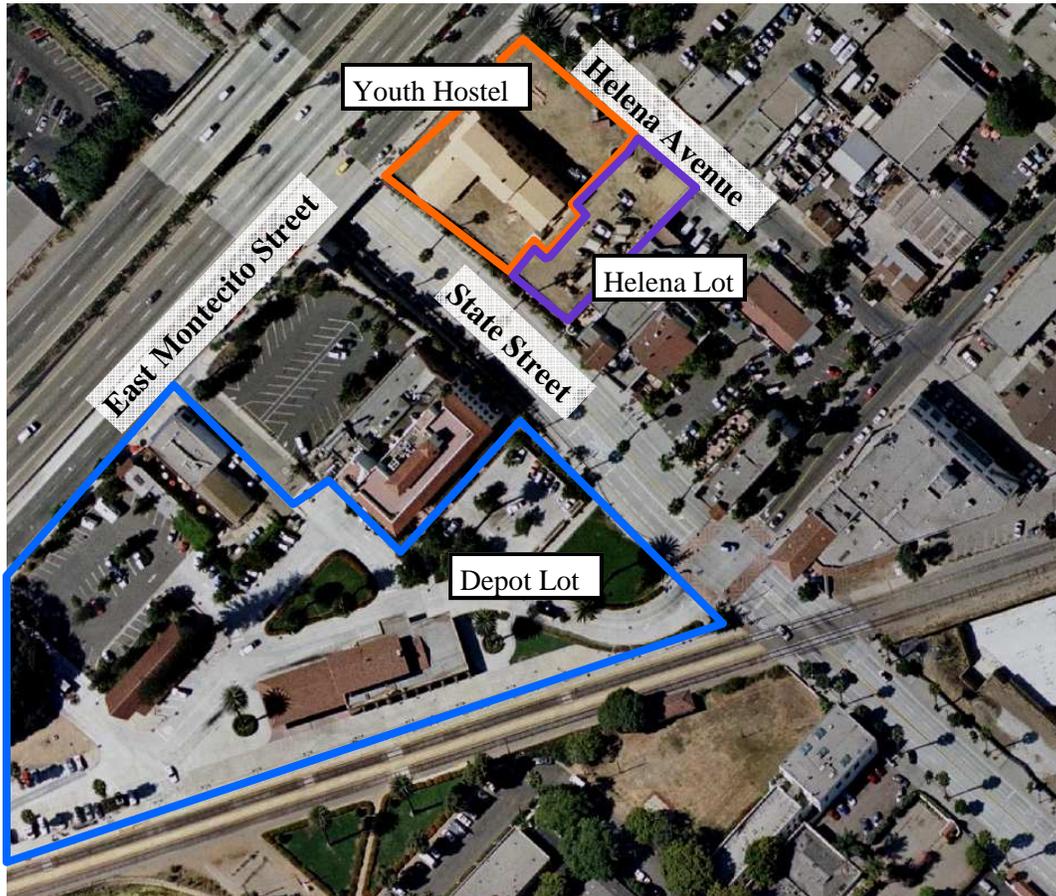
ATTACHMENT: Aerial Photo of Helena Parking Lot

PREPARED BY: Browning Allen, Transportation Manager/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

217 Helena Avenue Vicinity Map



RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING RESOLUTION NO. 11-048 TO ESTABLISH PARKING FEES IN THE CITY PARKING LOT LOCATED AT 217 HELENA AVENUE AND ELIMINATE THE 90-DAY BUS PASS FEE FOR ELIGIBLE DOWNTOWN EMPLOYEES

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

SECTION 1. Resolution No. 11-048, establishing certain City fees, is hereby amended by establishing monthly permit parking and overnight parking fees in the City parking lot located at 217 Helena Avenue and eliminating the 90-day MTD bus pass fee for eligible downtown employees, effective November 1, 2011.

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|----------------|---|--------------------------|
| 19. | Parking between the hours of 3:00 a.m. and 5:00 a.m. in Lots 2, 10, <u>and the Helena Parking Lot</u> where posted: | \$25 per day |
| 33. | 90-day MTD bus pass for eligible downtown employees | \$55 per pass |
| <u>33.</u> | <u>Monthly Parking in City parking lot located at 217 Helena Street</u> | <u>\$85/month</u> |

SECTION 2. All other provisions of Council Resolution No. 11-048 not inconsistent with this amendment shall remain unchanged.



Agenda Item No. _____

File Code No. 530.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 18, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Design Peer Review Of The Cabrillo Boulevard Bridge Replacement Project

RECOMMENDATION:

That Council authorize the Public Works Director to execute a City Professional Services contract with Drake Haglan and Associates in the amount of \$28,800 for engineering services for a peer review of the Cabrillo Boulevard Bridge Replacement Project design, and authorize the Public Works Director to approve expenditures of up to \$2,880 for extra services of Drake Haglan and Associates that may result from necessary changes in the scope of work.

DISCUSSION:

BACKGROUND

On March 27, 2007, Council awarded a contract for the final design of the Cabrillo Boulevard Bridge Replacement Project (Project). The Project involves bridge replacement of the existing structurally insufficient bridge over Mission Creek at Cabrillo Boulevard. The new four-vehicular traffic lane bridge will have wider sidewalks and improved hydraulic capacity to pass flood waters.

The Project's final design is virtually complete. The Project is in the right of way phase including property acquisition. A peer review of design, construction sequencing, and phasing is requested in an effort to minimize temporary impacts on surrounding vehicular, bicycle, and pedestrian flow during construction. Minimizing temporary impacts to circulation is crucial, as the Project is located on a main thoroughfare, in close proximity to the beach, Stearns Wharf, and the surrounding commercial, hotel, and recreational facilities. The bridge construction phasing will be studied for opportunities to utilize accelerated bridge construction techniques. The peer review will also focus on bridge and retaining wall design, construction issues, and evaluate relocation of the existing utilities in an effort to provide easier access to the structural elements of the bridge.

PROJECT DESCRIPTION

The peer review consists of reviewing the available data, mainly the plans and specifications for the project, including permit requirements and restrictions. A probable construction schedule will be developed that includes all permit schedule restrictions.

The Project team, including City staff, will meet for a two-day workshop to review the construction site and participate in a two-day collaborative work session to focus on concepts that will minimize the construction schedule for the Project. This peer review process follows a well-documented Value Analysis program that is used extensively by the Federal Highway Administration and Caltrans.

FUNDING

The Project is funded by the federal aid Highway Bridge Program (HBP). The HBP will pay 80 percent of design costs and 88.53 percent of right of way and construction costs.

The following summarizes estimated total Project costs.

ESTIMATED TOTAL PROJECT COST

Design	Project Costs	City Contribution
Conceptual Design (Bengal Engineering, Inc.)	\$187,380	\$37,476
Other Design Costs - Environmental Assessment: (Applied Earthworks, Inc., Channel Islands Acoustics, URS Corporation, Inc., and Fuguro)	\$93,622	\$18,724
Final Design (Bengal Engineering, Inc.)	\$1,493,251	\$298,650
City Staff (Administration)*	\$350,000	\$70,000
Peer Review Analysis	\$31,360	\$6,272
Subtotal	\$2,155,613	\$431,122
Right of Way	Project Costs	City Contribution
Right of Way Acquisition and Services*	\$3,500,000	\$80,290
City Staff (Administration)*	\$350,000	\$40,145
Subtotal	\$3,850,000	\$120,435
Construction	Project Costs	City Contribution
Construction Management	\$1,905,000	\$218,504
Construction	\$14,605,000	\$1,675,194
City Staff (Administration)*	\$750,000	\$86,025
Subtotal	\$17,260,000	\$1,979,723
Total	\$23,265,613	\$2,531,280

* Order of magnitude rough estimate

Staff has negotiated an acceptable proposal with Drake Haglan and Associates, a capable firm, with strong expertise in bridge design and knowledge of the federal aid HBP Program. Currently Drake Haglan and Associates is under contract to prepare the preliminary engineering design of the Chapala Street Bridge Replacement Project. They are also one of the participants in the City's Pre-qualified Engineering Services Program.

There are sufficient funds in the Streets Fund to cover the cost of the services.

PREPARED BY: John Ewasiuk, Principal Civil Engineer/JG/DS/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 18, 2011

TO: Mayor and Councilmembers

FROM: Administration Division, Public Works Department

SUBJECT: Contract With Tetra Tech, Inc., To Review And Develop Public Works Department Safety Practices and Standard Operating Procedures

RECOMMENDATION:

That Council authorize the Public Works Director to execute a Professional Services Agreement between the City and Tetra Tech, Inc., to review safety practices and develop standard operating procedures for the Public Works Department, in an amount not to exceed \$75,183, and authorize the Public Works Director to approve expenditures of up to \$7,518 for extra services that may result from necessary changes in the scope of work.

DISCUSSION:

The City's Injury & Illness Prevention Program (IIPP) provides the foundation for each department to design a safety program to address the unique activities (operations) under each assigned program and comply with State and Federal safety regulations (Cal/OSHA). The primary goal of the IIPP safety program is to prevent accidents that may cause personal injury, damage to property, or both.

Due to the wide diversity of operations within the City, there are safety procedures that may be critical to the safety of the workers and/or the public in one department, but be unnecessary for another department, depending on the type of operations. Therefore, the IIPP provides Department Directors with the responsibility and latitude to formulate and implement alternative safety practices and methods, and to develop, implement, and administer a safety program that addresses their department's operations. Every effort is made to ensure all personnel under their direction comply with the policies and procedures set forth in the IIPP and are augmented with specific safety procedures applicable to their Department's operations.

The most effective accident prevention measures are those which have been formulated at each level of the organization and are regularly reviewed and updated.

The Public Works Department is requesting to hire a consultant to provide review of existing safety practices and guiding documents to confirm compliance with the IIPP and inventory safety practices at the department-wide level, and to assess, update or develop safety standard operating procedures (SOPs) for each operational program within Public Works. The assessment is necessary to identify currently accepted safety practices, update or create additional practices to address safety hazards that may be encountered under the various Public Works programs, codify and document the Department's SOPs, and comply with current State and Federal safety regulations.

BUDGET/FINANCIAL INFORMATION:

Public Works staff recently prepared and distributed a Request for Proposal to five qualified firms. The Request for Proposal required the consultant to provide a cost estimate to:

- Conduct an evaluation of established Public Works safety practices
- Review and compare the Public Works safety practices to Occupational and Safety Health Administration (OSHA) standards
- Identify gaps in practices and/or training and make recommendations to comply with OSHA
- Develop written SOPs for identified programs that are the responsibility of Public Works

Two proposals were received. Staff selected Tetra Tech, Inc., as the most qualified and experienced firm to provide the required services. Tetra Tech, Inc.'s proposal reflected a thorough understanding of the Department's needs and objectives, with a total cost of \$82,701 for the tasks outlined above. Funds for these services are available and will be distributed among the operating budgets of five divisions in the Public Works Department.

PREPARED BY: Kathleen Kefauver, Administrative Analyst III/mh

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 110.03

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 18, 2011

TO: Mayor and Councilmembers

FROM: City Clerk's Office, Administrative Services Division

SUBJECT: November 8, 2011, Election Update

RECOMMENDATION:

That Council receive an update on the November 8, 2011, Vote-By-Mail General Municipal Election.

DISCUSSION:

The purpose of this presentation is to provide an update on the November 8, 2011, Vote-By-Mail General Municipal Election.

PREPARED BY: Cynthia M. Rodriguez, City Clerk Services Manager

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

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 630.02

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 18, 2011
TO: Mayor and Councilmembers
FROM: Planning Division, Community Development Department
SUBJECT: Status Briefing On Senate Bill 375 Implementation

RECOMMENDATION:

That Council receive a status briefing on Senate Bill 375 (*Sustainable Communities and Climate Protection Act of 2008*) regional implementation efforts to date.

DISCUSSION:

The *Sustainable Communities and Climate Protection Act of 2008* requires regional planning agencies and local governments to develop strategies to reduce greenhouse gas emissions from passenger vehicles by reducing per capita vehicle miles traveled (VMT). In Santa Barbara County, the Santa Barbara County Association of Governments (SBCAG) is tasked with taking the lead to implement this state mandated program. On October 18, 2011, Deputy Director Peter Imhof will present a project overview to the City Council.

A key component of Senate Bill (SB) 375 is to better coordinate land use and transportation planning. City Staff from the Community Development and Public Works Departments have already begun working on this effort through their respective SBCAG Advisory Committees, the Technical Planning Advisory Committee (TPAC) and the Transportation Technical Advisory Committee (TTAC). At the direction of the SBCAG Board, these two advisory committees have recently formed an ad hoc committee to provide SBCAG staff with technical feedback and direction on this multi-year process.

SB 375 attempts to integrate the existing Regional Transportation Plan (RTP) process with the Regional Housing Needs Allocation (RHNA) process, into a new Sustainable Communities Strategy. In order to accomplish this objective, the timing of these two processes need to be synchronized, new goals, policies and actions need to be established, and a number of other supporting documents, such as the Regional Growth Forecast need to be updated. In addition, given the need to develop one joint land/transportation model to test various scenarios, data sharing protocols need to be developed.

The Public Policy Institute of California prepared a report in 2011, entitled “Driving Change, Reducing Vehicle Miles Traveled in California,” that is a useful primer for this complicated process. The report is recommended for your review prior to the presentation to Council by SBCAG. As such, please view the hyperlink below. Deputy Director Imhof’s presentation will include: a brief overview of SB 375, key components, an approach, and a schedule.

Note: The report, [Driving Change, Reducing Vehicle Miles Traveled in California](#) (Public Policy Institute of California, 2011), has been sent to the City Council and is available for public review at the City Clerk’s Office at City Hall; 735 Anacapa Street, Santa Barbara, CA 93101.

PREPARED BY: John Ledbetter, Principal Planner

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

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 640.07

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 18, 2011

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Single Family Design Board Approval For 1359 And 1383 Santa Teresita Drive Erosion Repair

RECOMMENDATION:

That Council deny the appeal of Debbie Foley and uphold the decision of the Single Family Design Board to grant Project Design Approval with findings and conditions for a proposed erosion repair grading and drainage plan along a private driveway/road in the Hillside Design District.

DISCUSSION:

The project includes a grading and drainage plan for improvements along a secondary access road serving the property at 1575 N. Ontare Road (also known as Rancho San Roque). The private road is located on a private easement held of the owners of Rancho San Roque over the two properties located at 1359 and 1383 Santa Teresita Drive. The Single Family Design Board (SFDB) reviewed the proposed plan on August 1, 2011 and voted 4/0/1 to grant Project Design Approval making the required findings consistent with Santa Barbara Municipal Code Section 22.69.050. The approval is subject to conditions that the applicant returns to the Consent Calendar with details regarding the proposed paving and hydro-seed mix.

The hillside road under review is an area that has experienced significant erosion due to uncontrolled storm water flows and unfavorable soil conditions (see photos in Attachment 1). Prior attempts have been made to restore the slope, but more work is needed to better maintain the road and subsurface utilities. The proposed plan includes grading and drainage improvements within the easement area which is located, in part, on the appellant's property. The private road is within both the City and the County jurisdictions; of course, only those portions in the City are subject to City review. The SFDB focused their review on the visual effects of the grading plan and associated landscaping.

At the SFDB meeting, the applicant provided a thorough description of the project and answered the Board's questions (please see SFDB Minutes, Attachment 2). Both property owners on which the easement is located addressed the Board. Mr. Tim Foley who is the owner of the down slope land expressed concern that the proposed compaction was not sufficient and that proper compaction of the soil would require compaction to occur outside the easement. Another concern Mr. Foley raised was about the extent of the water flows and erosion. Moreover, Mr. Ken Aiello, the owner of the up slope land, solicited support for the improvements insofar that they are adequate. Mr. Aiello also requested that everything necessary should be done in the engineering and construction of the slope repairs.

On August 11, 2011, Debbie Foley submitted an appeal letter to the City Clerk's Office (Attachment 3). The letter explicates her reservations with the current proposal as well as providing information about prior grading activity on this site dating back to 2001. It is Staff's position that the discrepancies between the Foleys and the applicants concern issues unrelated to the scope of the City's design review process. Further, this appeal should not focus on the appellants' claims about prior grading activities of many years ago, but rather on the design and appearance of the proposed private road.

According the Building Official, a permit was not required for prior grading activity on the site as confirmed by an engineer. The dispute between the applicant and the appellants over the extent to which the applicant may make improvements within the easement concerns the real property rights of the applicant and the appellant. The City design review process is not the proper forum to determine the real property rights of the applicant and the appellant. The physical improvements to the site are subject to review by the City as required by the Municipal Code (Attachment 4). The proposed grading plan requires review and approval from the SFDB and a building permit.

The appellant states that she acknowledges that there is a need to repair the slope. However, she requests that more environmental review and engineering be required to explore other options such as bringing the drainage out to Santa Teresita Drive, retaining the drainage on the applicants' property, or addressed in some other manner.

The SFDB asked a number of questions as part of its review to understand the need for improvements and the proposed design. The Board was satisfied with the plan because this is where the water has historically passed, the road clearly needs repair, and the design does not represent a major visual change to the site. The applicant team includes a civil engineer and the plans are based on the recommendations of a licensed geotechnical engineer. Additional geotechnical engineering and soils reports will also be submitted for review by the Building and Safety staff prior to issuance of the Building Permit. Staff recommends that the Council deny the appeal and uphold the decision of the SFDB.

- ATTACHMENT(S):**
1. Photos Submitted by Applicant
 2. SFDB Minutes Excerpt, August 1, 2011
 3. Debbie Foley Appellant Letter, received August 11, 2011
 4. SBMC Section 22.69.050 Findings

Note: A copy of the Slope Erosion Repair Plan is available for review at the Mayor and Council Office.

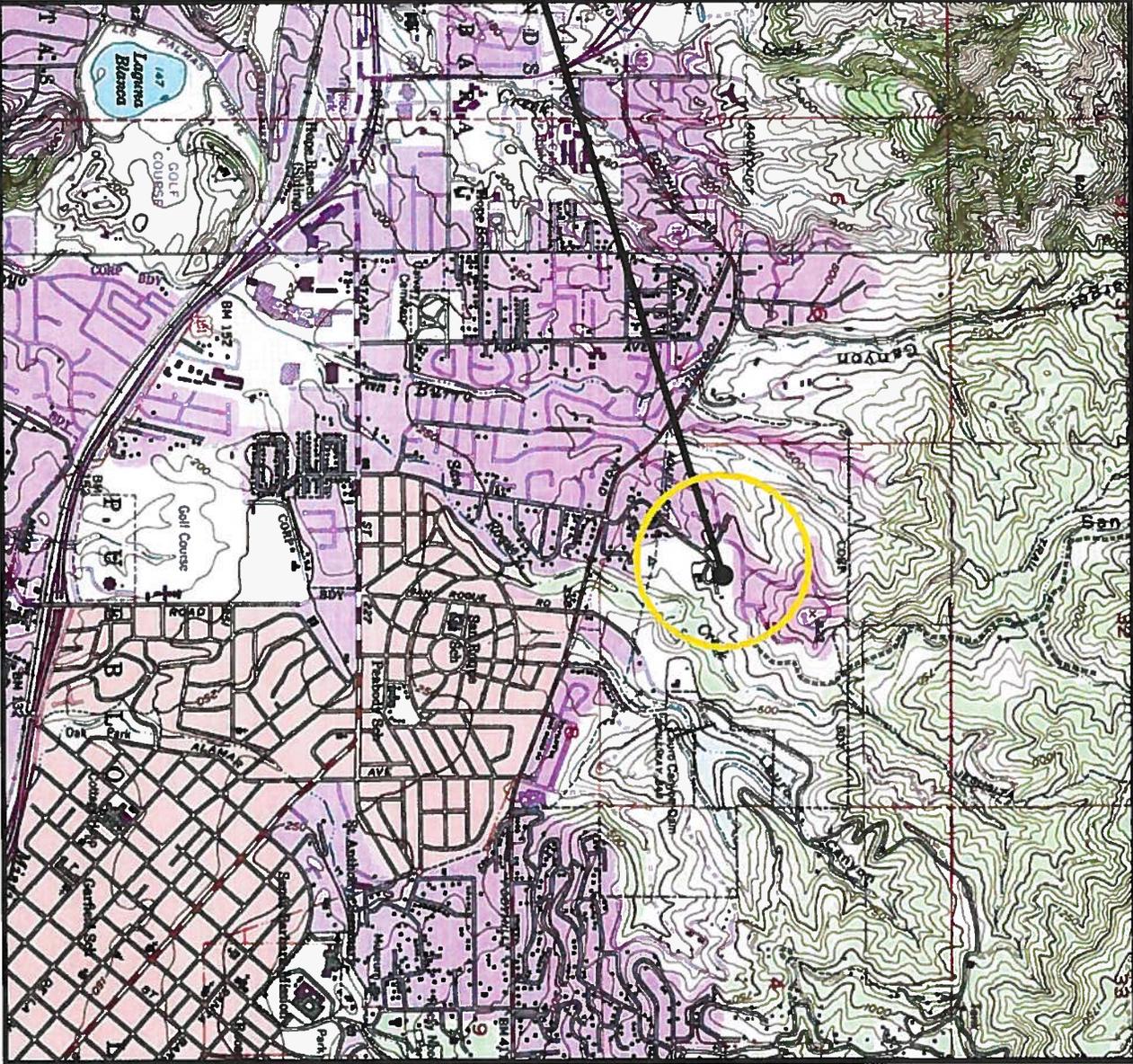
PREPARED BY: Bettie Weiss, City Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office

Vicinity Map

Rancho San Roque Access Easement



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JUL 06 2011

CITY OF SANTA BARBARA
PLANNING DIVISION

Santa Teresita Easement Storm Erosion Spring 2011



**Looking North at Uphill Neighbor
And Entry of Easement Road**

**Looking South at Downhill Neighbor
And North End of Easement Road**



Santa Teresita Easement Storm Erosion Spring 2011



**Looking North at Largest of Three
Slope Failure Points**



**Looking North at Eroded Slope
and Fractured Roadway**

SINGLE FAMILY DESIGN BOARD
MINUTES

Monday, August 1, 2011

David Gebhard Public Meeting Room: 630 Garden Street

3:00 P.M.

BOARD MEMBERS:

- GLEN DEISLER, CHAIR - PRESENT
- DENISE WOOLERY, VICE- CHAIR - PRESENT
- BERNI BERNSTEIN - PRESENT
- BRIAN MILLER - PRESENT
- JIM ZIMMERMAN - ABSENT
- FRED SWEENEY - PRESENT

CITY COUNCIL LIAISON:

DALE FRANCISCO - ABSENT

PLANNING COMMISSION LIAISON:

MICHAEL JORDAN - ABSENT

STAFF:

- JAIME LIMÓN, Design Review Supervisor - ABSENT
- MICHELLE BEDARD, Planning Technician - PRESENT
- KATHLEEN GOO, Commission Secretary - PRESENT

Website: www.SantaBarbaraCa.gov

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

3. 1359 and 1383 SANTA TERESITA DR

- Assessor's Parcel Numbers: 055-141-053 and 055-141-045
- Application Number: MST2011-00283
- Applicant: Mark Lloyd
- Agent: Greg Martin
- Owner: Kenneth and Catherine Aiello Living Trust
- Owner: Timothy and Debra Foley Family Trust
- Easement Owner: Pacificor, Inc.

(Proposal for slope erosion repair due to slope failure after a recent storm event. The proposal involves site work, including 2,500 cubic yards of grading (imported fill), to be located between two residential lots on Santa Teresita Drive (1359 & 1383), and within road and utility easements to access and serve the parcel at 1575 N. Ontare Dr.)

(Comments only; project requires Environmental Assessment.)

(4:46)

Present: Mark Lloyd, Applicant.

Staff announced that the Environmental Assessment has been completed and that action may be taken.

Public comment opened at 4:52 p.m.

The following public comment spoke either in support or in opposition of the proposed project:

- 1) Tim Foley, (adjacent property owner/provided photos) in opposition; expressed concerns regarding erosion of unstable soil, and displacement of water run-off/debris, and drainage off the slope at the bottom of the slope onto his property.
- 2) Ken Aiello, (adjacent westerly property owner) in opposition; expressed concerns regarding grading plans and unstable soil, environmental and traffic impacts, stability of the slope, and displacement of water run-off and drainage off the slope on the site onto his property.

Public comment closed at 4:58 p.m.

Motion: Project Design Approval with the finding that the Neighborhood Preservation Ordinance and Grading findings have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code and continued indefinitely to Consent with conditions:

- 1) The Board had positive comments and made findings for consistency in appearance, appropriate requirements for special design district grading natural to the topography, protection of the public health, safety, and welfare, and vegetation removal.
- 2) The Board deemed the project will have no adverse impact to the existing oak trees on the project site.
- 3) Indicate areas of existing road to remain, areas of road to be resurfaced, and existing and proposed surface materials.
- 4) Provide information to clarify species in of the proposed hydro seed-mix; verify compliance of seed mix with the Fire Department to confirm compliance with High Fire Landscaping requirements.

Action: Woolery/Miller, 4/0/1. Motion carried. (Bernstein abstained, Zimmerman absent).

The ten-day appeal period was announced.

The Applicant stated that he would make every effort to coordinate with neighborhood concerns.

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AUG 11 2011

CITY CLERK'S OFFICE
SANTA BARBARA, CA

August 10, 2011

City of Santa Barbara Planning Division, Single Family Design Board
City Council Liaison: Dale Francisco
Planning Commission Liaison: Michael Jordan

Board Members:

Glen Deisler, Chair
Denise Woolery, Vice-Chair
Berni Berstein
Brian Miller
Jim Zimmerman
Fred Sweeney

Regarding: Review and Approval for 1359 Santa Teresita and 1383 Santa Teresita Drive
Application Number: MST2011-00283 Assessor's Parcel Numbers: 055-141-053 & 055-141-045
August 1, 2011

On August 1st you heard a proposal by the applicant Mark Lloyd to do grading, drainage, and paving work on this easement that is located between two residential lots on Santa Teresita Drive. You approved the work, based on the information provided to you by Mr. Lloyd. Mr. Tim Foley and Mr. Ken Aiello the owners of the two residential lots both spoke in opposition of the project, yet the board voted to approve.

We felt it was important that you recognize the damaged already caused by the work that has occurred on this easement over the past 6 years, and that will continue to occur if this plan is allowed to proceed. We hold the board and the owners of the property, as well as the designers and contractors responsible for conducting work on our property without our approval that will cause us damage and distress to the value of our land and homes and more importantly may cause severe injury.

This is not the first time we have been at this crossroad on this project. In June of 2006 we appeared at another City Planning Meeting, and presented the following data and asked the members at that time to please look into the permit and file history of this project. They did, and the project was denied. Unfortunately, the owner continued to do work without permits and the City continued to look the other way. In the mean time, our property suffers tremendous erosion every time it rains. (Below is the letter presented in 2006 along with images of the work as it has progressed-**please note most of this work was done without permits, and this easement has never been paved!**)

June 15, 2006

We would like to thank you for the opportunity to speak today.

I am Debbie Foley, this is my husband Tim we live at 1383 Santa Teresita, our neighbors Ken and Catherine Aiello, at 1359 Santa Teresita could not be here today because of a high school graduation but have assisted in the drafting of this statement. Our homes are in an area of adobe clay type soil in the SB foothills known to be prone to slide and soil movement.

My husband and I are here to bring to the attention of this board a situation that has been on going on our properties for a number of years which resulted in a series of events that took place last Thursday, June 8th. Our properties which lie side by side on Santa Teresita Drive

are within City boundaries. Behind us is a large agricultural ranch, over several hundred acres owned by Mr. and Mrs. Michael Klein, which is primarily in the County, with an address of 1575 N. Ontare.

In recent years, the Klein's submitted and was granted approval by the City Building and Permit Department to do grading work over a portion of our properties to which they have an easement for road and utilities, but not for drainage. The submissions of Mr. Klein's applications have always listed his own property address of 1575 N. Ontare Road as the project work site, instead of our properties address. It is also important to consider that there has never been a legal City driveway or improved road across our properties with access onto Santa Teresita Drive, there is no curb cut.

The first of such work, took place in 2001 when the City issued a permit to the Klein's to install a trench and hookup for utilities, which included gas, water and sewer. Upon arriving home and seeing bulldozers on our properties without notification, both the Aiello's and we went down to the Building Department to see if this was standard procedure. Mr. Aiello informed the City that the trench and pipes were routing to building sites in the County and not the City and questioned the City's normal policy not to allow a hook up to City utilities without annexation. Indeed this was true. And so, with this new insight to their mistake the Building Department issued the Klein's a letter stating they could not hook up to City utilities without annexations. Ultimately, the pipes were not connected into Santa Teresita and the trench was buried without proper compaction, leaving the dirt path of a bulldozers' blade across the hillside. Our properties were forever changed.

The Building Department responded to us that the issuance of a permit was an oversight. We were informed by City officials that our names would be entered in the data base and noted in the files and that no additional permits would be issued without full notification to us, the true property owners whenever a Master Application for a permit was initiated and applied for.

Relying on the integrity of the Building Department, we went on our way. Unhappy about now having a graded 6ft dirt road, where there once was a nice terraced hillside, but fully aware that the Klein's had a right for ingress and egress and relied on the Building Department to ensure that correct measure were taken when issuing the grading permit that it would be done to plans, codes and structural correctness, including a proper drainage system.

The newly created dirt road was used by the Klein's employees' trucks and 4-wheel drive vehicles, which traversed the City easement and subsequently jumped the curb onto Santa Teresita. Over time we noticed that the terrain around, above and below the terraces was changing and this concerned us. So on more than one occasion calls were made to the Klein's manager that water was beginning to damage the area that they had graded and that excessive amounts of runoff were coming on to our property outside of the easement.

In January of 2005 the path, gave way, and the hillside had some terrible slides, I have photos with me. I wrote letters to the City as well as the Klein's but received very little if any response. At this same time, we learned that the City Building Department had issued another permit to do a curb cut to allow for a driveway across our properties. Again this permit was issued without any notification to us the property owners. We questioned the validity of a curb cut when there was no associated driveway or road permit. Didn't the installation of a 100-

yard driveway on the side of a hillside require some kind of review? How could a permit be issued again without our knowledge?

We made calls, and had meetings. We were assured that this would not happen again. We believe in the City's integrity and that one of its primary responsibilities is to ensure that safety and standards are adhered to when reviewing all plans. We believed that there was a review process. That someone would look in the computer system and in the property files and do a review before issuance of a permit.

And so for the 2nd time the Building Department after realizing their mistake revoked the permit, since no plans had ever been submitted for the installation of a driveway, and work was stopped.

*In June of 2005 the Klein's again went in for a permit to do re-paving and re-grading of an existing road/driveway. **Thereafter, on June 21st Chris Hansen of the Building Department denied this requests, stating that the City does not recognize the dirt road as a legal driveway. Any work would require soil, engineering, erosion control, drainage and foundation wall plans to be submitted and as of that date none had been submitted. The only work that could be done was weed abatement.***

Our faith is restored. But it is short lived, for just 2 months later the Klein's applied for and received a permit for repaving and re-grading an existing driveway. Documenting only their address, property parcel number and their ranch A1 zoning. There was no mention of our property parcel numbers. The Klein's received a permit again with no plans attached

Please note the language; re-paving, re-grading, and existing driveway. There is no record at the Building Department of approved plans for the development of a driveway or road. This was simply a dirt terrace that the Klein's have an easement across to install a road and have gradually enlarged under fraudulent representation. *The City Building Department by aiding in this process, gives the public the impression that one does not need to adhere to the Building Department recommendations.*

Well, needless to say, once it came to our attention we headed back to the Building Department, lucky for us the permit had expired. Again we were assured it would not be renewed without proper review and proper notification to us, the property owners.

Last Thursday morning, on June 8th we heard the rumble of bulldozers moving across our properties. We immediately made calls to the City pleading for someone to come and put a stop to this before the entire hillside is changed yet again. We are told to call the police. Believing that there is no way they could have a permit to do any work on our properties, we do so.

The police came; the Bulldozer driver shows the officer what appears to be a permit with attached plans. We couldn't believe this. We made more calls, only to get answering machines. For several hours we wait for someone from the City to appear, while the bulldozers continue to operate. Finally, at approximately 10:00am a City official Planner appears, clearly unaware of the magnitude of the scope of work taking place. He informs us that there is a permit, but he will stop the work until he can look into the matter and find out why this scope of work was allowed to happen without 1) the notification to the property owners and 2)

without review. By this point our properties are severely damaged. The grading cut up to the curb on Santa Teresita. See the photos.

The next day Tim and I go to the City Building Department to get a copy of the permit. Only to learn that this was not a new permit, but a granting of an extension of an expired permit, one we were told would not be renewed.

Today we have been informed that that permit has been suspended and the project has been sent to ABR. We are somewhat grateful and hopeful that maybe in ABR someone will actually listen to us. But in truth, we are not relying on it. We have lost faith in the City Building Department. We have little expectation that our concerns will be addressed.....

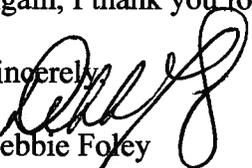
This process of doing work bit by bit in order to avoid proper design and review of this "driveway" continued through 2008. Sadly, the owner of the easement passed away at the end of 2008. His father took over managing the property. We came to an understanding and for the past several years very little work has been done. The road has continued to degenerate making it difficult and dangerous to pass. We understand his need to repair the easement at this point, however, you cannot accept this new proposal of simply catching his water run-off and focusing it on one point on our hillside to disseminate as a good, viable drainage plan that will stop the erosion and create a safe condition on our property. We strongly insist that this project must go through all review and planning stages especially Environmental Review, Hillside, and ABR as has been recommended by personal from your own departments for years running, and that the slope and drainage issue be engineered so that the water is either taken all the way out to Santa Teresita Drive or kept on 1590 San Roque's properties and carried away in some other manner. It cannot be allowed to continue to be dumped onto our property simply because it is the easiest and most feasible for the easement holder.

There have been several plans developed over the years by past owners to develop this into a paved road, structurally sound driveway; all have been scratched because of the expense of putting in a proper drain system and erosion control in this very volatile expansive soil. Most homes, including ours have caissons. This is not a simple driveway project and this proposal is a band aid fix that may cause more instability and damage.

This board has an obligation to research all aspects of these projects and its implications prior to approval. I do not believe that you have done this. I am happy to send you copies of the City and County files regarding the history of pulled and cancelled permits and the remarks of City employees regarding the need for strict guidelines on this easement. I have attached documents and photos for your review.

Again, I thank you for your time and truly hope that you will give it your time and consideration.

Sincerely,


Debbie Foley

1383 Santa Teresita Drive

Santa Barbara, CA 93105

805-705-1752

Debbie@debbiefoley.com



first sign of work pre-2005 1



after trenching for util trucks use rd 1



city is called damages begin 2005 1



more damages 2005-2006 1



2006 larry cassidy stops work 1



2006 work cont without permit 1



2006 work by hand to avoid permit 1



2011 damages continue 1

22.69.050 Neighborhood Preservation, Grading and Vegetation Removal Ordinance Findings.

If a project is referred to the Single Family Design Board for review pursuant to Section 22.69.020 and the Single Family Design Board Guidelines, the Single Family Design Board shall make the findings specified below prior to approving the project.

A. **NEIGHBORHOOD PRESERVATION FINDINGS.** Prior to approval of any project, the Single Family Design Board shall make each of the following findings:

1. **Consistency and Appearance.** The proposed development is consistent with the scenic character of the City and will enhance the appearance of the neighborhood.

2. **Compatibility.** The proposed development is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood.

3. **Quality Architecture and Materials.** The proposed buildings and structures are designed with quality architectural details. The proposed materials and colors maintain the natural appearance of the ridgeline or hillside.

4. **Trees.** The proposed project does not include the removal of or significantly impact any designated Specimen Tree, Historic Tree or Landmark Tree. The proposed project, to the maximum extent feasible, preserves and protects healthy, non-invasive trees with a trunk diameter of four inches (4") or more measured four feet (4') above natural grade. If the project includes the removal of any healthy, non-invasive tree with a diameter of four inches (4") or more measured four feet (4') above natural grade, the project includes a plan to mitigate the impact of such removal by planting replacement trees in accordance with applicable tree replacement ratios.

5. **Health, Safety, and Welfare.** The public health, safety, and welfare are appropriately protected and preserved.

6. **Good Neighbor Guidelines.** The project generally complies with the Good Neighbor Guidelines regarding privacy, landscaping, noise and lighting.

7. **Public Views.** The development, including proposed structures and grading, preserves significant public scenic views of and from the hillside.

B. **HILLSIDE DESIGN DISTRICT AND SLOPED LOT FINDINGS.** In addition to the findings specified in Subsection A above, prior to approval of any project on a lot within the Hillside Design District described in Section 22.68.060 or on a lot or a building site that has an average slope of 15% or more (as calculated pursuant to Section 28.15.080 of this Code), the Single Family Design Board shall make each of the following findings:

1. **Natural Topography Protection.** The development, including the proposed structures and grading, is appropriate to the site, is designed to avoid visible scarring, and does not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside.

2. **Building Scale.** The development maintains a scale and form that blends with the hillside by minimizing the visual appearance of structures and the overall height of structures.

C. **GRADING FINDINGS.** In addition to any other applicable findings specified in this Section 22.69.050, prior to approval of any project that requires design review under either Paragraph 22.69.030.C.11 or Subsection 22.69.030.E of this Chapter, the Single Family Design Board shall make each of the following findings:

1. The proposed grading will not significantly increase siltation in or decrease the water quality of streams, drainages or water storage facilities to which the property drains; and

2. The proposed grading will not cause a substantial loss of southern oak woodland habitat.