



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: March 15, 2011
Placement: Departmental
Estimated Tme: 10 minutes
Continued Item: Yes
If Yes, date from: March 1, 2011
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell, Ph.D., Director, Planning & Development
Director(s) (805)568-2085
Contact Info: Dianne Black, Director, Development Services
(805)568-2086

SUBJECT: Ordinance Amendments to Allow Enforcement of Chapter 9A, Brush Removal, and Chapter 44, Rights and Duties of Landlords and Tenants through the Administrative Fine Process under Chapter 24A

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

Housing & Community Development
Public Works Department

Recommended Actions:

That the Board of Supervisors:

1. Consider the introduction (first reading) of an Ordinance amending Chapter 9A, Brush Removal, to update the departmental references and appeals procedures;
2. Continue to April 5, 2011 to consider the adoption (second reading) of an Ordinance amending Chapter 9A, Brush Removal, to be effective 30 days from date of adoption;
3. Consider the introduction (first reading) of an Ordinance amending Chapter 24A, Administrative Fines, to include enforcement of Chapter 9A, Brush Removal, and Chapter 44, Rights and Duties of Landlords and Tenants; and
4. Continue to April 5, 2011 to consider the adoption (second reading) of an Ordinance amending Chapter 24A, Administrative Fines, of the Santa Barbara County Code, to be effective 30 days from date of adoption.

Summary Text:

The Brush Removal Ordinance, Chapter 9A of the Santa Barbara County Code, regulates removal of native brush, shrubs, trees and roots in the South Coast area of the County. This Ordinance currently does not provide any enforcement provisions for violations of Chapter 9A. The duty of administering Chapter 9A previously rested with the Development Division of the Public Works Department. This duty transferred to the Building and Safety Division of the Planning and Development Department in 1994, when Building and Safety was moved to Planning and Development. The Ordinance, however, still reflects Public Works as the administering County agency.

The Brush Removal Ordinance requires minor changes to make it enforceable. The proposed changes would allow the Building and Safety Division of Planning and Development to implement and enforce the Ordinance through Chapter 24A and would revise the appeals process for disputes arising from its implementation and enforcement. The proposed changes to the appeals procedures will ensure consistency with other appeals processes administered by the Building and Safety Division. A more comprehensive review of Chapter 9A is underway and the results of that review will be presented to the Board of Supervisors at a later date to consider amendments to the ordinance for content and to reflect modern practices.

The Administrative Fine Ordinance, Chapter 24A of the Santa Barbara County Code, provides various County Departments with tools to enforce certain chapters of the County Code. This Ordinance currently does not provide for the enforcement of Chapter 9A, Brush Removal, nor Chapter 44, Rights and Duties of Landlords and Tenants.

Staff proposes an amendment to Chapter 24A, Administrative Fines Ordinance to include the ability to enforce these two chapters of the County Code. If adopted, the Planning and Development Department will be responsible for implementing the procedures of the Administrative Fine Ordinance as it relates to Chapter 9A, Brush Removal. The Housing and Community Development Department will be responsible for implementing the procedures of the Administrative Fine Ordinance as it relates to Chapter 44, Rights and Duties of Landlords and Tenants.

Chapter 9A was omitted from the Administrative Fine Ordinance, and the proposed amendment seeks to enable the Planning and Development Department to administer the enforcement of Chapter 9A through the administrative fine process. If adopted, staff will be able to use the Administrative Fine Ordinance to ensure compliance with Chapter 9A. Any appeals resulting from the administrative fine process will be heard by the Director of Planning and Development or his/her designee.

Chapter 44, Rights and Duties of Landlords and Tenants, was recently amended by your Board on December 14, 2010. The proposed changes to Chapter 24A would allow for enforcement of Chapter 44 through the administrative fines process. As proposed, the Housing and Community Development Department will be responsible for enforcement of Chapter 44, and the Director of Housing & Community Development, or his/her designee, will be the hearing examiner for any appeals resulting from the administrative fines process.

Performance Measure:

N/A

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Costs for preparation of this ordinance amendment are budgeted in the Department's Administrative Program, page D-324 of the FY 2010-2011 adopted budget.

Special Instructions:

1. The Clerk of the Board shall notice the proposed ordinance amendments in a newspaper of general circulation in the County of Santa Barbara once at least 5 days prior to the first reading and again in accordance with section two of the ordinances within 15 days after its passage.
2. The Clerk of the Board shall send a copy of the signed and numbered ordinance and minute order to the Planning & Development Department, attention Linda Liu.

Attachments:

- A. Ordinance amending Chapter 9A with strikeout/underline format
- B. Ordinance amending Chapter 9A (clean copy)
- C. Ordinance amending Chapter 24A with strikeout/underline format
- D. Ordinance amending Chapter 24A (clean copy)

Authored by:

Linda Liu, Planning & Development

cc:

Glenn Russell, Director, Planning & Development
Dianne Black, Director, Development Services, Planning & Development
Steve Mason, Deputy Director, Planning & Development
Scott McGolpin, Director, Public Works Department
David Matson, Director, Housing & Community Department
Mike Ghizzoni, Chief Assistant, County Counsel
Kevin Ready, Senior Deputy, County Counsel
Jeff Thomas, Building & Safety Supervisor, Planning & Development
Linda Liu, Planning & Development