



# UNDERGROUNDING UTILITIES

## INFORMATION

### PURPOSE

The [Santa Barbara Municipal Code](#) (Chapter 22.38) requires utility wires such as electricity, telephone, street lighting, cable television, or telecommunications and related equipment to be placed and maintained underground on certain types of construction projects. Undergrounding utilities results in improved service reliability, greater public safety, and enhanced aesthetics.

### WHEN IS IT REQUIRED?

Undergrounding of utilities is required for any of the following:

- A new freestanding structure which has utility service.
- A structure to which additions are made, within any 24-month period, which exceeds 500 square feet and 50% of the existing floor area.
- A structure to which alterations and substantial improvements are made, within any 24-month period, which exceed 50% of the replacement value of the structure or
- A building, which has utility service, that is moved to another location or relocated on the same parcel.

### IS THERE A HARDSHIP WAIVER?

Yes, if the cost of placing utility services underground is so great as to constitute an unreasonable hardship, the applicant may request a waiver. Be advised that an in-lieu fee of 10% of the project valuation, if the project is a subdivision, or 5% of the project valuation for a project other than a subdivision, will be required if a waiver is granted. An “in-lieu fee” means a payment of money in place of meeting the undergrounding requirements. The fee contributes to a fund which is used for the conversion of overhead utility facilities to underground facilities. Additional conditions and exceptions apply to the in-lieu fee, see Chapter 22.38 of the Municipal Code for details.

# REVIEW PROCESS

*These are the steps to file a hardship waiver request:*

## **STEP 1: COMPLETE THE FORM**

Download and complete the fillable PDF Application Form (pages 3 & 4 of this document) and upload it to a new online Building Permit (BLD) Application.

## **STEP 2: PAY THE REVIEW FEE**

You will be invoiced a minimum non-refundable fee calculated at a ½ hour of the staff hourly rate, which may be increased based upon the complexity of the request being made.

## **STEP 3: REQUEST IS REVIEWED**

The Building & Safety staff assigned to your project will review your request to determine if the Building Official has enough information to make the required findings. You may be asked to submit additional information. After the request is accepted for processing, it will go to the Building Official for review.

## **STEP 4: DECISION NOTIFICATION**

The Building Official will decide if the project meets the unreasonable hardship findings, and the applicant will be notified if it has been approved, denied, or approved with conditions.

## **STEP 5: SUBMIT A REVISED REQUEST, IF NEEDED**

If the request has been denied, the Building Official will provide a reason for the denial, and a revised request could be submitted. Decisions of the Building Official on a hardship waiver request may also be appealed to the City Council. See the [Appealable Decisions](#) guide for more information on the City's appeal process.

## **STEP 6: UNDERGROUNDING UTILITIES WAIVER AGREEMENT**

If the waiver has been approved, the final steps are required, as follow:

- a. City Staff will provide you with the draft "Utility Undergrounding Waiver Agreement".
- b. Email the completed draft to Building & Safety Staff for review by City Attorney.
- c. Once vetted by City Attorney and approved by City Staff, you will be notified.
- d. Sign the Agreement, have it notarized, and record it at the County Recorder's Office.
- e. Return the official hardcopy recorded document to the City's Building & Safety Division.
- f. The owner shall pay the City an in-lieu fee, total is noted on page 3.
- g. The signed City's Determination Form (page 5) MUST be reproduced on the plans.

# APPLICATION FORM

Complete this application form to file a hardship waiver request for undergrounding utilities:

## RECORD INFORMATION

Submittal Date:

BLD Record # (if known):

## PROPERTY INFORMATION

Project Address:

Assessor Parcel Number (APN):

## OWNER'S INFORMATION

Name:

Mailing Address:

ZIP:

Email:

Phone:

## APPLICANT'S INFORMATION Same as above

Name:

Company:

Mailing Address:

ZIP:

Email:

Phone:

## ESTIMATED COST

*In-lieu fee is determined by staff based upon project valuation: 10% for subdivisions, 5% for all others*

Estimated Cost to Install Underground Service \$

Mandatory In-Lieu Fee:

%

of Construction Valuation \$

= Total \$



**Check here if you are requesting that the in-lieu fee be waived.** The in-lieu fee may only be waived if the project involves the reconstruction of a damaged or destroyed single-family residence; and if the net floor area of the residence does not exceed the floor area of what was legally permitted prior to the damage or destruction.

## SPECIFIC ISSUES

*Explain how the cost of placing utility services underground is so great as to constitute an unreasonable hardship. Include itemized cost estimates and any other information as needed to determine hardship.*

## CRITERIA FOR APPROVAL

*I am requesting relief of the undergrounding of utilities requirement as required by Municipal Code section 22.38.050 for the above property based upon the applicable findings below (select all that apply):*

- The cost of placing existing utility services underground is either so exorbitant or disproportionate to the total cost of construction as to constitute an unreasonable hardship.
- No new utility poles are to be erected.
- There are other overhead utility lines in the immediate vicinity which would remain even if no waiver were granted.
- The costs of undergrounding will exceed 10% of the project valuation if the project is a subdivision, or 5% of the project valuation for a project other than a subdivision.
- The approval is consistent with the intent and purposes of Chapter 22.38.
- The project includes (as a substantial portion of the work) the installation of utilities distribution facilities and there are unusual conflicts or other conditions or circumstances which preclude reasonable measures to install utilities underground.
- The project involves: (1) the reconstruction, restoration, or rebuilding of a single-family residence which was damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy; and (2) the affected utility has determined that the required undergrounding is infeasible or not advisable for technical or maintenance reasons.

# CITY'S DETERMINATION

**City Use Only.** If this sheet includes authorization signatures, the City of Santa Barbara has authorized relief of the undergrounding of utilities requirement, subject to the following conditions.

## REQUIRED CONDITIONS

If relief is granted, the following conditions shall be imposed, as applicable:

- The owner must execute and record a waiver of the right of protest to the formation of an assessment district proposed for the purpose of undergrounding utilities.
- An electric meter enclosure for both overhead and underground utilities is to be installed.
- Unless waived, the owner shall pay the City an in-lieu fee in the amount specified by SBMC Chapter 22.38. For subdivisions, the in-lieu fees shall be paid prior to approval of a Final Map or Parcel Map. For other projects, the in-lieu fee shall be paid prior to the issuance of the building permit for the project.

<b>BUILDING OFFICIAL:</b>	<input type="checkbox"/> <b>Approved</b>	<input type="checkbox"/> <b>Denied</b>
_____ Signature	_____ Date	
_____ Name (printed)		

<b>COMMUNITY DEVELOPMENT DIRECTOR:</b>	<input type="checkbox"/> <b>Approved</b>	<input type="checkbox"/> <b>Denied</b>
_____ Signature	_____ Date	
_____ Name (printed)	_____ Title	

## EXPLANATION OF DECISION

*Additional comments or conditions related to the City's determination.*