



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 14, 2012

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Implementation of General Plan Interim Policy ER7 For Air Quality Issues

**RECOMMENDATION:** That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Regarding the Implementation of the General Plan Interim Policy Regarding Air Quality Issues; and
- B. Direct Staff to meet with the Council Ordinance Committee to consider project specific criteria to implement air quality policies, and return to Council for adoption of additional criteria.

### **DISCUSSION:**

#### Background

The City considered potential health hazards and effects from air pollution during the *Plan Santa Barbara* General Plan Update process and in the Environmental Impact Report. Based on the recommendations of the California Air Resources Board (CARB) and Santa Barbara County Air Pollution Control District, an interim policy limiting new development near Highway 101 was proposed and discussed extensively during the process. The City also completed an area specific study for Santa Barbara that supported a buffer distance of 250 feet which was adopted by City Council in the following policy:

#### ER 7 Air Quality

New development of residential or other sensitive receptors (excluding minor additions or remodels of existing homes or one unit on vacant property) on lots of record within 250 feet of U.S. Hwy 101 will be prohibited in the interim period until California Air Resources Board (CARB) phased diesel emissions regulations are implemented and/or until the City determines that diesel emission risks can be satisfactorily reduced or that a project's particulate exposure level is sufficiently

reduced. The City will monitor the progress of CARB efforts and progress on other potential efforts or measures to address diesel emissions risks.

*Possible Implementation Actions to be Considered*

ER7.1 Review Criteria. Prepare project review criteria for the set-back area.

ER7.2 Barriers and Sound Walls. Pursue funding and installation of sound walls, trees and shrubs along unprotected areas of U.S. Hwy 101 to create a barrier to reduce particulate transmissions. Barriers and sound walls to be consistent with the Highway Santa Barbara Coastal Parkway Design Guidelines.

This is an interim policy because there are a number of regulatory changes underway in the area of diesel particulates and other pollutants. Studies and Air Resources Board data show that projected particulate levels are decreasing as a result of phased regulations in place and pending new vehicle emissions standards, diesel fuel formulation, equipment retrofitting, etc., and thus the need for such a setback distance is also expected to be short-term.

The policy directs that the City will adopt project criteria to implement it and to monitor the State regulatory process and air quality levels closely to determine when the interim policy should be lifted.

Exemption for Pending Projects

Staff recommends adopting a resolution defining the new development that is subject to the policy and which includes an exemption for projects that submitted a development application prior to Council adoption of the General Plan on December 1, 2011. Although some property owners were aware of this proposed policy, many were not well informed and it was uncertain throughout the discussion how it would be applied. It is customary for Council to consider applying new standards to new projects and to allow currently pending projects to proceed with the process based on the standards in effect at the time of their application.

Staff researched the permit data base and found approximately 16 projects pending for new residential development of 33 new units on parcels within 250 feet of Highway 101. Most projects involved design review for which the City received a Master Application. The projects are at various steps of the review process including some in plan check for building permits. A pending project at 517 W. Figueroa Street was recently approved by the Architectural Board of Review (ABR) for 6 new units on a vacant site. The ABR action was contingent upon what criteria Council approves. Another project at 1255 Coast Village Road is scheduled for Planning Commission on February 9 and staff is recommending approval of the project also contingent on Council action upon the criteria, including exempting pending projects.

Project Review Criteria

Staff provided mailed notice to owners and applicants with projects pending on properties within 250 feet of Highway 101 informing them of this Council meeting. For the few applicants with whom staff has spoken to date, staff explained the basis for the policy and stressed the importance for the City and property owners to work together to implement this policy fairly. We suggested that the development restriction within the setback distance will likely apply in most cases for residential and other sensitive uses. However, as stated in the policy language, the City will also consider what applicants can and will do to address this air quality concern on a project-specific basis through design considerations such as location of habitable buildings, windows, outdoor living space, and landscaping, as well as interior air systems.

Criteria could be open to allowing site specific analysis for physical design considerations, such as locating buildings away from Highway 101, careful placement of outdoor living areas, barrier walls, vegetation screening, inoperable windows, and ventilation systems as means to allow development to proceed on a lot located within 250 feet.

Because the object of the policy is to avoid an increase in the number of people exposed to a potential health hazard, staff recommends applying the policy to all types of development applications for sensitive receptors that require a building permit, not just those undergoing a planning review. The General Plan policy adopted by the City Council states is that any new residential units or development of buildings for sensitive receptor uses would be subject to this policy. Sensitive receptors are generally described as people that can be more adversely affected by air quality emissions, including children, the elderly, or people who are ill. The concern exists if there is extended exposure with some land uses typically associated with sensitive receptors include schools, parks, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and clinics.

Staff is in communication with APCD. The District continues to recommend that the City use land use regulations and “mitigations” to avoid and reduce potential health hazards. The staff of the APCD recently provided City staff with resources to further explore these types of mitigations. APCD also agreed to work with us on technical input on possible criteria, and monitoring of studies and regulations at the State level. City staff recommends that Council adopt the recommended resolution and refer this issue to the Ordinance Committee for more discussion of possible case by case review criteria and monitoring approaches.

**PREPARED BY:** Bettie Weiss, City Planner

**SUBMITTED BY:** Paul Casey, Assistant City Administrator

**APPROVED BY:** City Administrator's Office