



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: May 11, 2010

TO: Ordinance Committee Members

FROM: Building Division, Community Development Department

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

RECOMMENDATION:

That the Ordinance Committee review and consider referring to the full Council the amendments to Municipal Code Chapter 22.90, "Construction Prohibited In The Vicinity Of The Conejo Landslide" and Chapter 22.22, "Historic Structures."

DISCUSSION:

The attached draft ordinance amending Municipal Code Chapter 22.90 has been prepared at the request of certain property owners in the Conejo Road area who lost their homes in the November 2008 Tea Fire. The proposed ordinance would amend the existing "Map of the Conejo Slide Area" in accordance with the Grover Hollingsworth and Associates, Inc. geotechnical report dated May 29, 2009 and it would allow some minor new construction within the current 25-foot buffer zone. In doing so, the ordinance would relocate the boundaries of what has been termed "Slide Mass C" on the eastern side of the Conejo Landslide allowing for possible reconstruction of certain homes destroyed in the Tea Fire. A separate attached draft ordinance amending Municipal Code Chapter 22.22, the City's Code regulations for "Historic Structures" would allow designated Structures of Merit or Landmarks to be reconstructed within the Conejo Landslide Area.

In 1984, the City Council adopted Municipal Code Chapter 22.90 (at that time as an uncodified ordinance), "Construction Prohibited In The Vicinity Of The Conejo Road Landslide" due to active slide movement in the Conejo area apparently related to the very wet "El Nino" rain season of 1982-83. Since that time, approximately eight homes and structures have succumbed to landslide movement while many other homes continue to experience foundation settlement, collapse of sewers, exterior stucco cracking, movement of utilities and severe cracking or collapse of block walls and fences, including other detrimental affects upon private property. The Ealand Place cul-de-sac, located at the top of the Conejo Landslide, in particular, continues to actively slide and is severely sloped, rendering the cul-de-sac inaccessible to motor vehicles.

Clearly, the real potential for a major landslide, especially in the event of an earthquake, remains a significant public health and safety concern for the Conejo Road area.

At the request of several Conejo Slide mass C area property owners, the City reviewed a geological report prepared by the firm of Grover-Hollingsworth and Associates in May 2009. The City's Chief Building Official also commissioned peer review of the report by Frank J. Kenton, an experienced geologist very familiar with the history of the Conejo Slide area and its underlying geological conditions.

City staff is also proposing to amend Section 22.90.040 (Exception: Designs by Engineering Geologist) by adding ordinance provisions intended to allow some non-habitable structures and improvements within 25 feet of the Slide Mass boundary but not closer than 10 feet. These non-habitable improvements would include walkways, retaining and non-retaining walls, driveways, storage sheds and other amenities as deemed appropriate by the Chief Building Official. Septic systems, sewers, sewer laterals, water piping and landscaping sprinklers would continue to be prohibited within the 25-foot setback.

Special construction conditions will be applicable to the Tea Fire parcels identified for possible re-construction in the Grover Hollingsworth and Associates geotechnical report dated May 29, 2009 (as reviewed by Mr. Kenton's geological review dated December 17, 2009.) Some of these conditions may include the following: 1. foundation inspections to be performed by a California Registered Engineering Geologist to confirm earth materials encountered are as described in the Preliminary Geologic and Soils Engineering Reports; 2. that the location of the Slide Mass C boundary has been positively located on the site; 3. that, should there be a change in the consultant record, the new geological or engineering consultant must sign a statement with the City that they accept all geologic and soils engineering design and interpretations in the Grover Hollingsworth report dated May 29, 2009 and subsequent documents.

Currently, applications are on file for homes included in the Conejo Landslide Area that, as mentioned, would otherwise not be allowed to be rebuilt. Should the Ordinance Committee and City Council approve the revised Conejo Landslide Mass C boundary change and other amendments as proposed, the review process for approval of the plans for the reconstruction of these homes could be re-initiated.

Staff is also recommending that a separate ordinance amending Chapter 22.22 of Title 22 allowing City designated Structures of Merit or Landmarks within the Conejo Landslide Area be allowed to be reconstructed in accordance with the provisions of the State Historic Building Code. However, prior the issuance of a building permit, an environmental or engineering study, or review may be required. This request also originated with a specific property owner who asked the HLC to designate her dilapidated building located at 1809 Stanwood Drive a City Structure of Merit (despite a contrary recommendation from City staff) in order to properly condition the

reconstruction of the building, particularly its foundation. This structure remains clearly within the Slide mass C Area of danger

ATTACHMENTS:

1. Draft Ordinance Amending Chapter 22.90
2. Draft Ordinance Amending Chapter 22.22
3. Revised Conejo Slide Mass Boundary

PREPARED BY: George A. Estrella, Chief Building Official

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

APPROVED BY: City Administrator's Office

DRAFT
April 29, 2010
Showing Changes from Existing Code
New Provision in Underline
~~Deletions in Strike-out Text~~

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE TWENTY-TWO OF THE SANTA BARBARA MUNICIPAL CODE IN ORDER TO AMEND CHAPTER 22.90 PERTAINING THE EXTENT OF THE A REVISED SLIDE MASS C AREA COVERED BY THE CITY'S 1997 CONEJO SLIDE AREA ORDINANCE IN ORDER TO REDUCE THE AREA OF SLIDE MASS C IN ACCORDANCE WITH NEW GEOLOGICAL INFORMATION AND TO ALLOW CERTAIN LIMITED NEW NON-HABITABLE IMPROVEMENTS UNDER CERTAIN CIRCUMSTANCES.

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

SECTION ONE: Section 22.90.040 of Chapter 22.90 of Title 22 of the Santa Barbara Municipal Code is amended to add a new subparagraph F which reads as follows:

F. NON-HABITABLE IMPROVEMENTS. Non-habitable building improvements may be constructed within twenty-five (25) feet of the Slide Mass C boundary but not closer than ten (10) feet. For the purposes of this subparagraph, non-habitable improvements shall include walkways, retaining and non-retaining walls, driveway paving, portable storage sheds, and other non habitable improvements as deemed appropriate by the Chief Building Official. However, septic systems, building sewers, sewer laterals, water piping, and landscaping sprinklers are prohibited within the 25 feet of the boundary of Slide Mass C.

SECTION TWO: Section 22.90.045 of Chapter 22.90 of Title 22 of the Santa Barbara Municipal Code is amended to read as follows:

Section 22.90.045 Map of the Conejo Slide Area.

The Map of the Conejo Slide Area, as depicted in the Grover-Hollinsworth Geotechnical Report dated May 29, 2009 and dated November 6, 1997 and depicting the parcels of real property that are located entirely or partially within the boundary of Slide Mass C of the Conejo Slide Area is hereby amended to be consistent with the boundaries described in above-referenced Report. The City Clerk and the Chief of Building and Safety shall each keep a copy of the Map of the Conejo Slide Area and a full copy of the May 29, 2009 Grover-Hollinsworth Geotechnical Report on file as received by the City. An facsimile example of such map shall be reproduced and codified with this section.

SECTION THREE: Chapter 22.90 of Title 22 of the Santa Barbara Municipal Code is hereby amended to add a new section, section 22.90.080, which reads as follows:

Section 22.90.080 Special Geological Provisions.

Those residential structures identified in the report dated December 17, 2009 prepared by Frank J. Kenton for the City's Chief Building Official (hereinafter the "2009 Kenton Report") which are listed as being appropriate for reconstruction may be reconstructed by their owners in the manner consistent with the recommendations contained with 2009 Kenton Report including, specifically, the applicable construction recommendations contained in the Grover Hollingsworth and Associates, Inc., report dated May 29, 2009 both of which reports shall be on file with the City Clerk.

**AN ORDINANCE OF THE COUNCIL OF THE CITY
OF SANTA BARBARA AMENDING CHAPTER 22.22
OF TITLE 22 OF THE SANTA BARBARA
MUNICIPAL CODE TO ALLOW THE HISTORIC
RECONSTRUCTION OF A DESIGNATED CITY
STRUCTURE OF MERIT OR LANDMARK
LOCATED WITHIN THE CONEJO SLIDE AREA OF
THE CITY.**

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

SECTION ONE: Section 22.22.70 of Chapter 22.22 of the Santa Barbara Municipal Code is hereby amended to add a new subparagraph, subparagraph B, "Reconstruction of Historic Resources within the Conejo Slide Area," which reads as follows:

A. PRESERVATION OF LANDMARKS AND STRUCTURES OF MERIT. Every Landmark and Structure of Merit shall be maintained in good repair by the owner thereof, or such other person or persons who may have the legal custody and control thereof, in order to preserve it against decay and deterioration. Nothing in this chapter shall be construed so as to prohibit ordinary and necessary maintenance and repair of a Landmark provided that whenever such repair or maintenance would result in an alteration to the exterior of the structure or whenever it would require the issuance of a City building permit, the issuance of such a permit shall be reviewed by the Commission and, if necessary, conditioned in accordance with the requirements of this Chapter, provided that such review shall be consistent with the Landmark alteration review authority granted by Section 817(c) of the City Charter and Section 22.22.080 hereof. Every Landmark or Structure of Merit is hereby determined to be eligible for application of alternative standards for historical structures as provided in the California Building Code as adopted and amended by the City.

B. RECONSTRUCTION OF HISTORIC RESOURCES WITHIN THE CONEJO SLIDE AREA. Designated City Historic Resources located within the Slide Mass C Area may be reconstructed in accordance with the latest edition of the Historical Building Code as adopted by the State of California as amended by the City of Santa Barbara provided that such reconstruction is accomplished as follows:

1. in a manner which follows the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995) and;
2. in a manner consistent with appropriate historic design review where design approval is obtained from the City's Historic Landmarks Commission as required by Santa Barbara Municipal Code sections 22.22.080 and 22.22.090, and ;
3. the structure constituting the Historic Resource is not expanded in size.

