

**CITY OF SANTA BARBARA  
CITY COUNCIL**

**Helene Schneider**  
*Mayor*  
**Frank Hotchkiss**  
*Mayor Pro Tempore*  
**Grant House**  
*Ordinance Committee Chair*  
**Dale Francisco**  
*Finance Committee Chair*  
**Cathy Murillo**  
**Randy Rowse**  
**Bendy White**



**James L. Armstrong**  
*City Administrator*

**Stephen P. Wiley**  
*City Attorney*

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

**JULY 24, 2012  
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](http://www.citytv18.com) for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

## 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 regular meeting of July 10, 2012 (cancelled).

**2. Subject: Adoption Of Ordinance For A Lease Agreement With Channel Island Outfitters, Inc., Doing Business As Paddle Sports Of Santa Barbara (330.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option with Channel Island Outfitters, Inc., Doing Business As Paddle Sports of Santa Barbara, at a Monthly Rent of \$2,762.75, for Approximately 956 Square Feet of Retail Space and 374 Square Feet of Water Area Adjacent to the Navy Pier in the Santa Barbara Harbor, Effective August 24, 2012.

**3. Subject: Approval Of Consent To Assignment Of Lease No. 23,965 - Sushi Go Go (330.04)**

Recommendation: That Council approve a Consent to Assignment of Lease No. 23,965 from Kyung Wang and Sarah Wang, Doing Business As Sushi Go Go, to Kyong Min Kim for the 198 square foot restaurant located at 119-B Harbor Way for a Five Year Term with one Five Year Option.

## CONSENT CALENDAR (CONT'D)

4. **Subject: Acceptance Of Street Easements For The El Encanto Hotel Project And A Public Walkway Easement At 2050 Alameda Padre Serra (330.03)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Exclusive Easements for Public Streets and Related Purposes and Uses In, On, Over, Under, Along, Through and Across That Certain Real Property Commonly Known as 1900 Lasuen Road, and for a Non-Exclusive Easement for Public Pedestrian Walkway and All Related Purposes on That Certain Real Property Commonly Known as 2050 Alameda Padre Serra.

5. **Subject: Contract For Construction For The Conejo Road Repairs And Sewer Improvements 2012 Project (640.04)**

Recommendation: That Council:

- A. Award a contract with John Madonna Construction Company, Inc., waiving minor irregularities, in their low bid amount of \$351,739 for construction of the Conejo Road Repairs and Sewer Improvements 2012 Project, Bid No. 3666;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$70,348 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to execute a contract with Penfield & Smith in the amount of \$50,450 for construction support services, including geotechnical observation/inspection services and materials testing, and approve expenditures of up to \$5,045 for extra services of Penfield & Smith that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to execute a contract with Cotton, Shires and Associates in the amount of \$19,500 for slope inclinometer and piezometer monitoring services, and approve expenditures of up to \$1,950 for extra services of Cotton, Shires and Associates that may result from necessary changes in the scope of work.

6. **Subject: Acceptance of Electric Vehicle Charging Station Grant (630.05)**

Recommendation: That Council authorize the Public Works Director to execute an agreement with the Santa Barbara County Air Pollution Control District for the use of grant funds of up to \$10,000 to assist with the installation cost of the electric vehicle charging stations.

## CONSENT CALENDAR (CONT'D)

### 7. **Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval For 901 Olive Street (640.07)**

Recommendation: That Council:

- A. Set the date of September 11, 2012, at 2:00 p.m. for hearing the appeal filed by Grant Castleberg of the Architectural Board of Review approval of an application for property owned by 901 Holdings LLC and located at 901 Olive Street, Assessor's Parcel No. 029-302-018, C-2 Commercial Zone, General Plan Designation: Commercial/Medium High Residential (15-27 Dwelling Units per Acre). The project proposes the construction of 10 one-story, studio apartment units and 9 two-story, one-bedroom apartment units above a new two-level parking structure. The new apartment units and parking structure will be added to an existing two-story office building; total development would be 60,060 square feet with a maximum height of 51 feet on a 33,005 square-foot lot. The project also includes alterations to the existing office building. The Staff Hearing Officer granted a zoning modification for a reduction in the number of required parking spaces; and
- B. Set the date of September 10, 2012, at 1:30 p.m. for a site visit to the property located at 901 Olive Street.

## NOTICES

8. The City Clerk has on Thursday, July 19, 2012, 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.

**This concludes the Consent Calendar.**

## PUBLIC HEARING

### 9. **Subject: Introduction Of An Ordinance And Adoption of Resolutions For The Annexation Of 4151 Foothill Road And 675 And 681 Cieneguitas Road And A Final Economic Development Designation For 4151 Foothill Road And 681 Cieneguitas Road (680.04)**

Recommendation: That Council:

- A. Consider the Planning Commission's recommendation to approve the annexation of properties located at 4151 Foothill Road and 675 and 681 Cieneguitas Road;
- B. Make the environmental findings contained in the Council Agenda Report;

(cont'd)

**9. (cont'd)**

- C. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Zoning Upon Annexation of Assessor's Parcel Number 059-160-017 Located at 4151 Foothill Road, Assessor's Parcel Number 059-160-021 Located at 675 Cieneguitas Road and Assessor's Parcel Number 059-160-023 Located at 681 Cieneguitas Road in the Hope Neighborhood;
- D. Adopt, by a reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting Initiation of Proceedings for a Reorganization of Boundaries, Annexation to the City of Santa Barbara and Detachment from the Goleta Water District, Goleta Sanitary District, Santa Barbara County Fire Protection District, County Service Area 3 (Goleta Valley - Multipurpose) and County Service Area 32 (Unincorporated Area - Law Enforcement) for Certain Real Property Located at 4151 Foothill Road (Assessor's Parcel Number 059-160-017), 675 Cieneguitas Road (Assessor's Parcel Number 059-160-021) and 681 Cieneguitas Road (Assessor's Parcel Number 059-160-023);
- E. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map of the City of Santa Barbara Pertaining to Assessor's Parcel Number 059-160-017 Located at 4151 Foothill Road, Assessor's Parcel Number 059-160-021 Located at 675 Cieneguitas Road and Assessor's Parcel Number 059-160-023 Located at 681 Cieneguitas Road, Which Will Be Annexed to the City of Santa Barbara; and
- F. Find that the development project at 4151 Foothill Road and 681 Cieneguitas Road meets the definition of an Economic Development Project for the reasons stated in this report, and grant the project a Final Economic Development Designation for an allocation of 13,526 square feet of nonresidential floor area.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

AIRPORT DEPARTMENT

**10. Subject: Naming Of The New Airline Terminal (560.01)**

Recommendation: That Council receive a recommendation from the Airport Commission regarding the naming of the new airline terminal and give direction to staff.

## COUNCIL AND STAFF COMMUNICATIONS

### COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

#### CLOSED SESSIONS

**11. Subject: Conference With Real Property Negotiators - 319 West Haley Street (330.03)**

Recommendation: That Council hold a closed session pursuant to the authority of Government Code §54956.8 in to provide direction to the City Administrator and to the City Attorney regarding the possible City sale of the real property known as 319 W. Haley Street.

Property: 319 W. Haley Street  
City Negotiator: City Transportation Planning Manager and the City Attorney's office  
Negotiating Party: Pathpoint, Inc.  
Under Negotiation: Price, terms of payment, possible exchange terms  
Scheduling: Duration, 20 minutes; anytime  
Report: None anticipated

**12. Subject: Conference With Labor Negotiator (440.05)**

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the City's General bargaining unit, the Police Management Association, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

Scheduling: Duration, 45 minutes; anytime  
Report: None anticipated

#### ADJOURNMENT



**CITY OF SANTA BARBARA  
CITY COUNCIL MINUTES**

**REGULAR MEETING  
July 10, 2012  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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The regular meeting of the City Council, scheduled for 2:00 p.m. on July 10, 2012, was cancelled by the Council on November 1, 2011.

The next regular meeting of the City Council is scheduled for July 17, 2012, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

ATTEST: \_\_\_\_\_  
GWEN PEIRCE, CMC  
CITY CLERK SERVICES MANAGER

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A FIVE-YEAR LEASE AGREEMENT WITH ONE FIVE-YEAR OPTION WITH CHANNEL ISLAND OUTFITTERS, INC., DOING BUSINESS AS PADDLE SPORTS OF SANTA BARBARA, AT A MONTHLY RENT OF \$2,762.75, FOR APPROXIMATELY 956 SQUARE FEET OF RETAIL SPACE AND 374 SQUARE FEET OF WATER AREA ADJACENT TO THE NAVY PIER IN THE SANTA BARBARA HARBOR, EFFECTIVE AUGUST 24, 2012.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, An Ordinance of the Council of the City of Santa Barbara approving a five-year lease with one five-year option with Channel Island Outfitters, Inc., Doing Business As, Paddle Sports of Santa Barbara at a monthly rent of \$2,762.75, for approximately 956 square feet of retail space and 374 square feet of water area adjacent to the Navy Pier in the Santa Barbara Harbor, Effective August 24, 2012, is hereby approved.



Agenda Item No. \_\_\_\_\_

File Code No. 330.04

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 24, 2012

**TO:** Mayor and Councilmembers

**FROM:** Business Division, Waterfront Department

**SUBJECT:** Approval of Consent to Assignment of Lease No. 23,965 – Sushi Go Go

### RECOMMENDATION:

That Council approve a Consent to Assignment of Lease No. 23,965 from Kyung Wang and Sarah Wang, Doing Business As Sushi Go Go, to Kyong Min Kim for the 198 square foot restaurant located at 119-B Harbor Way for a Five Year Term with one Five Year Option.

### DISCUSSION:

Mr. and Mrs. Wang have operated Deli Sushi Go Go since September 2006 through a successful lease transfer process. The base rent is currently \$633.40 (\$3.20/square foot), subject to annual increases based on the Consumer Price Index. The lease requires a percentage rent of 11.4% of food, beverage, and ice cream sales, or the base rent, whichever is greater. The use of the site is limited to retail and wholesale sales of seafood, fish, fish products, smoked fish, Asian food items, sushi, and ice cream. Sale of beer and wine for on-site consumption is also permitted. In January 2012, Council adopted Ordinance No. 5577 approving a lease for a term of five years with one five year option.

Earlier this month, Mr. and Mrs. Wang of Sushi Go Go requested to assign the lease to Mr. Kyong Min Kim. The Department has run a credit check and has received the lease assignment review fee, financial information, and other documentation relevant to the transaction. Mr. Kim has been a sushi chef for over 20 years in the Los Angeles area. During those 20 years Mr. Kim has been responsible for all aspects of restaurant operation including training and managing staff, purchasing goods, and creating menus. Mr. Kim intends to continue to grow Sushi Go Go and operate it as a family-run business.

The current owners, the Wangs, are considered tenants in good standing for the purpose of assigning the lease. The CPA firm of Pyne, Waltrip, Decker and McCoy, LLP most recently audited Sushi Go Go in November 2009 and found the Wangs to be in full compliance with their lease.

In accordance with the Department's lease assignment procedure, no changes to the business terms of the lease will occur as part of this lease assignment.

The Harbor Commission approved the proposed lease transfer at their meeting on July 19, 2012.

**ATTACHMENT:** Site Plan

**PREPARED BY:** Brian Bosse, Waterfront Business Manager

**SUBMITTED BY:** Scott Riedman, Waterfront Director

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





# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 24, 2012

**TO:** Mayor and Councilmembers

**FROM:** Engineering, Public Works Department

**SUBJECT:** Acceptance Of Street Easements For The El Encanto Hotel Project  
And A Public Walkway Easement At 2050 Alameda Padre Serra

### RECOMMENDATION:

That Council Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Exclusive Easements for Public Streets and Related Purposes and Uses In, On, Over, Under, Along, Through and Across That Certain Real Property Commonly Known as 1900 Lasuen Road, and for a Non-Exclusive Easement for Public Pedestrian Walkway and All Related Purposes on That Certain Real Property Commonly Known as 2050 Alameda Padre Serra.

### DISCUSSION:

The El Encanto Hotel and Garden Villas (Hotel), located at 1900 Lasuen Road, are undergoing renovation and expansion (Attachment 1). As approved per Santa Barbara Planning Commission Resolution Nos. 057-04 and No. 004-09, street improvements and necessary easements are required for the project, as well as a pedestrian walkway easement on the property across the street (Alvarado Place) from the Hotel property (Attachment 2).

There are a total of three easements:

- a) The pedestrian walkway easement will allow for pedestrian improvements to be completed by the Hotel that will be within the City's street right of way known as Alvarado Place once the easement has been accepted.
- b) One of the street easements is for intersection improvements at the southeast corner of the Hotel property at Alvarado Place and Lasuen Road.
- c) The second street easement runs along the south end of the Hotel property bordered by Lasuen Road, where the existing road is constructed on Hotel property.

Council Agenda Report

Acceptance Of Street Easements For The El Encanto Hotel Project And A Public Walkway Easement At 2050 Alameda Padre Serra

July 24, 2012

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Detailed surveyed legal descriptions can be found within the respective Easement Deeds.

The Hotel project has been undergoing different phases of renovation and is preparing to begin the necessary street improvements per the approved permit conditions. The three easements allowing for these improvements are ready to be accepted by Council and recorded with Santa Barbara County.

**ATTACHMENTS:**     1.   Vicinity Map  
                          2.   Pedestrian Easement and Street Easement Locations

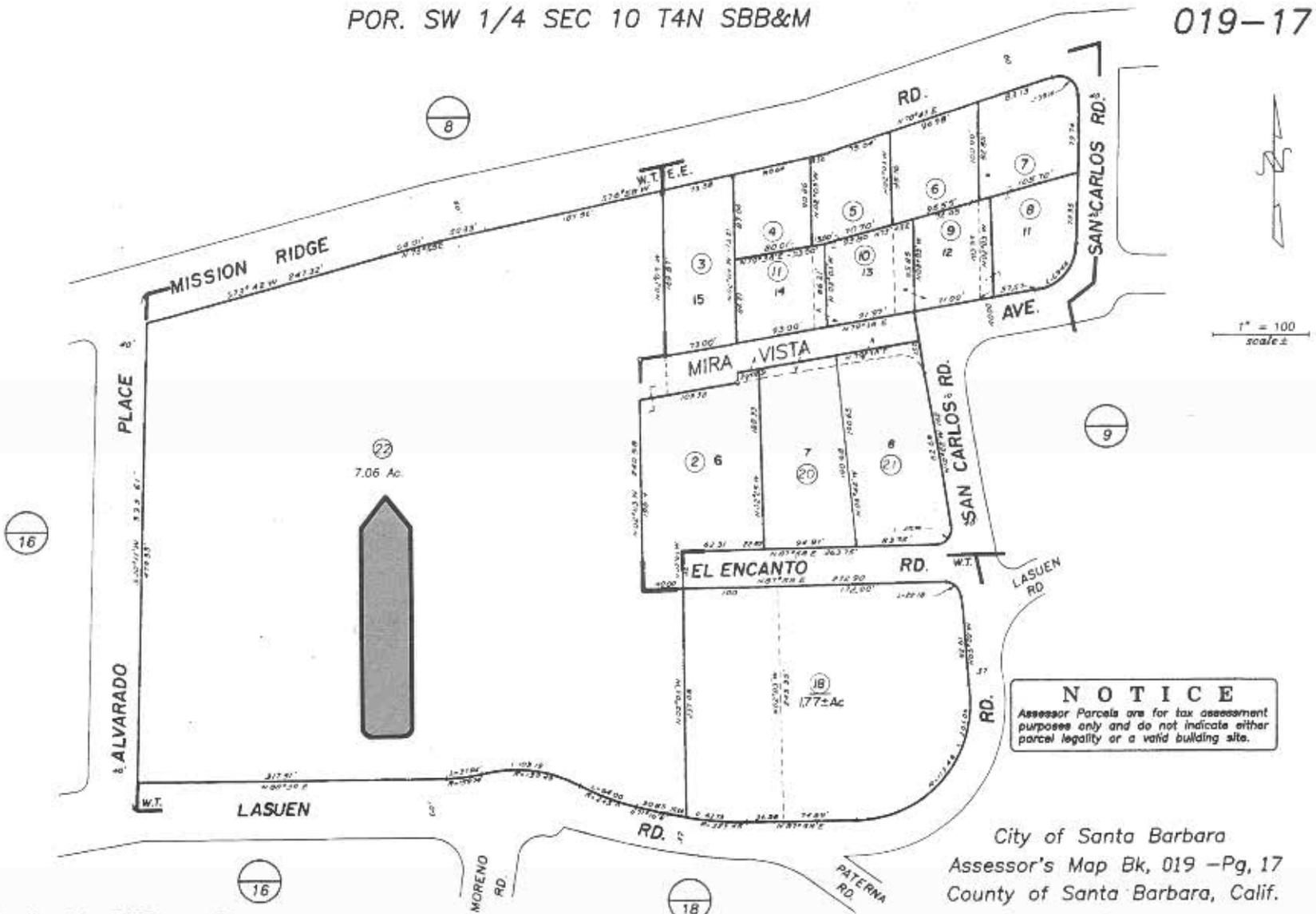
**PREPARED BY:**     John Ewasiuk, Principal Civil Engineer/DT/mj

**SUBMITTED BY:**   Christine F. Andersen, Public Works Director

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

POR. SW 1/4 SEC 10 T4N SBB&M

019-17



**NOTICE**  
 Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

City of Santa Barbara  
 Assessor's Map Bk, 019 -Pg, 17  
 County of Santa Barbara, Calif.

06/98 01, 12, & 14 WTD 22

R. M. Bk. 19 , Pg. 92 - El Encanto Tract  
 R. M. Bk. 3 , Pg. 6 - J.M. Warren Tract

# El Encanto Hotel Property

## Riviera Park Property

163-004  
A PADRE SERRA

ALVARADO PI

Alvarado Pedestrian  
Walkway Easement  
approximate area

019-170-022  
1900 LASUEN RD

Lasuen Street Easements  
approximate areas

LASUEN RD

019-164-001  
2000 ALAMEDA PADRE SERRA

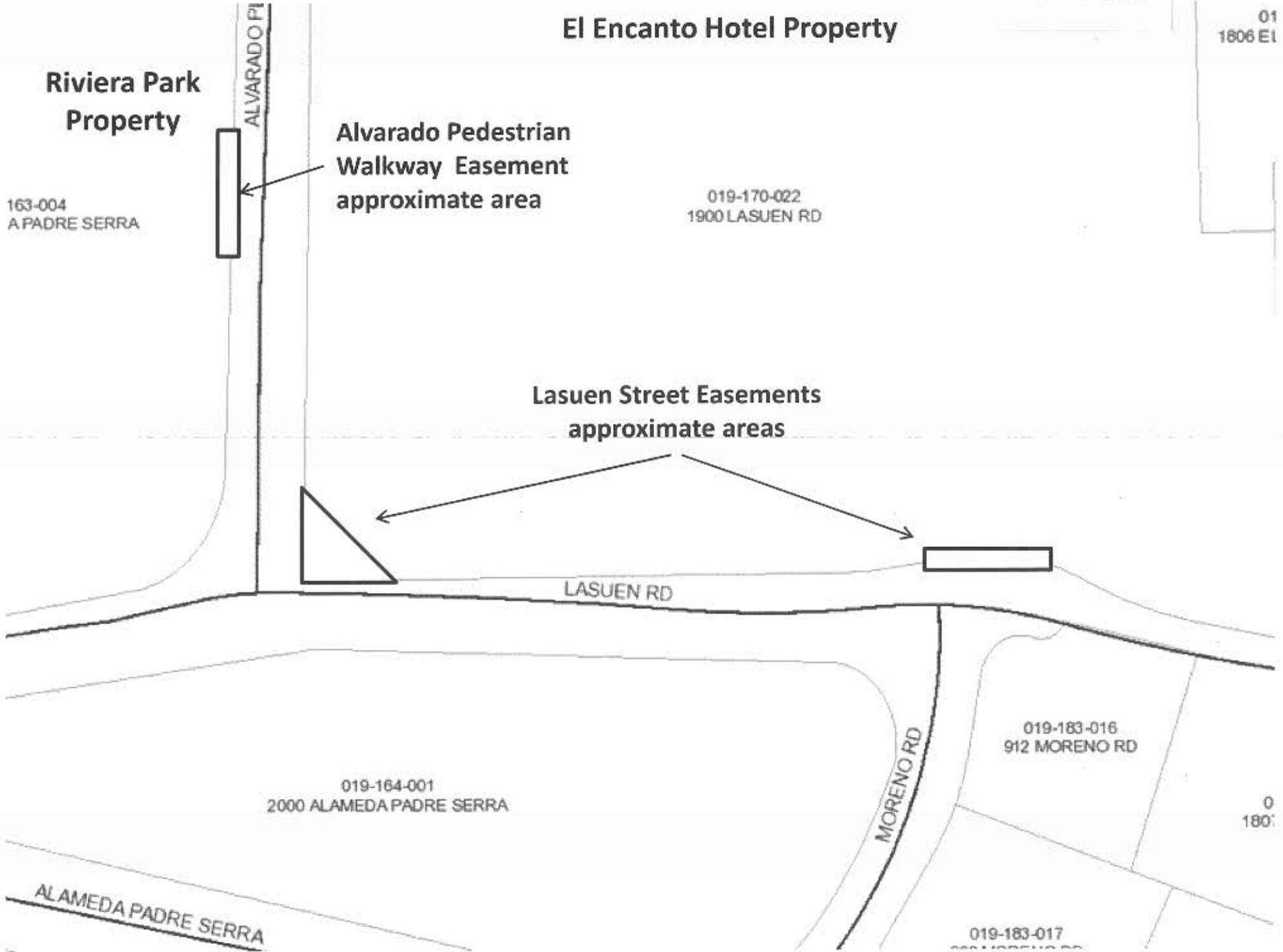
019-183-016  
912 MORENO RD

0  
180'

MORENO RD

019-183-017

ALAMEDA PADRE SERRA



RESOLUTION OF ACCEPTANCE NO. \_\_\_\_\_  
California Government Code Section 27281

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING EXCLUSIVE EASEMENTS FOR PUBLIC STREETS AND RELATED PURPOSES AND USES IN, ON, OVER, UNDER, ALONG, THROUGH AND ACROSS THAT CERTAIN REAL PROPERTY COMMONLY KNOWN AS 1900 LASUEN ROAD, AND FOR A NON-EXCLUSIVE EASEMENT FOR PUBLIC PEDESTRIAN WALKWAY AND ALL RELATED PURPOSES ON THAT CERTAIN REAL PROPERTY COMMONLY KNOWN AS 2050 ALAMEDA PADRE SERRA

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

SECTION 1. In accordance with California Government Code Section 27281, the City of Santa Barbara hereby accepts those certain easements for public street and all related purposes described in the Street Easement Deeds to the City of Santa Barbara, a municipal corporation, by El Encanto, Inc., a Delaware corporation the owner of the real property commonly known as 1900 Lasuen Road, and referred to as Santa Barbara County Assessor's Parcel Number 019-170-022.

SECTION 2. In accordance with California Government Code Section 27281, the City of Santa Barbara hereby accepts that certain easement for public pedestrian walkway and all related purposes described in the Public Walkway Easement Deed to the City of Santa Barbara, a municipal corporation, by Michael Towbes, a Trustee of the Towbes 2002 Trust U/A dated January 14, 2002 the owner of the real property commonly known as 2050 Alameda Padre Serra, and referred to as Santa Barbara County Assessor's Parcel Number 019-163-004.

SECTION 3. The City of Santa Barbara hereby consents to the recordation by the City Clerk in the Official Records of said Street Easement Deed.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 24, 2012

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Contract For Construction For The Conejo Road Repairs And Sewer Improvements 2012 Project

**RECOMMENDATION:** That Council:

- A. Award a contract with John Madonna Construction Company, Inc., waiving minor irregularities, in their low bid amount of \$351,739 for construction of the Conejo Road Repairs and Sewer Improvements 2012 Project, Bid No. 3666;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$70,348 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to execute a contract with Penfield & Smith in the amount of \$50,450 for construction support services, including geotechnical observation/inspection services and materials testing, and approve expenditures of up to \$5,045 for extra services of Penfield & Smith that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to execute a contract with Cotton, Shires and Associates in the amount of \$19,500 for slope inclinometer and piezometer monitoring services, and approve expenditures of up to \$1,950 for extra services of Cotton, Shires and Associates that may result from necessary changes in the scope of work.

**DISCUSSION:**

**BACKGROUND**

On December 6, 2011, Council approved the contract with Cotton, Shires and Associates (CSA), geotechnical sub-consultants to Penfield & Smith (P&S), for the installation of slope inclinometers and piezometers at three locations within the Conejo slide area ("Slide Area"). The instruments are being used to gather detailed data about the slide mass characteristics, including the depth, rate, and direction of the movement. CSA has developed potential long-term repairs based on the results of the data gathered thus far. The long-term repairs proposed in concept by CSA would not

## Council Agenda Report

### Contract For Construction For The Conejo Road Repairs And Sewer Improvements 2012 Project

July 24, 2012

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provide a permanent solution to the earth movement and were determined by staff to be cost prohibitive to complete. This project will re-establish standard roadway slope and alignment within the right of way by altering the land surface within the area, but will not address long term deep slide movement.

On March 13, 2012, Council approved the contract with P&S to prepare final design plans for the repair of Conejo Road at the hairpin turn immediately adjacent to its intersection with Conejo Lane (a private road). Due to the ongoing earth movement in the area, the hairpin turn on Conejo Road exceeds a 16 percent slope, which limits accessibility by emergency vehicles. Furthermore, Conejo Road has moved outside of the City's right of way in this area as a result of the continual earth movement. The proposed project is necessary to correct excessive road slope and to restore the alignment of the road back within the City right of way.

Additionally, on April 10, 2012, Council approved and authorized the Public Works Director to execute an Easement Purchase Agreement with the property owners of 515 Conejo Road for the purchase of an eight-foot wide public utility easement on their property. The purpose of purchasing the easement was to direct sewage flow from approximately 35 homes away from the active landslide area. The proposed construction will effectuate the diversion of the sewer flow outside the landslide area. Alternatives are still being evaluated to manage the flow from the remaining five properties located in or adjacent to the Slide Area.

#### PROJECT DESCRIPTION

The road work consists of reconstructing a portion of Conejo Road damaged by earth movement and relocating it back within the City's right of way. The roadway will be re-graded by using geofoam, a lightweight foam fill, to raise the elevation of Conejo Road at the hairpin turn in order to achieve slopes to restore accessibility of emergency response vehicles. The use of geofoam was recommended by P&S's geotechnical sub-consultant, CSA, in order to minimize the weight of fill added to the existing slide mass. The work also includes drainage improvements to divert storm water away from the slide area. A portion of the work will take place on Conejo Lane, a private road, in order to construct a smooth roadway transition from the newly reconstructed Conejo Road. Staff has acquired the right of entry for the private roadway transition work.

The sewer work includes directionally drilling a new eight-inch sewer main within the new easement, extending from Conejo Road to Conejo Lane at 515 Conejo Road. Three new manholes will also be installed as part of this work. Additionally, since the road work will bury the existing sewer main underneath Conejo Road (at the hairpin turn), a new eight-inch sewer main will be placed at an appropriate depth along the inside shoulder of the road. By doing so, the sewer main will be located in a more accessible location for any future maintenance needs.

## CONTRACT BIDS

A total of three bids were received for the road repairs and sewer work, ranging as follows:

	<b>BIDDER</b>	<b>BID AMOUNT</b>
1.	John Madonna Construction Co., Inc. San Luis Obispo	\$351,739*
2.	Shaw Contracting, Inc. Carpinteria	\$373,352
3.	Lash Construction, Inc. Santa Barbara	\$421,212

\*corrected bid total

The low bid of \$351,739, submitted by John Madonna Construction Company, Inc. is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$70,348, or 20 percent, is above the 10 percent change order typically recommended for this type of work due to the unpredictable nature of working within an active slide area.

## CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with P&S in the amount of \$50,450 for construction support services, including geotechnical observation/inspection services and materials testing to be performed by P&S's geotechnical sub-consultant, CSA, and approve expenditures of up to \$5,045 for extra services, for a total contract amount of \$55,495.

Staff recommends that Council authorize the Public Works Director to execute a contract with CSA in the amount of \$19,500 for additional monitoring of the three slope inclinometers and piezometers that were installed in the Conejo Slide area in December 2011, and approve expenditures of up to \$1,950 for extra services, for a total contract amount of \$21,450. The additional monitoring will provide more comprehensive data regarding the movement characteristics of the slide mass and will allow for monitoring of the slide movement before and after construction.

## COMMUNITY OUTREACH

Over the past few months, staff has held several public meetings with the homeowners and residents in the Conejo Road area regarding the ongoing earth movement in the

area, and the upcoming repairs. On May 30, 2012, staff held a public meeting with residents in the area and provided an update on the scope of the upcoming construction project, along with the anticipated construction schedule and phasing. Staff plans to hold another public meeting with the Conejo Road area residents once the construction contract has been awarded and a more detailed construction schedule has been developed. The contractor will be responsible for providing a 72-hour notice door hanger to those properties directly affected by the construction.

#### FUNDING

This project is funded jointly by Streets and Wastewater Funds. There are sufficient appropriated funds in the Streets and Wastewater Funds to cover the cost of this project.

The following summarizes the expenditures recommended in this report:

#### CONSTRUCTION CONTRACT FUNDING SUMMARY

	<b>Basic Contract</b>	<b>Change Funds</b>	<b>Total</b>
Construction Contract	\$351,739	\$70,348	\$422,087
Consultant Contract (P&S)	\$50,450	\$5,045	\$55,495
Consultant Contract (CSA)	\$19,500	\$1,950	\$21,450
<b>TOTAL RECOMMENDED AUTHORIZATION</b>			<b>\$499,032</b>

The following summarizes all project design costs, construction contract funding, and other project costs:

**ESTIMATED TOTAL PROJECT COST**

*\*Cents have been rounded to the nearest dollar in this table.*

Conceptual Design (P&S)	\$24,750
Installation of Inclinometers (CSA)	\$69,850
Final Design (P&S)	\$56,592
City Staff Costs	\$120,000
<b>Subtotal</b>	<b>\$271,192</b>
Construction Contract	\$351,739
Construction Change Order Allowance	\$70,348
Construction Management/Inspection/Materials Testing (P&S)	\$55,495
Additional Inclinometer Monitoring (CSA)	\$21,450
<b>Subtotal</b>	<b>\$499,032</b>
Construction Management/Inspection (by City Staff)	\$63,313
<b>Subtotal</b>	<b>\$63,313</b>
<b>TOTAL PROJECT COST</b>	<b>\$833,537</b>

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/AS/sk

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 24, 2012

**TO:** Mayor and Councilmembers

**FROM:** Facilities Division, Public Works Department

**SUBJECT:** Acceptance of Electric Vehicle Charging Station Grant

### **RECOMMENDATION:**

That Council authorize the Public Works Director to execute an agreement with the Santa Barbara County Air Pollution Control District for the use of grant funds of up to \$10,000 to assist with the installation cost of the electric vehicle charging stations.

### **DISCUSSION:**

The City of Santa Barbara was awarded eight electric vehicle (EV) charging stations from Coulomb Technologies (Coulomb) through the ChargePoint America Project in order to facilitate a rapid increase in the use of electric vehicles. The ChargePoint America Project is a \$37 million plan that is backed by a \$15 million U.S. Department of Energy grant, which is provided through the American Reinvestment and Recovery Act. The purpose of the project is to demonstrate the viability of an EV charging structure, as well as to assess the environmental and economic benefits of such a structure.

In further support of the growing EV charging infrastructure, the Santa Barbara County Air Pollution Control District (APCD) is offering a grant of up to \$10,000 to help offset installation costs that would otherwise be incurred by the City. These funds will be used to reimburse vendors for boring, trenching, conduit placement and utility connection fees.

### **BUDGET/FINANCIAL INFORMATION:**

The APCD will apply the grant funds to pay the vendor invoices directly, at no cost to the City. As part of the grant agreement, APCD requires matching funds; however, APCD has agreed that those funds given to the City by Coulomb as part of the ChargePoint America Project will be used to match the APCD's \$10,000 grant and the City will incur no out of pocket expense.

**SUSTAINABILITY IMPACT:**

Electric vehicles use electricity from California's electrical grid. As the percentage of renewable electrical energy increases in California, more of the transportation sector emissions will use renewable energy, reducing greenhouse gas emissions.

**PREPARED BY:** Jim Dewey, Facilities & Energy Manager/AP/mh

**SUBMITTED BY:** Christine Andersen, Public Works Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 24, 2012

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Introduction Of An Ordinance And Adoption of Resolutions For The Annexation Of 4151 Foothill Road and 675 and 681 Cieneguitas Road and a Final Economic Development Designation for 4151 Foothill Road and 681 Cieneguitas Road

**RECOMMENDATION:** That Council:

- A. Consider the Planning Commission's recommendation to approve the annexation of properties located at 4151 Foothill Road and 675 and 681 Cieneguitas Road;
- B. Make the environmental findings contained in the Council Agenda Report;
- C. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Zoning Upon Annexation of Assessor's Parcel Number 059-160-017 Located at 4151 Foothill Road, Assessor's Parcel Number 059-160-021 Located at 675 Cieneguitas Road and Assessor's Parcel Number 059-160-023 Located at 681 Cieneguitas Road in the Hope Neighborhood;
- D. Adopt, by a reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting Initiation of Proceedings for a Reorganization of Boundaries, Annexation to the City of Santa Barbara and Detachment from the Goleta Water District, Goleta Sanitary District, Santa Barbara County Fire Protection District, County Service Area 3 (Goleta Valley - Multipurpose) and County Service Area 32 (Unincorporated Area - Law Enforcement) for Certain Real Property Located at 4151 Foothill Road (Assessor's Parcel Number 059-160-017), 675 Cieneguitas Road (Assessor's Parcel Number 059-160-021) and 681 Cieneguitas Road (Assessor's Parcel Number 059-160-023);
- E. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map of the City of Santa Barbara Pertaining to Assessor's Parcel Number 059-160-017 Located at 4151 Foothill Road, Assessor's Parcel Number 059-160-021 Located at 675 Cieneguitas Road and Assessor's Parcel Number 059-160-023 Located at 681 Cieneguitas Road, Which Will Be Annexed to the City of Santa Barbara; and

## Council Agenda Report

Introduction Of An Ordinance And Adoption of Resolutions For The Annexation Of 4151 Foothill Road and 675 and 681 Cieneguitas Road and a Final Economic Development Designation for 4151 Foothill Road and 681 Cieneguitas Road

July 24, 2012

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- F. Find that the development project at 4151 Foothill Road and 681 Cieneguitas Road meets the definition of an Economic Development Project for the reasons stated in this report, and grant the project a Final Economic Development Designation for an allocation of 13,526 square feet of nonresidential floor area.

### **EXECUTIVE SUMMARY:**

The project site includes three parcels, comprised of a vacant parcel addressed as 681 Cieneguitas Road, a parcel developed with an abandoned gas station addressed as 4151 Foothill Road, and a parcel developed with a veterinary hospital addressed as 675 Cieneguitas Road. The three parcels are proposed to be annexed to the City with a commercial land use designation.

On June 21, 2012, the Planning Commission approved a Development Plan for the construction of a 60,122 square foot medical office building for Sansum Clinic at 4151 Foothill Road and 681 Cieneguitas Road (refer to Attachments 1-3 for additional information). In order to effectuate this Development Plan approval, the applicant is requesting a final Economic Development designation for 13,526 square feet of nonresidential floor area.

The annexation request complies with the City Council Resolution 96-118, which requires that the subject parcels that are within the City's Sphere of Influence and are adjacent to existing City boundaries be annexed. Therefore, Staff recommends that the project site be annexed to the City with a Zoning Designation of Limited Commercial/Special District 2 (C-1/S-D-2) and a General Plan Designation of Commercial//Medium High Density Residential.

The findings to support a designation as an economic development project can be made; therefore, staff is supportive of the designation for 13,526 square feet from the Economic Development category.

### **DISCUSSION:**

#### Background

The proposed annexation is at the request of the property owner of 4151 Foothill Road and 681 Cieneguitas Road. The owner of 675 Cieneguitas waived the right to protest annexation of the lot at the time their parcel was connected to City sewer. Because of this agreement, the LAFCO Executive Director encouraged the inclusion of 675 Cieneguitas Road in the proposed annexation of 4151 Foothill Road and 681 Cieneguitas Road.

On March 18, 2003, the City Council initiated annexation of the subject lots with a proposed General Plan designation of General Commerce and a proposed zoning designation of C-1/ S-D-2 by a vote of 6-0.

## Council Agenda Report

Introduction Of An Ordinance And Adoption of Resolutions For The Annexation Of 4151 Foothill Road and 675 and 681 Cieneguitas Road and a Final Economic Development Designation for 4151 Foothill Road and 681 Cieneguitas Road

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On June 21, 2012, the Planning Commission, on a 4-2 vote, adopted a Mitigated Negative Declaration and approved a Development Plan for development of a medical office on the parcels addressed as 4151 Foothill Road and 681 Cieneguitas Road. The Planning Commission also recommended that the City Council annex the three parcels to the City and detach from applicable special districts, with a General Plan designation of Commercial/Medium High Density Residential and a zoning designation of C-1/S-D-2 (Attachment 1 – Resolution 009-012).

### Project Request

#### *Annexation*

Because all three parcels are within the County jurisdiction, the project includes a request that Council initiate a “Reorganization” that includes six separate “Changes of Organization” included in one proceeding. These Changes of Organizations are as follows:

1. Annexation to the City of Santa Barbara,
2. Detachment from the Goleta Water District,
3. Detachment from the Goleta Sanitary District,
4. Detachment from the Santa Barbara County Fire Protection District,
5. Detachment from County Service Area No. 3 (Goleta Valley - Multipurpose), and
6. Detachment from County Service Area No. 32 (Unincorporated Law Enforcement).

City Council Resolution 96-118 establishes procedures for reviewing applications for annexation of territory to the City of Santa Barbara. This resolution limits the acceptance of applications requesting the initiation of annexations to parcels that are within the City’s Sphere of Influence and are adjacent to the existing City boundaries.

The application complies with the procedures and requirements established in Resolution 96-118. The project would add land that is in the City’s Sphere of Influence into City limits. One City goal noted in the General Plan is to simplify the present City boundaries and provision of services by encouraging annexation of unincorporated islands and peninsulas of land contiguous to the City. The project site is located in an area (south of Foothill Road in the Hope neighborhood) that is identified to be annexed at the earliest opportunity. The proposed project could be found potentially consistent with the Land Use Element of the General Plan.

If approved, the project site would become part of the Hope Neighborhood, which is described in the Land Use Element of the City’s General Plan as being bounded by the City limit line to the north and west, Arroyo Burro Creek to the east, and Via Lucero to the south. The annexation would move the City’s jurisdictional limits to the west at the northern edge of this neighborhood.

## Council Agenda Report

Introduction Of An Ordinance And Adoption of Resolutions For The Annexation Of 4151 Foothill Road and 675 and 681 Cieneguitas Road and a Final Economic Development Designation for 4151 Foothill Road and 681 Cieneguitas Road

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It should be noted that the 675 Cieneguitas parcel currently contains a pole sign. Pole signs are prohibited in the City (SBMC §22.70.030.C.23). The proposed Ordinance amendment gives this property a five year period in which to either remove the pole sign or receive an exception pursuant to SBMC §22.70.080.C.3).

### *Zoning and General Plan Amendments*

The project site currently has a County Comprehensive Plan designation of Neighborhood Commercial, and is zoned Shopping Center (SC). Refer to Planning Commission Staff Report dated June 14, 2012 (Attachment 3) for additional discussion.

A City General Plan designation of Commercial / Medium High Density Residential and a City Zoning designation of Limited Commercial/Special District 2 (C-1/S-D-2) is proposed. The proposed land use and zoning designations would allow a variety of commercial uses, including office. Therefore, the proposed medical clinic and the existing veterinary clinic would be allowed uses. The S-D-2 overlay designation that is a part of the zoning request is commonly known as the Upper State Street Area. The subject parcels are within the defined boundaries of the S-D-2 area. Staff and the Planning Commission find that the proposed designations are appropriate and compatible with the surrounding neighborhood, which is primarily residential.

### *Request for Economic Development Designation*

The Measure E Economic Development category was added to the Charter through a ballot measure in 1995, and was intended to provide for unanticipated future needs related to the City's economic health. The Economic Development category is supplied with square footage from expired Approved and Pending Projects (as defined in SBMC, §28.87.300) and unallocated Small Additions (any unused amount from the annual 30,000 square foot allotment). Currently, there is 539,737 square feet of unallocated square footage in the Economic Development category.

On March 18, 2003, when the project site was initiated for annexation, the City Council also gave the project a preliminary allocation of 22,499 square feet from the Economic Development category. At that time, the development included Fielding Institute as the primary tenant. See Attachment 4 for a table of projects with Preliminary or Final Economic Development Designations.

As outlined in SBMC §28.87.300 (Development Plan Review and Approval), a project that has an Economic Development Designation will enhance the standard of living<sup>1</sup> for City and South Coast residents and will strengthen the local or regional economy by either creating new permanent employment opportunities or enhancing the City's revenue base, and will accomplish one or more of the following:

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<sup>1</sup> "Standard of living" is defined in §28.87.300.B.3 as "wages, employment, environment, resources, public safety, housing, schools, parks and recreation, social and human services, and cultural arts"

## Council Agenda Report

### Introduction Of An Ordinance And Adoption of Resolutions For The Annexation Of 4151 Foothill Road and 675 and 681 Cieneguitas Road and a Final Economic Development Designation for 4151 Foothill Road and 681 Cieneguitas Road

July 24, 2012

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- a. Support diversity and balance in the local or regional economy by establishing or expanding businesses or industries in sectors which currently do not exist on the South Coast or are present only in a limited manner; or
- b. Provide new recreational, educational, or cultural opportunities for City residents and visitors; or
- c. Provide products or services which are currently not available or are in limited supply either locally or regionally.

The City Council must make a final determination that the use of the building by Sansum qualifies as an Economic Development Project. The updated request is for 13,526 square feet rather than the 22,499 square feet granted preliminarily. Refer to Planning Commission Staff Report dated June 14, 2012 (Attachment 3) for additional discussion of the development project.

Planning Commission and Staff believe that the proposed development qualifies as an Economic Development Project because the use as a medical office, and more specifically as an outpatient surgery center, would support diversity and balance in the local economy by providing services that are currently in limited supply in the region. The project would also enhance the standard of living for City and South Coast residents and strengthen the local economy by creating new permanent employment opportunities. Additionally, the project would have no significant impacts on traffic, water or housing.

#### Environmental Review

A Mitigated Negative Declaration (MND) was prepared for the project in accordance with the California Environmental Quality Act (CEQA). Project impacts were a mix of no impacts, less than significant impacts and potentially significant but mitigable impacts. Required mitigations for the project relate to hazards, and the on-going remediation of the site due to contaminated soil and groundwater. Additionally, recommended mitigations are included to further reduce the adverse but less than significant impacts related to biological resources (construction-related), geophysical conditions and noise (construction-related). These recommended mitigations were included as conditions of approval. The Planning Commission adopted the Final MND on June 21, 2012.

Pursuant to CEQA, the City Council must consider the Final MND and any comments received and determine, prior to approving the project, that there is no substantial evidence that the project would have a significant effect on the environment.

#### Procedures

Under the City's Charter Section 1507, amendments to the City's General Plan and Zoning Ordinance require a minimum of five affirmative votes of the City Council, and findings that the amendments comply with the City's policy of living within our

resources. Rezones are carried out by Ordinance, and General Plan Amendments are adopted by Resolution.

#### Next Steps

If the annexation is approved by Council, the proposed Zoning Ordinance Amendment will return to Council for adoption and then the City will submit an application to the Local Agency Formation Commission (LAFCO) for the Reorganization. Prior to LAFCO consideration, a tax exchange agreement (see discussion below) will be presented to the City Council and County Board of Supervisors. Following LAFCO consideration and approval of these actions, LAFCO will transmit a Certificate of Completion to the County Recorder and a Statement of Boundary Change to the State Board of Equalization.

#### **BUDGET/FINANCIAL INFORMATION:**

##### Property Tax

State law governing annexations requires that the City and the County negotiate a tax exchange agreement. The tax exchange agreement determines what portion of the property tax paid on the property will be allocated to the City. The property tax exchange agreement between the City and County will be prepared during the LAFCO application process. The tax exchange agreement will be negotiated and subsequently, a resolution providing for a negotiated exchange of property tax revenues will be prepared for Council approval.

##### Annexation Buy-in Fees

Chapter 4.04 of the Municipal Code (Annexation and Charges) requires owners of annexed property to pay an annexation "buy-in" fee for potential units to be developed on the property. Because the project does not include residential development, annexation buy-in fees are not required. Appropriate utility connection and buy-in fees would be required.

## **CONCLUSION AND FINDINGS:**

The project is consistent with current annexation requirements in that the parcel is located within the City's Sphere of Influence and adjacent to City boundaries. The proposed Zoning and General Plan designations can be found compatible with the pattern of development of the existing neighborhood. Additionally, the proposed development at 4151 Foothill Road and 681 Cieneguitas Road qualifies as an Economic Development Project. Therefore, staff recommends that Council make the environmental findings below, consent to the reorganization, including the General Plan and Zoning Map amendments, adopt the resolutions, introduce and subsequently adopt the ordinance and find that the development project meets the definition of an Economic Development Project.

### *California Environmental Quality Act (CEQA) Findings:*

1. The City Council has read and considered the Final Mitigated Negative Declaration together with comments received during the public review process. In this agency's independent judgment and analysis and on the basis of the record before the City Council, there is no substantial evidence that the project will have a significant effect on the environment.
2. The custodian of the environmental documents and record of the proceedings upon which this decision is based is the Environmental Analyst for the city of Santa Barbara Planning Division located at 630 Garden St., Santa Barbara, CA.

- ATTACHMENTS:**
1. Planning Commission Resolution 009-12, June 21, 2012
  2. Planning Commission Minutes, June 21, 2012
  3. Planning Commission Staff Report dated June 14, 2012
  4. Economic Development Designations

**NOTE:** The documents listed below have been separately delivered to the City Council and are available for public review in the City Clerk's Office and the Planning Division offices at 630 Garden St. (MND is also available on the City Website at the address below):

- Final Mitigated Negative Declaration dated June 11, 2012  
([http://www.santabarbaraca.gov/Resident/Environmental\\_Documents/4151\\_Foothill\\_Road/](http://www.santabarbaraca.gov/Resident/Environmental_Documents/4151_Foothill_Road/))
- Project Plans

**PREPARED BY:** Allison De Busk, Project Planner

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

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



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 009-12

4151 FOOTHILL ROAD, 675 CIENEGUITAS ROAD AND 681 CIENEGUITAS ROAD  
ANNEXATION, GENERAL PLAN AMENDMENT, ZONING MAP AMENDMENT, ECONOMIC DEVELOPMENT  
DESIGNATION, DEVELOPMENT PLAN

JUNE 21, 2012

**APPLICATION OF STEVE FORT, SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES,  
FOR FOOTHILL CENTRE, LP, 4151 FOOTHILL ROAD AND 681 CIENEGUITAS ROAD, APN 059-  
160-017 AND -023; SC (SHOPPING CENTER) ZONE (COUNTY), GENERAL PLAN DESIGNATION:  
NEIGHBORHOOD COMMERCIAL (COUNTY) (MST2008-00496)**

The project consists of the annexation of three parcels (4151 Foothill Road and 675 and 681 Cieneguitas Road) totaling 4.31 acres into the city of Santa Barbara, and detachment from the Goleta Water District, the Goleta Sanitary District, the Santa Barbara County Fire Protection District, County Service Area 3 and County Service Area 32. Upon annexation, a City General Plan designation of Commercial/Medium High Density Residential is proposed, with a zoning designation of Limited Commercial/Upper State Street Overlay (C-1/S-D-2).

Proposed development would include two new 37-foot tall two-story office buildings totaling 60,122 net sq. ft., constructed at 4151 Foothill Road and 681 Cieneguitas Road, for use by Sansum Clinic. A 225-space parking lot would be constructed, with access from Cieneguitas Road. The existing abandoned gas station would be demolished. The existing 2,500 sq. ft. building at 675 Cieneguitas Road, currently used as a veterinary hospital, would remain.

The discretionary applications required for this project are:

**Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and LAFCO:**

1. Reorganization of APNs 059-160-017, -021 and -023, including Annexation to the city of Santa Barbara and Detachment from Goleta Water District, Goleta Sanitary District, Santa Barbara County Fire Protection District, County Service Area 3 (Goleta Valley - Multipurpose) and County Service Area 32 (Unincorporated Area - Law Enforcement);
2. A General Plan Amendment to designate the three parcels (APNs 059-160-017, -021 and -023) as Commercial/Medium High Density Residential upon annexation;
3. A Zoning Map Amendment to zone the three parcels (APNs 059-160-017, -021 and -023) C-1/S-D-2 (Limited Commercial and Upper State Street Overlay) upon annexation;

**Action requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council:**

4. Final Economic Development Designation by the City Council for 13,526 square feet from the Economic Development category for a medical office/clinic on APNs 059-160-017 and -023 (SBMC 28.87.300); and

**Actions by the Planning Commission, contingent upon recommendation of the actions listed above:**

5. A Development Plan to allow the construction of 58,372 square feet of net new nonresidential development on APNs 059-160-017 and -023 (SBMC §28.87.300).

The Planning Commission will consider approval of the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak in favor of the application, and 6 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 14, 2012
2. Site Plans
3. Updated Conditions of Approval dated June 21, 2012
4. Correspondence received in opposition to the project or with concerns:
  - a. Patty Ferguson and Ron Lopez, via email
  - b. David Jones, via email
  - c. Ray and Colleen Evans, via email
  - d. Richard Battles for Michael D. Rittenberg, Foothill Pet Hospital, via email
  - e. Paula Westbury, Santa Barbara, CA

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

- I. Approved the subject application making the following findings and determinations:

**A. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION**

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated June 11, 2012 for the 4151 Foothill Road Project (MST2008-00496) and comments received during the public review process.
2. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment.
3. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval. A Mitigation Monitoring and Reporting Program,

prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.

**B. DEVELOPMENT PLAN (SBMC §28.87.300.D)**

1. The proposed development complies with all provisions of Title 28.

*As identified in Section VI.A of the staff report, the project complies with all provisions of the City's Zoning Ordinance (Title 28).*

2. The proposed development is consistent with the principles of sound community planning.

*The project is an infill project proposed in an area where commercial and residential development are permitted uses. The project site has been previously developed, and has been undergoing remediation for many years. Redevelopment of the site would eliminate an unkempt, essentially vacant lot with a new commercial/office development that has been found to be compatible with surrounding development and with the City's aesthetic criteria. As identified in the Mitigated Negative Declaration, the project will have no significant unmitigated environmental impacts. The project is adequately served by public streets, public transportation and utilities.*

3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood.

*As described in Section VIII of the staff report, the design has been reviewed by the City's Architectural Board of Review, which found the architecture and site design appropriate, and found the project consistent with applicable Design Guidelines and compatible with the architectural character of the City and the surrounding neighborhood. Additionally, the Mitigated Negative Declaration prepared for the project analyzed the project's aesthetic and view impacts and found that the project would not have a significant environmental impact on aesthetics. The immediate neighborhood contains a mixture of one and two-story residential developments.*

*Final review of the project, including architectural details, outdoor lighting, mechanical equipment and landscaping will be provided by the Architectural Board of Review.*

4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.

*The project includes development of a medical office complex for use by Sansum Clinic. The proposed new offices would result in the consolidation of several offices currently used by Sansum. It is estimated that the Foothill Centre development project will result in 25-30 new employees on the south coast, which represents a very small increase in area employees. The project does not include the demolition of any housing, nor does it include construction of new housing. The applicant prepared a Housing Mitigation Calculation based on the Regional Growth Impact Study (1980), which estimated that the Foothill Centre development would generate a demand for 10 low to moderate income housing units. The project developer has recently constructed 200 residential units in Goleta (Sumida Gardens), of*

*which 34 were designated for low-income homebuyers. The project will not have an adverse impact on affordable housing stock.*

5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources.

*As described in Section VII of the staff report and in more detail in the project's Mitigated Negative Declaration, adequate City services, including water, are currently available to the project site. Water resource impacts are not anticipated as a result of the construction of the Foothill Centre development.*

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic.

*As identified in Section VII of the staff report and in more detail in the project's Mitigated Negative Declaration, the project will not generate substantial traffic and will not significantly impact any area intersections.*

7. Resources will be available and traffic improvements will be in place at the time of project occupancy.

*The project site is adequately served by existing public streets and utilities. Traffic improvements proposed as part of the project (extension of left turn lane on Cieneguitas Road) and required sidewalk improvements must be completed prior to project occupancy, as outlined in the project's conditions of approval.*

#### **C. RECOMMENDATIONS TO CITY COUNCIL:**

##### **1. ANNEXATION**

The proposed annexation is appropriate since the project site is within the City's Sphere of Influence, and is identified in the Land Use Element as an area that should be annexed to the City. The project site is surrounded on two sides by property currently within the City's jurisdiction. A City maintained road (Cieneguitas Road) serves the site and some City services are currently provided to the site.

##### **2. GENERAL PLAN AMENDMENT**

The proposed General Plan designation of Commercial / Medium High Density Residential is consistent with the existing County General Plan designation and with the proposed zoning designation. This land use designation would be consistent and compatible with surrounding development and land uses in this neighborhood.

##### **3. ZONING MAP AMENDMENT**

The proposed rezone from Santa Barbara County Shopping Center zoning to the City zoning designation of Limited Commercial and Special District 2 "Upper State Street Area" (C-1/SD-2) Zone is compatible with the surrounding neighborhood zoning. This zoning designation would also be consistent with the proposed General Plan designation of Commercial/Medium High Density Residential. The uses allowed under this designation would also be compatible with surrounding development and would provide a buffer between Highway 154 and existing residential development.

##### **4. ECONOMIC DEVELOPMENT FINDINGS**

As discussed in Section VI.A.2 of the staff report, the proposed development qualifies as an Economic Development Project because it will enhance the standard of living (defined as wages, employment, environment, resources, public safety, housing, schools, parks and recreation, social and human services, and cultural arts) for City and South Coast residents and strengthen the local or regional economy by creating new permanent employment opportunities. It will also support diversity and balance in the local and regional economy by providing services (outpatient surgery center and medical clinic) that are currently in limited supply both locally and regionally.

II. Said approval is subject to the following conditions:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain all additional land use approvals. Refer to condition B "Approval Contingent upon Annexation, Adoption of General Plan and Zoning Map Amendments, and Final Economic Development Allocation."
  2. Pay Fish and Game fee immediately upon project approval by City Council. Delays in payment will result in delays in filing the required Notice of Determination.
  3. Submit DRAFT LAFCO Annexation Map to Public Works.
  4. Obtain LAFCO Approval and Complete Annexation.
  5. Abate nonconforming pole sign on 675 Cieneguitas Road within 180 days of annexation completion.
  6. Obtain all required design review approvals.
  7. Pay Land Development Team Recovery Fee at time of first permit application.
  8. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition G "Construction Implementation Requirements."
  9. Make application to the Public Works counter to process a Voluntary Merger prior to issuance of any Building Permits or other Public Works permits.
  10. Record any required documents (see Recorded Conditions Agreement section).
  11. Permits.
    - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
    - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

- B. **Approval Contingent Upon Annexation, Adoption of General Plan and Zoning Map Amendments, and Final Economic Development Allocation.** Approval of the subject project is contingent upon approval of the Annexation, General Plan and Zoning Map Amendment, and

Final Economic Development Allocation by the City Council and Local Agency Formation Commission (as applicable), and completion of the annexation.

- C. **Recorded Conditions Agreement (APNs 059-160-017 and -023).** The Owner of APNs 059-160-017 and -023 shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on June 21, 2012 is limited to annexation of these parcels into the City, and merger and development of those lots. The merged lots will be developed with the Foothill Centre, which includes approximately 60,122 net square feet of building area contained in two, two-story buildings, 225 parking spaces, 24 bike parking spaces, and the improvements described in the Final Mitigated Negative Declaration and shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
  2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
  4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
  5. **Tree Protection.** The four existing oak tree(s) and one stone pine shown on the Landscape Plan as to be protected, shall be preserved, protected, and maintained.
  6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
  7. **Transportation Demand Management.** The following alternative mode incentives, which were proposed in the parking study prepared by Associated Transportation

Engineers dated February 2, 2012, are included as part of the approved project to minimize potential parking and traffic impacts caused by the project. The Transportation Demand Management (TDM) Program shall consist of a combination of the following, based on coordination with employees and which programs prove to be the most effective. The effectiveness of the TDM Program will be reviewed annually and adjustments may be made based on the success of the individual components. Any proposed changes to the Program will require approval by the City. Owner shall be responsible for ensuring that all tenants comply with the provisions of the approved TDM Program.

- a. **TDM Administrator.** The Owner shall appoint a TDM Administrator responsible for the alternative mode incentives. The TDM Administrator shall coordinate with Traffic Solutions or successor agency for training and assistance in administrating their program in order to maximize the effectiveness of the programs offered. The TDM Administrator will also be in charge of parking monitoring and will be the designated contact person for the public to reach concerning any parking/circulation issues in the adjacent neighborhood.

For the first three years of operation, the TDM Administrator shall provide an annual report to the Community Development Director and the Transportation Manager illustrating the number of users, describing the marketing techniques and program results, including successes and failures.

- b. **Carpool Parking Spaces.** Preferential parking spaces for carpools/rideshares shall be provided and designated by "Carpool Permit Parking Only" signs. Carpool permits shall be issued to those employees who carpool and are eligible.
- c. **Commuter Bus And MTD Subsidies.** The employer shall pay for a portion (50%) of the costs for employees who use the Clean Air Express and Coastal Express commuter bus programs and local Metropolitan Transit District (MTD) bus routes. Notice of these incentives shall be provided to existing employees and new employees when they are hired. MTD Line 10 directly serves the Foothill site. The existing bus stop on Pesetas Lane currently serves the Clean Air and Coastal Express commuter lines and MTD Line 8. A shuttle system shall be tied into this program in order to transport employees from the existing bus stop at the Pesetas Lane site to and from the Foothill site.
- d. **TDM Incentives Posted.** Employer shall post the incentives offered and any other applicable and pertinent information related to alternative transportation options in a central (public) location accessible to employees.
- e. **Bus Routes and Schedules Posted.** Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
- f. **Bicycle Use.** Employer will creatively offer incentives to support those who bike and encourage those who might, by offering secure bicycle parking on site, including new bicycle lockers.

- g. **Shower and Locker Facilities.** Male and female employee shower and locker facilities shall be provided and maintained as approved by the Transportation Manager. The showers shall be available for use before and during work hours. Notice of these facilities shall be provided when employees are hired.
  - h. **Ride-Sharing / Carpooling Program.** Employees shall be made aware of the Ride-Sharing Program or similar successor programs administered by Traffic Solutions or successor agency. The Owner and/or all employers shall have all employees registered with the Traffic Solutions ride matching Program to encourage ridesharing and carpooling.
  - i. **Employee Lunch Room.** An employee lunchroom shall be provided in the building, including the following amenities: refrigerator, microwave oven, sink, food preparation area, tables and chairs. Hot and cold drinks and cold foods shall be made available for purchase to employees.
  - j. **Guaranteed Ride Home.** In the event of an emergency or work requirement that interferes with the normal transportation arrangement of any employee using mass transportation, a carpool, rideshare or a vanpool to get to work, the Owner or employer shall provide cab fare, a company car, or other means to guarantee a free ride home.
8. **Off-Site Parking Agreement.** An off-site parking agreement, or similar equivalent legal arrangement subject to acceptance by the City, shall be prepared by the Applicant in order to provide for the five parking spaces located on APN 059-160-021.
9. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
- D. **Recorded Conditions Agreement (APN 059-160-021).** The Owner of APN 059-160-021 shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
- 1. **Approved Development.** The development of the Real Property approved by the Planning Commission on June 21, 2012 is limited to annexation of the parcel into the City, and the improvements described in the Final Mitigated Negative Declaration and shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
  - 2. **Pole Sign.** The existing pole sign located at 675 Cieneguitas Road must be brought into conformance with the City's Sign Ordinance within 180 days of completion of the annexation (as evidenced by Notice of Completion from LAFCO). This requires removal or approval of an exception to SBMC §22.70.080, pursuant to SBMC §22.70.080.C.3.
  - 3. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  - 4. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.

5. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
- E. **Design Review.** The Foothill Centre development project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 15 gallon size tree(s) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
  2. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
    - a. **Tree Protection.** All trees not indicated for removal on the approved landscape plan shall be preserved, protected, and maintained, in accordance with any related Conditions of Approval.
    - b. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the ABR.
    - c. **Oak Trees.** The following additional provisions shall apply to existing, protected oak trees on site:
      - (1) No irrigation system shall be installed within three feet of the dripline of any oak tree, unless comparable oak protection measures are approved by the Planning Division and ABR.
      - (2) Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at an eight to one (8:1) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
      - (3) The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
      - (4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
    - d. **During Construction.**
      - (1) All trees proposed to remain within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
      - (2) A qualified Arborist shall be present during any excavation beneath the dripline(s) of the tree(s) which are required to be protected. All excavation within the dripline(s) of the tree(s) shall be minimized and shall be done with hand tools.
      - (3) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.

- (4) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
    - (5) No heavy equipment, storage of materials or parking shall take place under the dripline of any tree(s), or within five (5) feet of the dripline of any oak tree.
    - (6) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
  3. **Screened Backflow Device.** The backflow devices for fire sprinklers, solar panels, all commercial buildings and irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.
  4. **Project Directory.** A project directory listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Design Review Approval.
  5. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
  6. **Covered Parking.** Applicant to consider some inclusion of covered parking with solar benefits.
  7. **Storm Water Capture.** Applicant to consider parking lot improvements incorporating storm water capture.
- F. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
  1. **Public Works Department.**
    - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in conditions F.1.g "Foothill Road Public Improvements" and E.1.g "Cieneguitas Road Public Improvements" shall be submitted to the Public Works Department for review and approval separately from the Building Plans. Upon acceptance of approximately 60% complete (at a minimum) public improvement plans, a

Building permit may be issued after the Owner has submitted securities for public improvements and executed the *Agreement to Construct and Install Improvements (Not a Subdivision)*.

- b. **Dedication.** Offer and Dedication of Easements, as shown on the approved site plan and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
- (1) Offer a Sidewalk Easement to the City of Santa Barbara along the Foothill Road property frontage in order to establish an additional 4.9-foot wide public sidewalk.
- c. **Water Rights Assignment Agreements.**
- (1) Prior to issuance of any permit for development on APNs 059-160-017 or -023, the Owner of APNs 059-160-017 and -023 shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreements for the Owners' signatures.
  - (2) **Water Rights Assignment Agreements.** Within 180 days of annexation, or prior to issuance of any permit for development on APN 059-160-021, whichever is sooner, the Owner of APN 059-160-021 shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreements for the Owners' signatures.
- d. **Drainage and Water Quality.** The Foothill Centre development project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit a hydrology report including worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices, prepared by a registered civil engineer demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
- The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

- e. **Lot Merger Required.** Following annexation, and prior to issuance of any permits, the Real Property known as APN 059-160-017 and APN 059-160-023 shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30.
- f. **Encroachment Permit.** In addition to City construction permits, an Encroachment Permit shall be obtained from the State of California (Caltrans) by the Owner, for construction of improvements, striping and re-striping (*including any required appurtenances*) within their rights of way.
- g. **Foothill Road Public Improvements.** The Owner of APNs 059-160-017 and -023 shall submit C-1 public improvement or building plans for construction of improvements along the property frontage on Foothill Road. Public Works C-1 plans shall be submitted to the Public Work counter separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department and the State of California (Caltrans), the improvements shall include the following to City standards:
  - (1) Coordinate with Goleta Water District to abandon and remove the existing water meter and water service line (near abandoned gas station).
  - (2) Construct (N) twelve-foot wide sidewalk, nine (N) tree wells [4-ft x 5-ft] along entire property frontage, and City staff recommends that the applicant supply and install eight (N) street trees (*Acrocarpus fraxinifolius*, Pink Cedar Tree) per approval of the Parks & Recreation Commission (if applicable) and ABR. Maintenance of these street trees and applicable public improvements along Foothill Road shall be borne by the applicant as implemented through a Maintenance Agreement.
  - (3) Remove four (E) driveway aprons and construct (N) curb and gutter where (E) driveway aprons are removed.
  - (4) Construct (N) MTD shelter on Foothill Road subject to MTD, ABR and Caltrans approval.
  - (5) Slurry seal to the centerline of Foothill Road along entire subject property frontage, and slurry seal a minimum of 20 feet beyond the limits of all trenching, subject to Caltrans approval.
  - (6) Re-stripe existing pavement delineations following slurry seal per Caltrans recommendations.
  - (7) Replace existing residential fire hydrant located in front of 4120-4134 Foothill Road with a commercial fire hydrant and install Fire Hydrant Guard Post (if required) in accordance with City Standards.
  - (8) Supply and install four commercial height 200 watt City standard Dome Style street lights approximately 200-feet apart. Install one (N) meter pedestal, and coordinate with Public Works Inspector and Edison to energize all (N) street lights.

- (9) Preserve and/or reset survey monuments (if any), protect and relocate existing contractor stamps to tree wells (if any), and supply and install directional/regulatory traffic control signs per the CA MUTCD during construction.
- (10) Provide adequate positive drainage from site.
- (11) Any work in the public right-of-way requires a Permit.

h. **Cieneguitas Road Public Improvements.** The Owner of APNs 059-160-017 and -023 shall submit C-1 public improvement plans for construction of improvements along the property frontage on Cieneguitas Road. Public Works C-1 plans shall be submitted to the Public Work counter separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include the following to City standards:

- (1) Coordinate with Goleta Water District to abandon and remove the existing water meter and water service line. Coordinate with City to install two (N) 2-inch copper water service lines, two 2-inch water meters, two (N) fire lines (size TBD), one (N) irrigation meter, and connect to City water main.
- (2) Remove two (E) driveway aprons and construct two (N) commercial driveway aprons modified to meet Title 24 requirements with a maximum width of 20-feet each.
- (3) Construct six-foot sidewalk and six-foot parkway along the entire subject property frontage, and supply and install eleven new street trees (*Olea europaea* 'Swan Hill') per approval of the Parks & Recreation Commission (if applicable) and ABR. Provide five-foot wide minimum sidewalk connection to existing sidewalk fronting APN 059-160-021.
- (4) Construct new curb and gutter along entire subject property frontage and transition to match (E) curb and gutter in front of APN 059-160-021.
- (5) Extend existing left turn lane to approximately 125' with a 60' bay taper, per ATE recommendations, subject to the approval of the City Transportation Engineer.
- (6) Construct new bus stop to MTD standards subject to MTD and ABR approval.
- (7) Slurry seal to centerline and a minimum of 20 feet beyond the limits of all trenching.
- (8) Construct +/-310 L.F. of new eight inch City sewer main, two (N) private sewer laterals, and connect to City sewer main.
- (9) Replace (E) residential fire hydrants FH-A03-005 and FH-A03-006 with a commercial fire hydrant and Fire Hydrant Guard Post (if required), in accordance with City Standards.

- (10) Public drainage improvements shall be consistent with hydrology report for installation of four (N) curb drain outlets and to connect to existing City storm drain.
- (11) Supply and install three commercial 200 watt City standard Dome Style street light(s) a minimum of 200 feet apart, install one meter pedestal, coordinate with Public Works Inspector and Edison to energize all street lights, and coordinate with Public Works staff and Edison to retire (E) street light standard from (E) traffic signal at intersection.
- (12) Preserve and/or reset survey monuments (if any), protect and relocate existing contractor stamps to parkway (if any), supply and install directional/regulatory traffic control signs per the CA MUTCD during construction.
- (13) Provide adequate positive drainage from site.
- (14) Any work in the public right-of-way requires a Public Works Permit.
- i. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site. The Haul Routes shall be approved by the Transportation Engineer.
- j. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
- k. **Agreement to Construct and Install Improvements.** The Owner of APNs 059-160-017 and -023 shall submit an executed *Agreement to Construct and Install Improvements (not a subdivision)*, prepared by the Engineering Division. Prior to submitting the executed Agreement, the Owner shall submit an Engineer's Estimate, signed and stamped by a registered civil engineer. After approval of the estimate, and prior to issuance of any permits, the Owner shall submit securities for construction of improvements.
- l. **Goleta Water District Abandonment.** Owner shall make arrangements with the Goleta Water District for permits and payment of any required deposits related to abandonment of District facilities serving the project site. Evidence of payment shall be provided to the City prior to issuance of any building permit. Timing of compliance with this condition may be extended subject to approval by the Public Works Department.
- m. **Goleta Sanitary District Abandonment.** Owner shall make arrangements with the Goleta Sanitary District for permits and payment of any required deposits related to abandonment of District facilities serving the project site. Evidence of payment shall be provided to the City prior to issuance of any building permit. Timing of compliance with this condition may be extended subject to approval by the Public Works Department.

2. **Community Development Department.**

a. **Recordation of Agreements.**

- (1) Prior to issuance of any permit for APNs 059-160-017 or -023, the Owner of APNs 059-160-017 and -023 shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition C "*Recorded Conditions Agreement*" to the Community Development Department prior to issuance of any building permits
- (2) Within 180 days of annexation, or prior to issuance of any permit for development on APN 059-160-021, whichever is sooner, the Owner of APNs 059-160-021 shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition D "*Recorded Conditions Agreement*" to the Community Development Department prior to issuance of any building permits.

b. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City's Environmental Analyst. The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:

- (1) The frequency and/or schedule of the monitoring of the mitigation measures.
- (2) A method for monitoring the mitigation measures.
- (3) A list of reporting procedures, including the responsible party, and frequency.
- (4) A list of other monitors to be hired, if applicable, and their qualifications.
- (5) Submittal of biweekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
- (6) Submittal of a Final Mitigation Monitoring Report.
- (7) The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.

c. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of

Approval. Submit a draft copy of the notice to the Planning Division for review and approval.

- d. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition G.1 "Neighborhood Notification Prior to Construction" below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
- e. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition G.2 "Pre-Construction Conference" prior to disturbing any part of the project site for any reason.
- f. **Evidence of Off-Site Parking Agreement Recordation.** Evidence shall be provided to the Community Development Director that the Off-Site Parking Agreement required in Section C "Recorded Conditions Agreement" has been recorded.
- g. **APCD Permits.** APCD permits must be obtained for all equipment that requires an APCD permit. APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g. firewater pumps and emergency generators) and boilers/large water heaters whose combined heat input rating exceeds 2.0 million BTUs per hour.
- h. **Small Boilers.** Small boilers and water heating units (rated between 75,000 and 2.0 million Btu/hr) must comply with the emission limits and certification requirements of APCD Rule 360. Combinations of units totaling 2.0 million Btu/hr or greater are required to obtain a District permit prior to installation. See APCD website for more information and a list of certified boilers (note: any units fired on fuel(s) other than natural gas must be certified by the SBCAPCD on a case-by-case basis, even if the unit is certified when fired on natural gas.
- i. **Asbestos & Lead-Containing Materials.** Pursuant to APCD Rule 1001, the applicant is required to complete and submit an Asbestos Demolition / Renovation Notification form for each regulated structure to be demolished or renovated. The completed notification shall be provided to the Santa Barbara County APCD with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. Any abatement or removal of asbestos and lead-containing materials must be performed in accordance with applicable federal, State, and local regulations. Disposal of material containing asbestos and/or lead shall be in sent to appropriate landfills that are certified to accept this material.
- j. **Hazardous Materials Business Plan.** A Hazardous Materials Business Plan shall be required if a business handles or stores any hazardous materials or hazardous waste at any one time during a calendar year in quantities equal to or greater than: 55 gallons, 500 pounds or 20 cubic feet of a compressed gas at

standard temperature and pressure. If the development includes facilities that handle chemicals, annual permits for the use and storage of hazardous wastes are required 30 days prior to operation.

k. **Energy Efficiency.** The project shall be designed to exceed Title 24 requirements.

l. **Geotechnical Studies.**

(1) All recommendations contained in the Geotechnical Engineering Report prepared by Fugro West, Inc. (April 2003) shall be implemented. These recommendations include, but are not limited to requirements for grading and site development, foundation design, slabs on grade, pavement sections, corrosion and surface drainage consideration.

(2) A Final Geotechnical Report shall be prepared and submitted to the City's Building Division as part of the City Building and Safety Division review and approval of the construction plans.

(3) Grading and foundation plans shall be reviewed by a Geotechnical Engineer and Engineering Geologist to ensure compliance with the recommendations in the Final Report. Compliance shall be demonstrated on plans submitted for grading and building permits and subject to City Building and Safety Division review and approval.

*(G-1)*

m. **Monitoring Wells.** Any monitoring well that is in conflict with a building or the detention basin shall be properly abandoned and replaced as required by the Santa Barbara County Fire Department Fire Prevention Division, prior to construction. A well abandonment workplan shall be submitted to the Fire Prevention Division, and must be approved prior to issuance of a building permit for construction. All site wells that are not to be abandoned shall be protected during construction activities. This may involve cutting the wells down and capping them during site grading activities and then extending them back up to an appropriate monitoring well cover at the completion of the paving or landscaping activities.

*(H-1)*

n. **Soils Management Plan.** A soils management plan shall be submitted to the County Fire Prevention Division for review and approval prior to issuance of a building permit. The soils management plan shall describe the procedures to properly handle and dispose of hydrocarbon impacted soils that may be encountered during site grading activities.

*(H-2)*

o. **Interceptor Trenches.** Prior to the start of construction, both interceptor trenches shall be properly abandoned.

*(H-3)*

p. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section E "Design Review," and all elements/specifications shall be implemented on-site.

- q. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as outlined in the Mitigated Negative Declaration for the project.
- r. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.
  - 1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.  
 (N-1)
  - 2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner, Architect, Arborist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.

3. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) and Project Environmental Coordinator's (PEC) name, contractor(s) and PEC's telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone.
4. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the City to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

(N-2)

5. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)
6. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
7. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager.
8. **Bird Nesting.** Removal of vegetation shall be avoided during the bird nesting season (February 15 to September 15) where feasible. If avoidance is not feasible, a qualified

biologist shall conduct a nesting bird survey no more than seven (7) days prior to removal of any trees or vegetation scheduled to occur from February 15 through September 15. If nesting is found, the trees/vegetation shall not be removed until after the young have fledged and the biologist should establish a protective buffer around the nest as needed.

**(BIO-1)**

9. **HMU Contact.** Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) if visual contamination or chemical odors are detected while implementing the approved work at the site. Resumption of work requires approval of the HMU, 805-686-8170.
10. **Air Quality.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
  - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
  - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
  - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
  - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
  - e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
  - f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
  - g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
  - h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to

reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).

- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
  - j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
  - k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
  - l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
  - m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
  - o. The engine size of construction equipment shall be the minimum practical size.
  - p. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
  - q. If contaminated soils are found at the project site, the APCD must be contacted to determine if Authority to Construct and/or Permit to Operate permits will be required.
  - r. Petroleum storage tank degassing activities shall comply with APCD Rule 343, *Petroleum Storage Tank Degassing*.
  - s. At all times, idling of heavy-duty diesel trucks must be limited to a maximum of five minutes; auxiliary power units should be used whenever possible. State law requires that drivers of diesel-fueled commercial vehicles: shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location and shall not idle a diesel-fueled auxiliary power system (APS) for more than five minutes to power a heater, air conditioner, or any ancillary equipment of the vehicle.
  - t. Asphalt paving activities shall comply with APCD Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.
11. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment

throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

12. **Mitigation Monitoring Compliance Reports.** The PEC shall submit biweekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department Planning Division.
- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
  2. **Complete Public Improvements.** Public improvements, as shown on the public improvement plans, shall be completed.

3. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
4. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

I. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission / Staff Hearing Officer.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$2,919.00 for projects with Environmental Impact Reports and \$2,101.50 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval by the City Council in the form of a check payable to the California Department of Fish and Game. Please note that a filing fee of \$50.00 is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.
4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of the first City permit application.
5. **Site Maintenance.** The existing site shall be maintained and secured. Any landscaping shall be watered and maintained until construction begins.

6. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

#### **NOTICE OF DEVELOPMENT PLAN TIME LIMITS:**

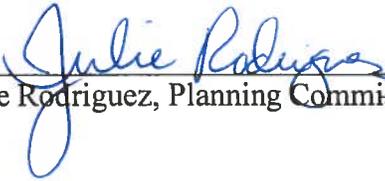
The development plan approved, per Santa Barbara Municipal Code §28.87.350, shall expire four (4) years from the date of approval, subject to the timing commencement provisions in Santa Barbara Municipal Code §28.87.370.D, unless:

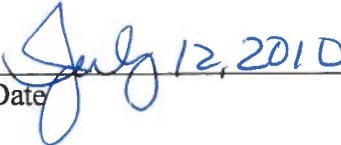
1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. The Community Development Director grants an extension of the development plan approval upon finding that the applicant has demonstrated due diligence in implementing and completing the proposed project. The Community Development Director may grant one (1) one-year extension of the development plan approval.

This motion was passed and adopted on the 21st day of June, 2012 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 2 (Bartlett, Lodge) ABSTAIN: 0 ABSENT: 1 (Larson)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

  
\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

June 21, 2012

### CALL TO ORDER:

Chair Lodge called the meeting to order at 1:01 P.M.

### **I. ROLL CALL**

Chair Sheila Lodge, Vice Chair Mike Jordan, Commissioners Bruce Bartlett, John P. Campanella, Deborah L. Schwartz, and Addison Thompson.

**Absent: Commissioner Stella Larson**

### **STAFF PRESENT:**

Bettie Weiss, City Planner  
Danny Kato, Senior Planner  
N. Scott Vincent, Assistant City Attorney  
Rob Dayton, Principal Transportation Planner  
Steve Foley, Supervising Transportation Planner  
Allison De Busk, Project Planner  
Julie Rodriguez, Planning Commission Secretary

### **II. PRELIMINARY MATTERS:**

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

B. Announcements and appeals.

Mr. Kato announced that the appeal for 1085 Coast Village Road will be heard by City Council next Tuesday, June 26, 2012.

C. Comments from members of the public pertaining to items not on this agenda.

Chair Lodge opened the public hearing at 1:03 P.M. and, with no one wishing to speak, closed the hearing.

**III. NEW ITEM:**

**ACTUAL TIME: 1:03 P.M.**

**APPLICATION OF STEVE FORT, SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES, FOR FOOTHILL CENTRE, LP, 4151 FOOTHILL ROAD AND 681 CIENEGUITAS ROAD, APN 059-160-017 AND -023; SC (SHOPPING CENTER) ZONE (COUNTY), GENERAL PLAN DESIGNATION: NEIGHBORHOOD COMMERCIAL (COUNTY) (MST2008-00496)**

The project consists of the annexation of three parcels (4151 Foothill Road and 675 and 681 Cieneguitas Road) totaling 4.31 acres into the city of Santa Barbara, and detachment from the Goleta Water District, the Goleta Sanitary District, the Santa Barbara County Fire Protection District, County Service Area 3 and County Service Area 32. Upon annexation, a City General Plan designation of Commercial/Medium High Density Residential is proposed, with a zoning designation of Limited Commercial/Upper State Street Overlay (C-1/S-D-2).

Proposed development would include two new 37-foot tall two-story office buildings totaling 60,122 net sq. ft., constructed at 4151 Foothill Road and 681 Cieneguitas Road, for use by Sansum Clinic. A 225-space parking lot would be constructed, with access from Cieneguitas Road. The existing abandoned gas station would be demolished. The existing 2,500 sq. ft. building at 675 Cieneguitas Road, currently used as a veterinary hospital, would remain.

The discretionary applications required for this project are:

**Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and LAFCO:**

1. Reorganization of APNs 059-160-017, -021 and -023, including Annexation to the city of Santa Barbara and Detachment from Goleta Water District, Goleta Sanitary District, Santa Barbara County Fire Protection District, County Service Area 3 (Goleta Valley - Multipurpose) and County Service Area 32 (Unincorporated Area - Law Enforcement);
2. A General Plan Amendment to designate the three parcels (APNs 059-160-017, -021 and -023) as Commercial/Medium High Density Residential upon annexation;
3. A Zoning Map Amendment to zone the three parcels (APNs 059-160-017, -021 and -023) C-1/S-D-2 (Limited Commercial and Upper State Street Overlay) upon annexation;

**Action requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council:**

4. Final Economic Development Designation by the City Council for 13,526 square feet from the Economic Development category for a medical office/clinic on APNs 059-160-017 and -023 (SBMC 28.87.300); and

**Actions by the Planning Commission, contingent upon recommendation of the actions listed above:**

5. A Development Plan to allow the construction of 58,372 square feet of net new nonresidential development on APNs 059-160-017 and -023 (SBMC §28.87.300).

The Planning Commission will consider approval of the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

Case Planner: Allison De Busk, Project Planner

Email: ADebusk@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4552

Allison De Busk, Project Planner, gave the Staff presentation.

Michael Towbes, Towbes Group, gave the Applicant presentation, joined by Kurt Ransohoff, Sansum Chief Executive Officer

Scott Schell, Associated Transportation Engineers; and Richard Six, Architect, were available to answer any of the Commission's questions.

Chair Lodge opened the public hearing at 1:30 P.M.

The following people spoke in opposition to the project or with concerns:

1. Carrie Brown, neighbor, was not invited to Towbes' neighborhood meeting and wanted to know how many attended and what issues were presented. She has previously spoken in support of incorporation of the Foothill triangle. Highway 154 at Foothill is a gateway to Santa Barbara. This building is too big and this first attempt at annexing a political 'hot potato' area must be done more sensitively. Foothill Road, Cathedral Oaks and Cieneguitas Road are residential streets. The scale of the building is too big and this project sets a precedent for commercial development.
2. David Jones was supportive of the prior proposed project and finds that the new proposed project with both buildings up against Foothill and Cieneguitas Road and parking in the rear, is out of character with the neighborhood. The project is too massive along Foothill. Would like views protected.
3. Lisa Hoffman Rittenburg, representing Michael Rittenburg of Foothill Pet Hospital, read letter submitted to the Planning Commission.
4. Del Britschgi, representing the property owner of 675 Cieneguitas, spoke in support of the Foothill Pet Hospital and allowing the sign to remain as long as the current business resides at the site. Loss of the sign would limit visibility of the business from Highway 154.
5. Ron Lopez, neighbor, was concerned with Building A being too close to Foothill Road and asked that Building A be setback further from Foothill Road. Was also concerned with the size of the building, traffic and that the 300 foot notification

radius was too small and neighbors on Laiqua Lane and Cocopah Drive were not notified.

6. Carrie Pekarek supports project and tenant but would like Building A to be less massive and moved back along Highway 154. Concerned with the number of trips in and out during the day.

With no one else wishing to speak, the public hearing was closed at 1:47 P.M.

Mr. Towbes addressed the public's concerns regarding noticing for the neighborhood meeting, the location of the buildings, and the 35 foot front setback that exceeds the city's required setback. Mr. Towbes also clarified that the trip counts were down Cieneguitas Road and not the entire project. There will be relatively few trips down the neighborhood.

Steve Foley, Supervising Transportation Planner, clarified average daily trips and peak hour trips.

Commissioner Bartlett stated that the Urban Design Guidelines have not been properly implemented and the project is lacking in sustainability features; the project may meet the minimum requirements, but it is not exemplary as a gateway to Santa Barbara.

Chair Lodge stated that the site is an entrance to the City and this project does not fit the Santa Barbara aesthetic; she questioned the height and the large expanse facing Foothill.

**MOTION: Jordan/Schwartz**

**Assigned Resolution No. 009-12**

Adopt the Final Mitigated Negative Declaration, approve the Development Plan with Conditions of Approval as revised June 21, 2012, with the following additions: 1) Applicant to consider some inclusion of covered parking with solar benefits; and 2) Applicant to consider parking lot improvements incorporating storm water capture; and recommend the City Council approve the Reorganization, General Plan Amendment; Zoning Map Amendment; and Economic Development designation making the findings outlined in the Staff Report, dated June 14, 2012.

This motion carried by the following vote:

Ayes: 4 Noes: 2 (Bartlett, Lodge) Abstain: 0 Absent: 1 (Larson)

Chair Lodge announced the ten calendar day appeal period.

Chair Lodge called for a recess at 3:04 P.M. and reconvened the meeting at 3:18 P.M.

**IV. DISCUSSION ITEM**

**ACTUAL TIME: 3:18 P.M.**

**TRAFFIC ANALYSIS AND FINDINGS RELATED TO THE CITY'S GROWTH MANAGEMENT PROGRAM Continued from May 17, 2012.**

The purpose of this hearing is for the Planning Commission to discuss and provide input on the traffic analysis component and findings of the City's Growth Management Program.

On May 17, 2012 the Planning Commission initiated amendments to the City's Zoning Ordinance including the Development Plan Ordinance (DPO), SBMC §28.87.300 and Council Resolution No. 09-058 to carry out recently adopted General Plan Policy LG2, Limit Non-Residential Growth and LG7, Community Benefit Non-Residential Land Uses.

Case Planner: Rob Dayton, Principal Transportation Planner  
Email: RDayton@SantaBarbaraCA.gov

Phone: 805-564-5390

Rob Dayton, Principal Transportation Planner, gave the Staff presentation, joined by Bettie Weiss, City Planner.

Chair Lodge opened the public hearing at 4:33 P.M.

Scott Schell, Zone 4 resident, is concerned that current thresholds will limit redevelopment of Upper State Street and limit development to what is on the ground today. Believes there should be some flexibility.

With no one else wishing to speak, the public hearing was closed at 4:36 P.M.

Commissioner's comments:

1. Many commissioners liked the direction that the traffic analysis component was taking.
2. Commissioner Schwartz felt that we are not investing in the types of transportation methods that will allow us to bring in more housing.
3. Commissioner Jordan feels that Staff will have a challenge conveying what Staff is proposing and encourages Staff to meet with the Commission again to work through some of what is not explained in the report.
4. Commissioner Campanella felt that in order for people to afford housing, house prices have to come down and incomes have to go up. Would like to see Staff determine what kind of non-residential development we want to encourage and identify jobs that will provide higher incomes.

5. Commissioner Bartlett is glad to see that Staff is doing away with the automatic 'no' on traffic cumulative impacts. Would like to see a structure that incentivizes the goals, rather than focusing on what cannot be done.
6. Commissioner Schwartz wants to see a balance in doing what we can in the area of housing, while looking at pockets of economic development. Would like Staff to develop an economic development plan that actively attracts and retains the right type of commercial development along with a total transportation system so that traffic congestion can be reduced.
7. Commissioner Lodge felt that what came out of the PlanSB process was the need for housing, which is needed more than new job creation.

Ms. Weiss referenced a slide that showed the list of PlanSB objectives, the last being the reduction of traffic that led to today's discussion.

Ms. Weiss felt that if we add Economic Development, there is no sense in having the Community Priority table. Ms. Weiss thanked the commission for its input and looks forward to returning.

V. **ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 5:19 P.M.**

D. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

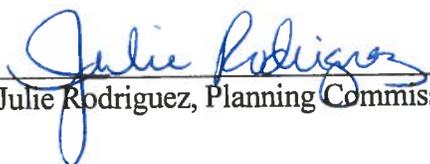
None was given.

2. Other Committee and Liaison Reports

None were given.

Chair Lodge adjourned the meeting at 5:19 P.M.

Submitted by,

  
Julie Rodriguez, Planning Commission Secretary



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** June 14, 2012  
**AGENDA DATE:** June 21, 2012  
**PROJECT ADDRESS:** 4151 Foothill Road and 675 and 681 Cieneguitas Road (MST2008-00496)  
 Foothill Triangle  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner  
 Allison De Busk, Project Planner

### **I. PROJECT DESCRIPTION**

The project consists of the annexation of three parcels into the city of Santa Barbara, and detachment from the Goleta Water District, Goleta Sanitary District, Santa Barbara County Fire Protection District, County Service Area 3 and County Service Area 32. Upon annexation, a City General Plan designation of Commercial/Medium High Density Residential is proposed, with a zoning designation of Limited Commercial/Special District Two, Upper State Street Area (C-1/S-D-2).

4151 Foothill Road & 681 Cieneguitas Road: These two parcels (totaling 4.08 acres) would be merged, and the existing abandoned gas station (1,750 net square feet) at the corner of Foothill Road and Highway 154 would be demolished. Two new two-story office buildings totaling 60,122 net (61,745 gross) square feet (s.f.) would be constructed on the merged parcel ("Foothill Centre" development). The larger of the two buildings, Building A, would be 37 feet in height and would contain 46,600 net s.f., which is evenly divided between the first and second floors. Primary access to Building A would be from the parking lot, with secondary access from Cieneguitas Road. The smaller building, Building B, would be 36 feet in height and would contain 13,522 net s.f., which is evenly divided between the first and second floors. Primary access to Building B would be provided from the parking lot and Cieneguitas Road.

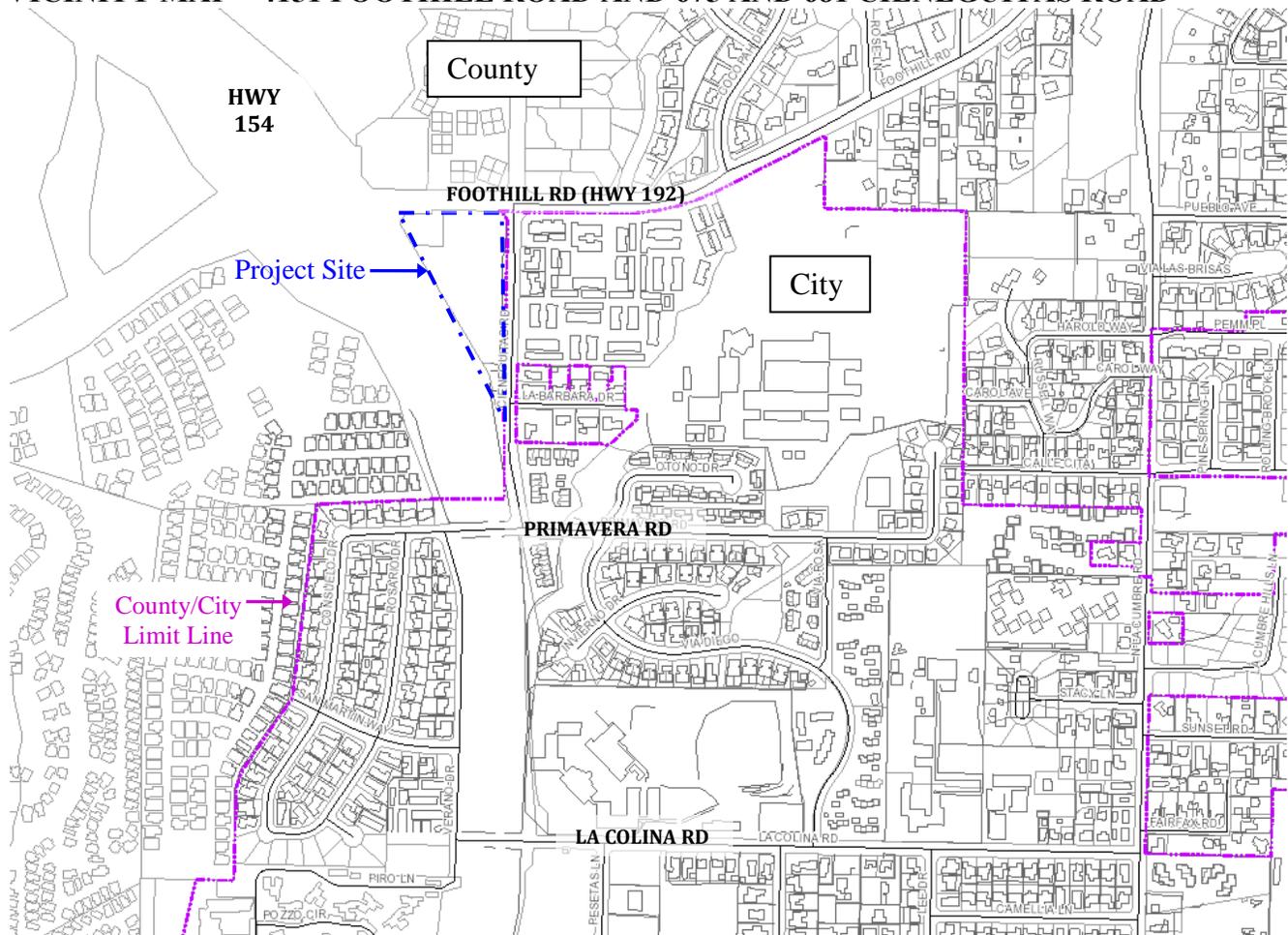
The proposed new office buildings would be occupied by Sansum Clinic. They would include an outpatient surgery center, a medical clinic and administrative offices. This new development would allow Sansum to consolidate facilities, and it is estimated that some of the operations and staff at the existing facility at 215 Pesetas Lane would be relocated to the new Foothill Centre facility. Vacancies at Pesetas Lane would be backfilled by operations and staff currently housed at leased facilities on the South Coast. Anticipated standard hours of operation would be 8:00 a.m. until 5:00 p.m.

A parking lot containing 225 parking spaces (including five on the adjacent 675 Cieneguitas Road parcel) would be located between and behind the proposed new buildings. Access would be provided via two driveways on Cieneguitas Road. A detention basin and vegetated swales would accommodate increased storm water run-off. Ground water remediation due to contamination from the previous use as a full service gas station is currently on-going and would continue.

The project includes curb, gutter, landscaping and sidewalk improvements along Foothill and Cieneguitas Roads. The project also includes extension of the existing northbound left-turn pocket along Cieneguitas at the Foothill Road/Cieneguitas Road intersection from 50 feet to 125 feet in length, with a 60-foot bay taper. Striping changes are proposed along Foothill Road along the property frontage to create a bike lane within the existing eastbound traffic lane and remove the existing westbound left turn arrows painted in the two-way left turn lane; however, these improvements are subject to Caltrans approval.

675 Cieneguitas: The existing 2,500 square foot building, currently used as a veterinary hospital, would remain. The only change would be the addition of five parking spaces in an existing easement along the northern property line for use by the new Foothill Centre development (described above).

**VICINITY MAP – 4151 FOOTHILL ROAD AND 675 AND 681 CIENEGUITAS ROAD**



**APPLICATION DEEMED COMPLETE:**

December 16, 2011

**DATE ACTION REQUIRED:**

60 days from completion of environmental review

## **II. REQUIRED APPLICATIONS**

The discretionary applications required for this project are:

### **Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and the Local Agency Formation Commission (LAFCO):**

- A. Reorganization of the three properties, including Annexation to the city of Santa Barbara and Detachment from the Goleta Water District, Goleta Sanitary District, Santa Barbara County Fire Protection District, County Service Area 3 and County Service Area 32;
- B. A General Plan Amendment to designate the property as Commercial/Medium High Density Residential upon annexation;
- C. A Zoning Map Amendment to zone the property C-1/S-D-2 (Limited Commercial and Special District Two, Upper State Street Area) upon annexation;

### **Action requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council:**

- D. Final Economic Development Designation by the City Council for 13,526 square feet from the Economic Development category for a medical office/clinic on APNs 059-160-017 and -023 (SBMC 28.87.300); and

### **Actions by the Planning Commission, contingent upon recommendation of the actions listed above:**

- E. A Development Plan to allow the construction of 58,372 square feet of net new nonresidential development on APNs 059-160-017 and -023 (SBMC §28.87.300).

## **III. RECOMMENDATION**

City staff is supportive of the proposed commercial development. With City Council approval of the requested annexation, proposed zoning and accompanying General Plan land use designation, the development project would conform to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood.

Therefore, Staff recommends that the Planning Commission take the following action, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A:

- 1) Adopt the Final Mitigated Negative Declaration (MND);
- 2) Approve the Development Plan; and
- 3) Recommend to the City Council the approval of the:
  - a. Reorganization (annexation to the City and detachment from applicable special districts),
  - b. General Plan amendment,
  - c. Rezone, and
  - d. Final Economic Development designation.

#### **IV. BACKGROUND**

The project site, known as the “Foothill Triangle,” located at the southwest corner of Foothill Road and Cieneguitas Road, is within the jurisdiction of the County, but within the City’s Sphere of Influence. 4151 Foothill Road contains an abandoned gas station, and 675 Cieneguitas Road is currently developed with a veterinary hospital. 681 Cieneguitas Road is vacant. Annexation of the Foothill Triangle into the City was initiated in 2003 by the City Council with a pre-General Plan designation of General Commerce and pre-zoning designation of C-1 (Limited Commercial) and S-D-2 (Special District Two, Upper State Street Area).

##### **A. SITE HISTORY**

The 4151 Foothill Road and 681 Cieneguitas Road parcels were previously developed with two separate service stations, operated by Chevron and Mobil. The Chevron station (southwest corner of Foothill/Cieneguitas) was demolished in 1988. The former Mobil station (near Hwy 154/Foothill intersection) has been vacant since 1999. In 1983, the County certified an EIR and approved applications for the Foothill Convenience Center project on the vacant lot, which included approximately 44,000 s.f. of commercial development, including uses such as a grocery store, retail businesses, and professional offices. In 1985, extensive contamination of the soil and groundwater was discovered from a leaking underground fuel tank on the former Mobil gas station site. In 1992, the County denied a request for a time extension of the project. As a result of litigation, Mobil acquired the property and committed to remediate the contamination on site. Mobil sold the property to the current owner in 1999 and encumbered the property with a deed restriction prohibiting any residential development, and limiting other types of development on the property. The applicant has attempted to get Mobil to lift the residential deed restriction from the property, but has been unsuccessful in that endeavor.

##### **B. GENERAL PLAN, ZONING AND ANNEXATION**

Under the City’s Draft Las Positas Valley and Northside Pre-Annexation Study (2000), the City identified a preliminary pre-General Plan designation of General Commercial - Neighborhood Shopping Center for the subject property, and pre-zoning designations of C-P (Limited Commercial) and S-D-2 (Special District Two, Upper State Street Area). The S-D-2 Zone is applied to properties located in the “Upper State Street Area,” which is bounded by Alamar Avenue, U.S. Highway 101, Foothill Road, and State Highway 154. The applicant pursued a pre-zoning designation of C-1 (rather than C-P) following the recommendation of City staff. Staff recommended C-1 zoning because it provides for office uses not available under the C-P Zone, allowing for more flexibility for future building occupants.

On March 18, 2003, the City Council initiated annexation of the subject lots with a proposed General Plan designation of General Commerce and a proposed zoning designation of C-1/S-D-2. The 675 Cieneguitas Road property was included at the request of LAFCO.

With the adoption of the General Plan Update (December 2011), the City’s land use designations changed. The currently proposed Commercial/Medium High Density Residential land use is the most similar designation to the previously proposed General Commerce.

**C. CITY PLANNING COMMISSION CONCEPT REVIEWS**

The City Planning Commission has held three concept reviews of proposed development on the project site.

1. April 10, 2003

The first concept review on April 10, 2003 was for a proposal to construct a two-story, 66,906 s.f. office building, which would have been leased by the Fielding Institute, and a freestanding 2,400 s.f. neighborhood market.

2. May 22, 2003

In response to the Planning Commission’s comments at the April 10, 2003 hearing, the applicant returned to the Planning Commission with a revised project. The revised site plan reflected separation of the main building into two buildings, with parking underneath the southernmost building.

3. December 11, 2008

A third concept review was held on December 11, 2008. That project included construction of a two and three story 71,009 s.f. office building for use by Fielding Graduate Institute and Antioch University (approximately 30% office space and 70% classroom space).

**D. COUNTY PLANNING COMMISSION COURTESY REVIEW**

On December 7, 2011, the current project was reviewed by the County Planning Commission. The Commission had questions about current remediation and the existing unkempt appearance of the site. They commented on the parking ratio, noting that the new Lompoc Sansum Clinic seemed underparked, and suggested pocket turn lanes into the parking lot to allow through traffic to flow unimpeded.

**E. CITY DEVELOPMENT APPLICATION REVIEW TEAM PROCESS**

Through the review process for this project, some of the key issues that have been discussed include:

<b>Issue</b>	<b>Proposed Resolution</b>
Properties to be included in this annexation	Decision by City Council to include 675 Cieneguitas but not any properties along La Barbara
Location of annexation boundary along Foothill Road	Decision to locate it at the back of proposed sidewalk rather than existing property line; proposed easement dedication to City of area between back of sidewalk and property line, with subsequent City dedication to Caltrans.

<p>Improvements along Foothill and easements/ maintenance</p>	<p>Foothill Road improvements are subject to approval by Caltrans. City has recommended certain improvements (such as a bike lane and street trees) in the conditions of approval, but Caltrans must ultimately approve the improvements. Caltrans has indicated that they do not support a bike lane and they want the trees located at the back of sidewalk due to sight visibility issues. Applicant to maintain all improvements.</p>
<p>Removal of pole sign on 675 Cieneguitas</p>	<p>Pole signs are not permitted in the city of Santa Barbara (SBMC §22.70.030.C.23). The pole sign must come into compliance with the Sign Ordinance within 180 days of annexation (per SBMC §22.70.080 (Exhibit F), this means either removal or receiving an exception pursuant to SBMC §22.70.080.C.3).</p>
<p>Appropriate zoning designation</p>	<p>C-1/S-D-2 proposed</p>
<p>Balancing storm water management with contaminated soils/groundwater</p>	<p>Project complies with SWMP, but additional measures were not required due to soil concerns</p>
<p>Status as an economic development project due to uncertainty of proposed tenant</p>	<p>Sansum Clinic is currently proposed as the tenant, and staff is fully supportive of them qualifying under the economic development category</p>
<p>Proposal to provide additional off-site parking at the Pesetas Lane Clinic to satisfy anticipated parking demand</p>	<p>Applicant revised proposal to incorporate TDM measures as a way to reduce parking demand</p>
<p>Inclusion of a commercial component</p>	<p>Although previously encouraged by staff and the Planning Commission, it was not supported by nearby schools or neighbors and is not included in this proposal</p>

**V. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

	<b>675 Cieneguitas Rd.</b>	<b>681 Cieneguitas Rd.</b>	<b>4151 Foothill Rd.</b>
<b>APN:</b>	059-160-021	059-160-023	059-160-017
<b>Parcel Size:</b> Total = 187,723 s.f. (4.31 acres)	10,018 s.f.	155,384 s.f.	22,321 s.f.
		177,705 s.f. (4.08 acres) after merger	
<b>Owner:</b>	Britschgi 1, LLC	Foothill Centre, LP	Foothill Centre, LP
<b>Slope</b>	3.2% NW to SE		
<b>General Plan -Existing:</b>	Neighborhood Commercial (County)		
<b>-Proposed:</b>	General Commerce (City)		
<b>Zoning -Existing:</b>	SC Shopping Center (County)		
<b>-Proposed:</b>	C-1/S-D-2 Limited Commercial and Upper State Street Overlay (City)		
<b>Land Use -Existing:</b>	veterinary hospital	vacant	former gas station
<b>-Proposed:</b>	veterinary hospital	medical offices	
<b>SURROUNDING LAND USES (JURISDICTION):</b>			
<b>North:</b>	Foothill Road and Residential (County)		
<b>East:</b>	Residential (City and County)		
<b>South:</b>	Residential (City)		
<b>West:</b>	Hwy 154 and Residential (County)		

**B. PROJECT STATISTICS**

	<b>Proposed Building A</b>	<b>Proposed Building B</b>
<b>1st Floor</b>	23,214 s.f.	6,761 s.f.
<b>2nd Floor</b>	23,386 s.f.	6,761 s.f.
<b>Sub-Total</b>	46,600 s.f.	13,522 s.f.
<b>Total</b>	60,122 net s.f.	

**VI. POLICY AND ZONING CONSISTENCY ANALYSIS**

**A. ZONING**

The project site is currently located within the jurisdiction of the County of Santa Barbara, and is zoned Shopping Center (SC). The SC zone is applied to areas appropriate for clustered shopping center uses. This zone allows either a convenience shopping center (where the everyday, frequent needs of the consumer are served) or a community shopping center (where consumer goods and services are provided and shoppers are provided the opportunity to comparison shop).

As part of the annexation, the project site is proposed to be rezoned to C-1 (Limited Commercial) and S-D-2 (Special District Two, Upper State Street Area) Zones. The intent of the C-1 zone district is to provide a desirable living environment by preserving and protecting surrounding residential land uses in terms of light, air and existing visual amenities. The Upper State Street Area Overlay is intended to limit traffic through specific setback, parking and building size requirements. There are other City zoning designations that could be deemed appropriate for this site (e.g. C-P was originally proposed); however, staff believes that C-1 is appropriate and offers the most flexibility (primarily because it allows for general office development). Refer to Exhibit D for a comparison of other potential zone designations. Based on staff's analysis, the proposed zoning designation would be appropriate for the area and would be no more intensive than the existing County zoning.

The proposed use as a medical clinic is permitted within the proposed C-1/S-D-2 zone. As identified in the Table below, the project complies with all zoning requirements with respect to building height and setbacks. The project would provide more parking than required by Ordinance. No modifications are requested or required.

<b>Standard</b>	<b>Requirement/ Allowance</b>	<b>Proposed Development</b>
<b>Setbacks</b>		
<b>-Front</b>	10' for building or structure < 15' 20' for 2-story buildings	10' parking 35' Building A 20' Building B
<b>-Interior</b>	none	100'
<b>Building Height</b>	3 stories and 45 feet	2 stories and 37 feet
<b>Parking</b>	1 per 250 s.f. less 30% reduction <sup>1</sup> = 168	225
<b>Lot Coverage</b>		
<b>-Building</b>	N/A	30,908 s.f. 17%
<b>-Paving/Driveway</b>	N/A	91,101 s.f. 51%
<b>-Landscaping</b>	N/A	56,691 s.f. 32%

<sup>1</sup> Per SBMC §28.90.100.D.3, for industrial and office uses, buildings in excess of 50,000 s.f. shall provide 70% of the required parking.

**1. DEVELOPMENT PLAN**

The Foothill Centre development proposal involves a net increase in non-residential square footage totaling approximately 58,372 s.f. (60,122 s.f. less existing 1,750 s.f. building). Under Santa Barbara Municipal Code (SBMC) §28.87.300, nonresidential development requires a Development Plan and approval by the Planning Commission. Pursuant to the provisions of SBMC §28.87.300, the Foothill Centre development parcel would be allowed nonresidential square footage as follows:

	4151 Foothill Rd.	681 Cieneguitas Rd.
Existing Floor Area	1,750 s.f.	N/A
Minor and Small Addition	3,000 s.f.	3,000 s.f.
Vacant Land Credit	N/A	38,846 s.f.
Total Available S.F.	46,596 s.f.	
Total Requested S.F.	60,122 s.f.	
Difference – Proposed to be allocated from the Economic Development Project category	13,526 s.f.	

In order to approve the proposed nonresidential development, the Planning Commission must determine that the project: is consistent with the City’s Municipal Code requirements; is consistent with the principles of sound community planning; is compatible with the neighborhood; and that the project will not have an adverse impact on South Coast affordable housing stock, water resources, or traffic. Staff finds that the project satisfies each of these requirements, and the findings for approval are included in Section IX of this staff report.

**2. ECONOMIC DEVELOPMENT DESIGNATION**

An Economic Development Project is one that “will enhance the standard of living (defined therein as wages, employment, environment, resources, public safety, housing, schools, parks and recreation, social and human services, and cultural arts) for City and South Coast residents and will strengthen the local or regional economy.” SBMC §28.87.300.B.3

Currently, there is 538,034 s.f. available in the Economic Development category (see Exhibit G for a table of projects with Preliminary or Final Economic Development Designations).

The City Council granted the Foothill Centre development site a Preliminary Economic Development designation of 22,499 s.f. of non-residential area in 2003 for the previously proposed administrative office building for Fielding Graduate Institute. City Council must make a final determination that the use of the building by Sansum is an Economic Development Project (for 13,526 s.f. rather than the 22,499 s.f. granted preliminarily).

Staff believes that the project qualifies for the Economic Development designation because the use as a medical office, and more specifically as an outpatient surgery center, would support diversity and balance in the local economy by providing services that are currently in limited supply in the region. The project would also have no significant impacts on traffic, water or housing. The City Council will make the final determination, and feedback from the Planning Commission would be appreciated.

### **3. PARKING**

The project, as designed, requires 168 parking spaces per the City's Parking Ordinance. The applicant has proposed a total of 225 spaces, as well as one loading space and space to accommodate three cars in the passenger drop-off area. Typically, staff does not support the provision of parking in such excess of Ordinance requirements. However, the proposed development is intended for use as a medical office, which has a higher parking demand than a typical office development. A Traffic, Circulation and Parking Study (included in Final MND – Exhibit I) and a Parking Analysis Addendum (Exhibit H) were prepared for the project by Associated Transportation Engineers. Based on analysis outlined in those studies, the project is anticipated to demand 239 parking spaces. A Transportation Demand Management (TDM) Plan is proposed as part of the development to reduce the project's overall parking demand. The Parking Analysis Addendum concludes that the TDM Plan should reduce peak parking demand by approximately 15%, which results in a peak demand of 218 parking spaces (based on 138 employees). The 225 spaces proposed would accommodate this parking demand. The project exceeds the Zoning Ordinance requirements as they relate to parking, and the TDM measures proposed in order to reduce the anticipated parking demand are being provided at the applicant's discretion in order to minimize on-street parking and associated impacts to the surrounding neighborhood. As such, staff supports the proposed parking and TDM Plan.

## **B. GENERAL PLAN CONSISTENCY**

Refer to Final MND (Exhibit I) for a complete list of applicable General Plan policies and additional discussion.

### **1. LAND USE**

The current County General Plan Land Use Plan designation is Neighborhood Commercial. Neighborhood Commercial serves such day-to-day needs of residents in the immediate area as food, drugs, gasoline, and other incidentals. As part of the project, the site would be annexed to the City with a General Plan designation of Commercial/Medium High Density Residential, which is intended for commercial centers typically located in residential areas. A broad variety of retail commercial outlets, restaurants, offices, medical offices, and grocery stores are allowed uses under this designation. Staff finds that the proposed land use designation is appropriate for the site. The proposed development of the medical office buildings would be consistent with the proposed City land use and zoning designations.

If approved, the project site would become part of the Hope Neighborhood, which is described in the Land Use Element of the City's General Plan as being bounded by the

City limit line to the north and west, Arroyo Burro Creek to the east, and Via Lucero to the south. The annexation would move the City's jurisdictional limits to the west at the northern edge of this neighborhood.

The Hope Neighborhood includes single family, duplex and multi-family development, as well as senior and affordable housing complexes. Although this neighborhood is primarily developed with single-family residences, the area also includes several schools and is located in close proximity to medical and office uses in the North State neighborhood.

The project would add land that is in the City's Sphere of Influence into City limits. One City goal noted in the General Plan is to simplify the present City boundaries and provision of services by encouraging annexation of unincorporated islands and peninsulas of land contiguous to the City. The project site is located in an area (south of Foothill Road in the Hope neighborhood) that is identified to be annexed at the earliest opportunity. The proposed project could be found potentially consistent with the Land Use Element of the General Plan.

## **2. ENVIRONMENTAL RESOURCES ELEMENT**

With respect to the subject development, the most applicable policies relate to visual resources and trees. Development of the project site will affect views of the mountains; however, those views are neither pristine nor seen from major public vantage points. The project is proposing the removal of trees, including three oaks. However, four oaks are to be protected, and 25 oaks and 135 other trees are proposed to be planted. As such, the project can be found consistent with the Environmental Resources Element of the General Plan.

## **3. CIRCULATION ELEMENT**

The Circulation Element contains goals and implementing measures to reduce adverse impacts to the City's street system and parking. The project includes pedestrian and bus stop improvements to increase the availability and attractiveness of alternative transportation, as well as a TDM Plan to reduce traffic and parking demands at the site. These project components are consistent with the Circulation Element of the General Plan.

## **VII. ENVIRONMENTAL REVIEW**

Environmental review of the proposed project has been conducted pursuant to the California Environmental Quality Act (CEQA) and related Guidelines. An Initial Study and a Mitigated Negative Declaration (MND) were prepared to evaluate the project's potential impacts on the physical environment. The analysis identified potentially significant but mitigable environmental effects in the following issue areas: biological resources, cultural resources, and noise. In addition, recommended mitigation measures were identified to further reduce less than significant impacts associated with air quality and cultural resources.

The Draft MND was available for public review from April 4 to May 4, 2012. Four comment letters were received. The primary environmental concerns raised by those who commented were related to

traffic, air quality and noise. These issues are addressed in the Response to Comments document<sup>2</sup>, and minor revisions to the Initial Study text have been made. Additionally, since release of the Draft MND, the applicant has refined the architectural drawings. In doing so, it was determined that the building height needed to increase by 24 inches to accommodate ducting and mechanical equipment necessary for the use. The Initial Study has been updated to reflect this new information; however, no new significant impacts would result, and it would not change the severity of any previously identified impacts. This change is not considered significant new information that would trigger recirculation of the MND.

The proposed Final MND has identified no significant and unavoidable (Class I) impacts related to the proposed project. Pursuant to CEQA and prior to approving the project, the Planning Commission must consider the Final MND. For each mitigation measure adopted as part of a Mitigated Negative Declaration, the decision maker is required to make the mitigation measure a condition of project approval, and adopt a program for monitoring and reporting on the mitigation measures to ensure their compliance during project implementation. The mitigation measures described in the proposed Final MND have been incorporated into the recommended conditions of approval for this project and have been agreed to by the applicant. In addition, a mitigation monitoring and reporting program (MMRP) is included in the project's Final MND.

As stated previously, the Final MND analysis concludes that no significant environmental impacts would result from the project as mitigated. The only potentially significant (Class II) impact area identified is Hazards, and is a result of existing contamination and on-going remediation work. Project impacts related to exposure of people (construction workers) to health hazards would be potentially significant due to the existence of contaminated soils on site. Mitigation measures are proposed to reduce this impact to a less than significant level: H-1 Monitoring Wells, which requires an approved well abandonment workplan and protection of wells that are to remain; H-2 Soils Management Plan, which describes procedures for handling and disposal of contaminated soils; and H-3 Interceptor Trenches, which requires that existing interceptor trenches be properly abandoned prior to starting construction. According to the County Fire Department, with this mitigation, the proposed uses would not present health hazards.

The MND identified less than significant impacts in the areas of Aesthetics, Air Quality/Greenhouse Gas, Biological Resources, Cultural Resources, Geophysical Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Circulation, Water Environment, and Land Use. Mitigation measures are recommended to further reduce the following adverse, but less than significant, impacts:

- temporary impacts associated with construction noise (N-1 Neighborhood Notification Prior to Construction, N-2 Construction Hours, and N-3 Construction Equipment Sound Control);
- biological impacts associated with tree removal (BIO-1 Bird Nesting); and
- geologic impacts associated with foundation design (G-1 Geotechnical Studies).

### **VIII. DESIGN REVIEW**

This project has been reviewed conceptually by the City's Architectural Board of Review (ABR) on three separate occasions (meeting minutes are included in the Final MND (Exhibit I). Overall, the

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<sup>2</sup> Exhibit 12 of the Initial Study; included as part of the proposed Final MND (Exhibit I).

Board appreciated the site planning and generous setbacks, and liked the proposed architectural style. The ABR found the project to have a minimal visual impact from Highway 154. The Board found the proposed project to be in compliance with the City Charter and applicable Municipal Code requirements, consistent with applicable Design Guidelines and compatible with the architectural character of the City and the surrounding neighborhood. Since the Board's last review on December 13, 2010, the buildings have increased in size by approximately 1,485 net s.f., and the building height has increased by 24 inches. However, the current proposal is 7,428 net s.f. smaller than the project the ABR gave favorable comments to in January 2010. The project would be required to return to the ABR for Project Design Approval if approved by the Planning Commission.

## **IX. FINDINGS**

Staff recommends that the Planning Commission adopt the Final MND and approve the Development Plan, making the following findings:

### **A. FINAL NEGATIVE DECLARATION ADOPTION**

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated June 11, 2012 for the 4151 Foothill Road Project (MST2008-00496) and comments received during the public review process.
2. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment.
3. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval. A Mitigation Monitoring and Reporting Program, prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.

### **B. DEVELOPMENT PLAN (SBMC §28.87.300.D)**

1. The proposed development complies with all provisions of Title 28.  
*As identified in Section VI.A of the staff report, the project complies with all provisions of the City's Zoning Ordinance (Title 28).*
2. The proposed development is consistent with the principles of sound community planning.  
*The project is an infill project proposed in an area where commercial and residential development are permitted uses. The project site has been previously*

*developed, and has been undergoing remediation for many years. Redevelopment of the site would eliminate an unkempt, essentially vacant lot with a new commercial/office development that has been found to be compatible with surrounding development and with the City's aesthetic criteria. As identified in the Mitigated Negative Declaration, the project will have no significant unmitigated environmental impacts. The project is adequately served by public streets, public transportation and utilities.*

3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood.

*As described in Section VIII of the staff report, the design has been reviewed by the City's Architectural Board of Review, which found the architecture and site design appropriate, and found the project consistent with applicable Design Guidelines and compatible with the architectural character of the City and the surrounding neighborhood. Additionally, the Mitigated Negative Declaration prepared for the project analyzed the project's aesthetic and view impacts and found that the project would not have a significant environmental impact on aesthetics. The immediate neighborhood contains a mixture of one and two-story residential developments.*

*Final review of the project, including architectural details, outdoor lighting, mechanical equipment and landscaping will be provided by the Architectural Board of Review.*

4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.

*The project includes development of a medical office complex for use by Sansum Clinic. The proposed new offices would result in the consolidation of several offices currently used by Sansum. It is estimated that the Foothill Centre development project will result in 25-30 new employees on the south coast, which represents a very small increase in area employees. The project does not include the demolition of any housing, nor does it include construction of new housing. The applicant prepared a Housing Mitigation Calculation based on the Regional Growth Impact Study (1980), which estimated that the Foothill Centre development would generate a demand for 10 low to moderate income housing units. The project developer has recently constructed 200 residential units in Goleta (Sumida Gardens), of which 34 were designated for low-income homebuyers. The project will not have an adverse impact on affordable housing stock.*

5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources.

*As described in Section VII of the staff report and in more detail in the project's Mitigated Negative Declaration, adequate City services, including water, are currently available to the project site. Water resource impacts are not anticipated as a result of the construction of the Foothill Centre development.*

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic.

*As identified in Section VII of the staff report and in more detail in the project's Mitigated Negative Declaration, the project will not generate substantial traffic and will not significantly impact any area intersections.*

7. Resources will be available and traffic improvements will be in place at the time of project occupancy.

*The project site is adequately served by existing public streets and utilities. Traffic improvements proposed as part of the project (extension of left turn lane on Cieneguitas Road) and required sidewalk improvements must be completed prior to project occupancy, as outlined in the project's conditions of approval.*

Staff recommends that the Planning Commission recommend approval of the annexation, General Plan Amendment, Pre-zoning and Economic Development status to the City Council for the following reasons:

#### **C. ANNEXATION**

The proposed annexation is appropriate since the project site is within the City's Sphere of Influence, and is identified in the Land Use Element as an area that should be annexed to the City. The project site is surrounded on two sides by property currently within the City's jurisdiction. A City maintained road (Cieneguitas Road) serves the site and some City services are currently provided to the site.

#### **D. GENERAL PLAN AMENDMENT**

The proposed General Plan designation of Commercial / Medium High Density Residential is consistent with the existing County General Plan designation and with the proposed zoning designation. This land use designation would be consistent and compatible with surrounding development and land uses in this neighborhood.

#### **E. ZONING MAP AMENDMENT**

The proposed rezone from Santa Barbara County Shopping Center zoning to the City zoning designation of Limited Commercial and Special District 2 "Upper State Street Area" (C-1/SD-2) Zone is compatible with the surrounding neighborhood zoning. This zoning designation would also be consistent with the proposed General Plan designation of Commercial/Medium High Density Residential. The uses allowed under this designation would also be compatible with surrounding development and would provide a buffer between Highway 154 and existing residential development.

#### **F. ECONOMIC DEVELOPMENT FINDINGS**

As discussed in Section VI.A.2 of the staff report, the proposed development qualifies as an Economic Development Project because it will enhance the standard of living (defined as wages, employment, environment, resources, public safety, housing, schools, parks and recreation, social and human services, and cultural arts) for City and South Coast residents and strengthen the local or regional economy by creating new permanent employment

opportunities. It will also support diversity and balance in the local and regional economy by providing services (outpatient surgery center and medical clinic) that are currently in limited supply both locally and regionally.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated June 6, 2012
- D. Comparison of Potential Zone Designations for Foothill Triangle
- E. Planning Commission Minutes
  - a. April 10, 2003,
  - b. May 22, 2003,
  - c. December 11, 2008
- F. SBMC §22.70.080 Nonconforming Signs
- G. Economic Development Designations
- H. Parking Analysis Addendum dated February 2, 2012
- I. Final Mitigated Negative Declaration available on the City website:  
[http://www.santabarbaraca.gov/Resident/Environmental\\_Documents/4151\\_Foothill\\_Road/](http://www.santabarbaraca.gov/Resident/Environmental_Documents/4151_Foothill_Road/)

**PROJECTS WITH PRELIMINARY OR FINAL  
ECONOMIC DEVELOPMENT DESIGNATIONS**

<b>PROJECT/ADDRESS</b>	<b>PRELIM. DESIG. (SQ. FT.)</b>	<b>FINAL DESIG. (SQ. FT.)</b>	<b>STATUS/ COMMENT</b>
Gateway Project (Miravant) 6100 Hollister Avenue MST97-00715		80,320	Approved 5/28/2000 Expired/Pending
Architectural Millworks 815 Quinientos Street MST97-00320		15,000	C of O 1/20/2004
Penfield and Smith 111 E Victoria St MST2002-00243		7,905	BP 2/11/2005
Software.com 630-634 Anacapa Street MST97-00520	<del>26,493</del>		Withdrawn
Alliance Manufacturing Software 1035 Chapala Street MST98-00051	<del>30,257</del>		Withdrawn
<del>Fielding Institute</del> Sansum Clinic 4151 Foothill Road MST2001-00840 MST2008-00496	<del>22,499</del> 22,499		Prelim with MST2001-00840 - Still Active
Santa Barbara Auto Gallery 352 Hitchcock Way MST2009-00015	<del>7,925</del>		Withdrawn
Airport Mobile Structure 500 Fowler Rd MST2002-00265		720	Approved 6/20/02
Cottage Hospital 320 W Pueblo St MST2003-00152		182,541 <u>+ 10,600</u> 193,141	Under Construction Add'l s.f. approved 10/19/10
Granada Theatre 1216 State St MST2004-00005		13,360	C of O
101 E Victoria MST2006-00758		2,703	Approved 12/23/2008
34 W. Victoria MST2009-00266		3,413	Approved 4/26/11
<b>SUBTOTALS</b>	<b>22,499*</b>	<b>316,562</b>	<b>SUBTOTALS</b>
<b>ALLOCATED TO DATE: 339,061 SQFT*</b>			
<b>REMAINING UNALLOCATED: 539,737 SQFT</b>			

11/22/2010

\*Does not include SF from Software.Com, SB Autogroup or Alliance, which have been withdrawn

# **CORRESPONDENCE**

## Peirce, Gwendolynn

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**From:** [REDACTED]  
**Sent:** Monday, July 16, 2012 11:01 AM  
**To:** Peirce, Gwendolynn  
**Subject:** 4151 Foothill Road Annexation

Members of the Santa Barbara City Council:

You are about to rule on the proposed development below. Please take the time to read up on this proposal as it has many implications for the future of Santa Barbara.

At the Planning Commission meeting on June 21, 2012 regarding the proposed Sansum Clinic to be built on Foothill Road, questions were brought up about the total lack of neighborhood notification about this massive project in a residential neighborhood. Mr. Towbes said about 50 letters were sent out. Well, there are over 1000 neighbors in the near vicinity and almost all will be affected by this massive project. If someone was going to put an addition on their home, maybe the 300 foot notification would be sufficient but for such a large project, we feel a much larger notification would be necessary.

The City of Santa Barbara needs to revisit this procedure. Almost everyone we have spoken to who live within a mile of here did not know what was to be built or when this project was going to happen. Therefore only a small handful were at the Planning Commission meeting to comment. Some commissioners were also saying the Upper State Street Plan was what drove their decision to approve. This is not State Street. If you drive from Goleta to Montecito, there is not one commercial development along Foothill Road. Other than residential, only a few schools and churches occupy this road. This is a 60 thousand square foot development with 225 parking spaces and 4 surgery rooms as well as many doctors offices; a true large medical clinic.

The perception in this neighborhood was that this project was developed in the dark without the knowledge of almost everyone, and the developers just went on their merry way to acceptance by the architectural board of review and planning commission. Also, area wide notification was provided in a small newspaper only found in front of a few local businesses. This is not a good way to conduct the planning of a major development.

One commissioner said he liked the buildings out near the street with parking in the rear. This neighborhood thinks just the opposite. This 260 long building facing Foothill is very similar to the parking garage behind the Granada theatre except it is longer and about the same height. Just drive down Anacapa street across from the County Administration Building and take a look at its massive size. This what will appear in our neighborhood if this building is allowed on the intended site.

Mr. Towbes showed an earlier rendering of the proposed building set back against the foothill off ramp from Hwy 154. This is what was proposed to a neighborhood meeting several years ago and it got a good response. At the Planning Commission meeting, his architect said such a long building was not as feasible due to the lay of the land. He admitted at the PC meeting that this was the proposal for the Fielding Graduate Institute but when Sansum Clinic approached them they changed the location. My question is why couldn't they have 2 buildings near the off ramp with a small separation between them. They could easily be built in a lower set back location with much less impact for everyone to see.

As now proposed, anyone living on Cieneguitas Road below Foothill Road will have their mountain view corridor permanently blocked by such a long, tall building. Moving the long building back against the Foothill off ramp with parking in front and an earth berm with plantings would hide the parking lot and make a much more attractive project, not being so intrusive to the area and still providing mountain views.

We perceive some decisions from city commissions as being expedient and not considerate of the neighborhood in which they are to be located. Most projects would be received in a better light if there was more involvement from the neighbors as well as the developers. This project passed the planning commission on a 4 to 2 vote, not unanimous by any standards. A recent election voting down a proposed entrance and bridge on Las Positas road to a planned development showed citizen involvement kept this from happening. It has not happened here because, so far, hardly anyone is really aware of its scope.

Danny Kato, the city's development review supervisor, said the developer's plans to build close to the roadway are consistent with the city's urban planning guidelines. I have taken the time to read these guidelines as well as the Upper State Street Design Guidelines and there are multiple references to keeping the project compatible with the surrounding neighborhood. This is not an urban area and does not resemble State Street in any manner. They have given a C1/S-D-2 zoning to a parcel that is right in the middle of a residential area.

The members of the city council need to take a hard look at this development because it is precedent setting and can only cause poorer planning practices in the future if allowed as presented. If you want a great explanation of why this project should be either revised or denied, just go to the video archive of the June 21 Planning Commission meeting. At about one hour and 58 minutes into the video, Commissioner Bruce Bartlett detailed his opposition to this project in its present form. This is very informative and speaks to the deficiencies as proposed.

As I stated earlier in the letter I sent to the planning commission, which is located at the end of this e-mail, I do approve of the project. It is solely the placement of a massive structure up against Foothill that is most unappealing. Please encourage the developer to relocate the massive building down and away from Foothill Road. It will make for a far superior development with neighborhood approval and retain the mountain views and other view corridors so highly sought after in this area.

Please read the following references from the "Upper State Street Design Guidelines". These references all pertain to views, building locations, parking and landscaping. Although this is not Upper State Street, the Planning Commission and Architectural Board of Revue have used these guidelines to make their decisions. It is my opinion that all of these references pertain to this development plan and they are outlined as follows:

Page 2-2, Discussion; Page 2-3, Goals, Guidelines #2; Page 2-6, #6 Rear Parking; Page 3-6, #16 & #17. These are only a few references but there are many more.

Respectively, David Jones, Concerned longtime neighbor of proposed Foothill Centre

## **Letter sent to the Planning Commission and entered into the minutes of the June 21, 2012 meeting**

June 21, 2012

Madame Secretary and members of the Planning Commission:

My name is David Jones, also known as Bud Jones to most people I know. Rarely do I get involved with this kind of public meeting but I feel I have to speak up about the proposed Foothill Centre project. Whatever is finally approved, the whole neighborhood will have to live with the results.

I have read the application for the Foothill Centre, LP, 4151 Foothill Road and 681 Cieneguitas Road and I wish to comment on this proposed development.

A few years ago, residents near this proposed project were invited to a meeting at La Colina Middle School to hear Michael Towbes and his associates lay out a plan to develop the above mentioned property. At that meeting it was said that the proposed tenant would be the Fielding Graduate Institute. A layout of the proposed buildings was presented to those in attendance. All of the buildings were to be located at the rear of the property with parking in front, facing Foothill and Cieneguitas Roads. Personally, I liked this proposal and commented that after many years, I was glad someone with a reputation like Mr. Towbes was to be the developer. Having lived at my current address for 40 years, my wife and I consider our location to be in an excellent neighborhood of mixed residential and multi-residential homes.

My reason for commenting on this proposal is driven by several changes that have transpired since the original proposal. The proposed plan now has both buildings up against Foothill Road and Cieneguitas Road with parking in the rear. Just last week, story poles were erected showing the locations and the heights of these buildings. This has become quite a shock to residents of this neighborhood. It looks like Wall Street in New York and is very out of character with this residential neighborhood. This property slopes down to the South but the buildings are proposed on the topmost level.

Why has this new proposal been re-arranged? If the buildings were set back away from Foothill Road there would be much less of an impact on the high visibility and mass of these buildings. They would be much lower and be much less visible mitigating their large size.

I do not have any objections to developing this property but I believe it would be in the best interests of the developer and the residents to make the impact less adverse.

The building fronting along Foothill Road is over 250 feet long and is 2 stories with a total height of 37 feet. I believe this is too massive in that location. If moved back against the Hwy 154 off ramp or just placed on a lower level of the property, it would have a far lesser impact on the neighborhood. Also the view from Highway 154 would have less impact because the property slopes down considerably from Foothill Road.

I believe there would be many residents of the area here today to object to the building location along Foothill Road. However, with the 300 foot limit of notification, hardly anyone was notified of this project. I know I wasn't notified and I live about 600 diagonal feet away. There are only a few properties facing the development. It is only due to the erection of the story poles last week that anyone knew something was about to happen. But they did not know what it was to be or what they could do about it. Again, this is a residential and multi-residential area and this massive building facing Foothill Road is very imposing.

Thank you for your consideration of my concerns in this matter.

David T. Jones

[REDACTED]  
Santa Barbara, CA 93110-1212  
[REDACTED]



## Granada parking garage facing Anacapa Street



View from Cieneguitas Road

Note that if a line is drawn from the bottom of the long building facing Foothill Road to the lower building, it basically reduces the height by 50% due to the downward slope of the property. For this reason, it is far superior to place this massive building in a more suitable location. The Towbes architect said at the Planning Commission hearing that sloping played a part in relocating the building to its proposed site after discussions with Sansum Clinic.

The questions should be not what is only good for the developer but what also is good for the neighborhood. Either relocation of the massive building or moving it further westward where the existing gas station building sits would be preferred. If it has to stay in its location, the neighborhood would prefer it be situated even lower than proposed to mitigate its immense size.

**Michael D. Rittenberg, DVM  
Foothill Pet Hospital  
675 Cieneguitas Road  
Santa Barbara, CA 93110**

RECEIVED  
JUL 17 2012  
MAYOR & COUNCIL  
SANTA BARBARA

July 13, 2012

City Council  
City of Santa Barbara  
c/o City Clerk's Office  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

***Subject: Foothill Centre (MST2008-00496)***

Dear Honorable Council Members:

I am the owner of Foothill Pet Hospital located at 675 Cieneguitas Road in Santa Barbara. Foothill Pet Hospital is adjacent to the project site located at 4151 Foothill Road which is proposed to be developed as the Foothill Centre. It is my understanding that the proposed project will be before your Council for approval on July 24. I am writing to advise you of my concerns with respect to the project.

It is being proposed that both the project site and the Foothill Pet Hospital parcel be annexed to the City of Santa Barbara in connection with the approval of the project. Upon such annexation, the existing pole sign identifying Foothill Pet Hospital would become nonconforming. Although the City's Sign Regulations would appear to allow the sign to remain as a legal nonconforming sign, I am advised that the City Attorney has indicated that the sign would have to be removed following annexation unless the Sign Committee approves an exception. I have been offered no assurance that such an exception would be granted. I must therefore conclude that the annexation will result in me being forced to remove my sign.

The removal of the pole sign could have serious adverse consequences for my business. The sign provides visibility for my business from both Highway 154 and Foothill Road. Without the pole sign, the business could no longer be seen from either of these major transportation corridors. In addition, the cost of removing the pole sign and installing replacement signage would be considerable. It certainly seems inequitable to me that the approval of the Foothill Centre project should be allowed to have these detrimental impacts on my business.

To address these concerns, I urge you not to approve the annexation of the Foothill Pet Hospital parcel to the City. It is my understanding that the only reason the annexation is being proposed is because LAFCO suggested that the additional parcel be added to the Foothill Centre annexation. The annexation will not benefit the City in any way and will only create a nonconformity with respect to the sign. In addition, other properties in the immediate vicinity,

City Council  
City of Santa Barbara  
July 13, 2012  
Page 2

specifically those located on La Barbara Drive, are not being proposed for annexation. I do not see the reason for singling out my property.

It should also be noted that the pole sign is located on the northern portion of the Foothill Pet Hospital parcel in the area where parking is proposed for the Foothill Centre project. I ask that any parking allowed on this parcel be located so as to not to require the removal of or any alterations to the pole sign.

Thank you for your consideration of these comments.

Sincerely yours,

*Michael D. Rittenberg*

Michael D. Rittenberg, DVM

cc Allison de Busk, City Planner (Via email)  
N. Scott Vincent, Esq., Assistant City Attorney (Via email)  
Richard G. Battles, Esq., Howell Moore & Gough LLP

ORDINANCE NO. \_\_\_\_\_

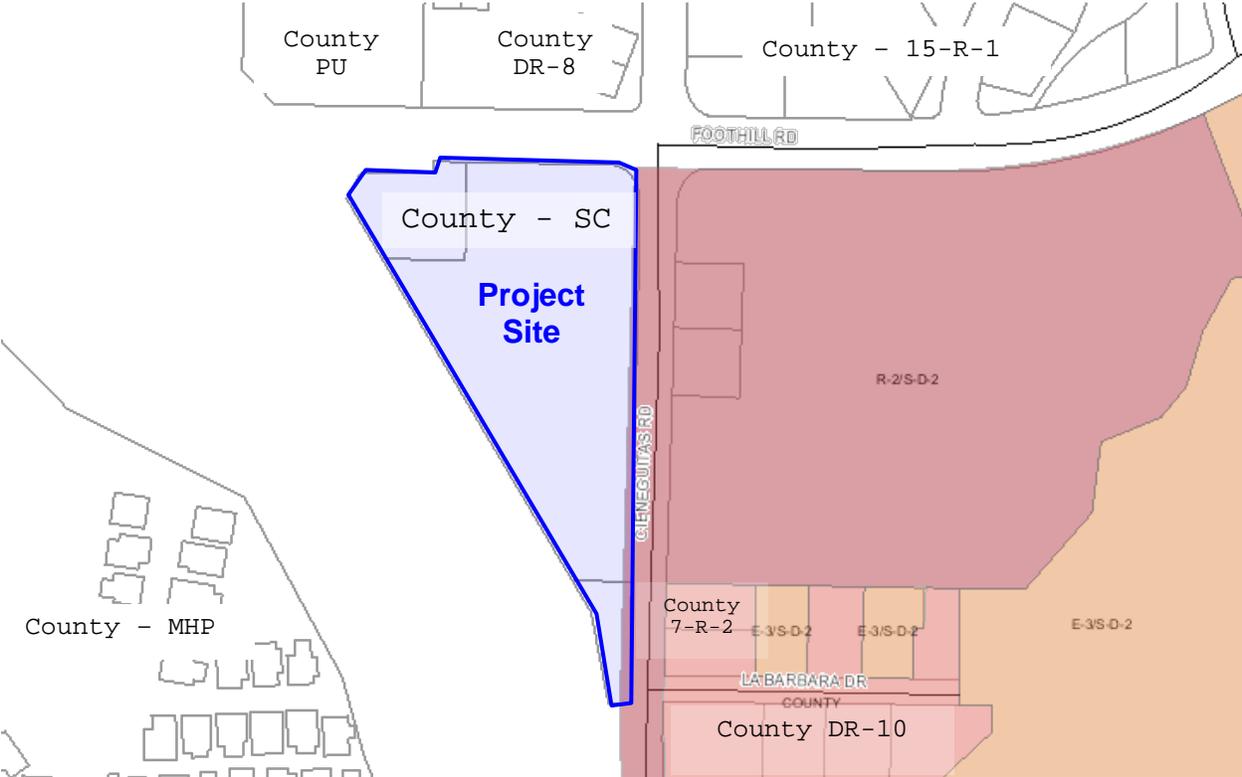
AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 28.12 (ZONE MAP) OF TITLE 28 OF THE MUNICIPAL CODE PERTAINING TO THE ZONING UPON ANNEXATION OF ASSESSOR'S PARCEL NUMBER 059-160-017 LOCATED AT 4151 FOOTHILL ROAD, ASSESSOR'S PARCEL NUMBER 059-160-021 LOCATED AT 675 CIENEGUITAS ROAD, AND ASSESSOR'S PARCEL NUMBER 059-160-023 LOCATED AT 681 CIENEGUITAS ROAD IN THE HOPE NEIGHBORHOOD

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

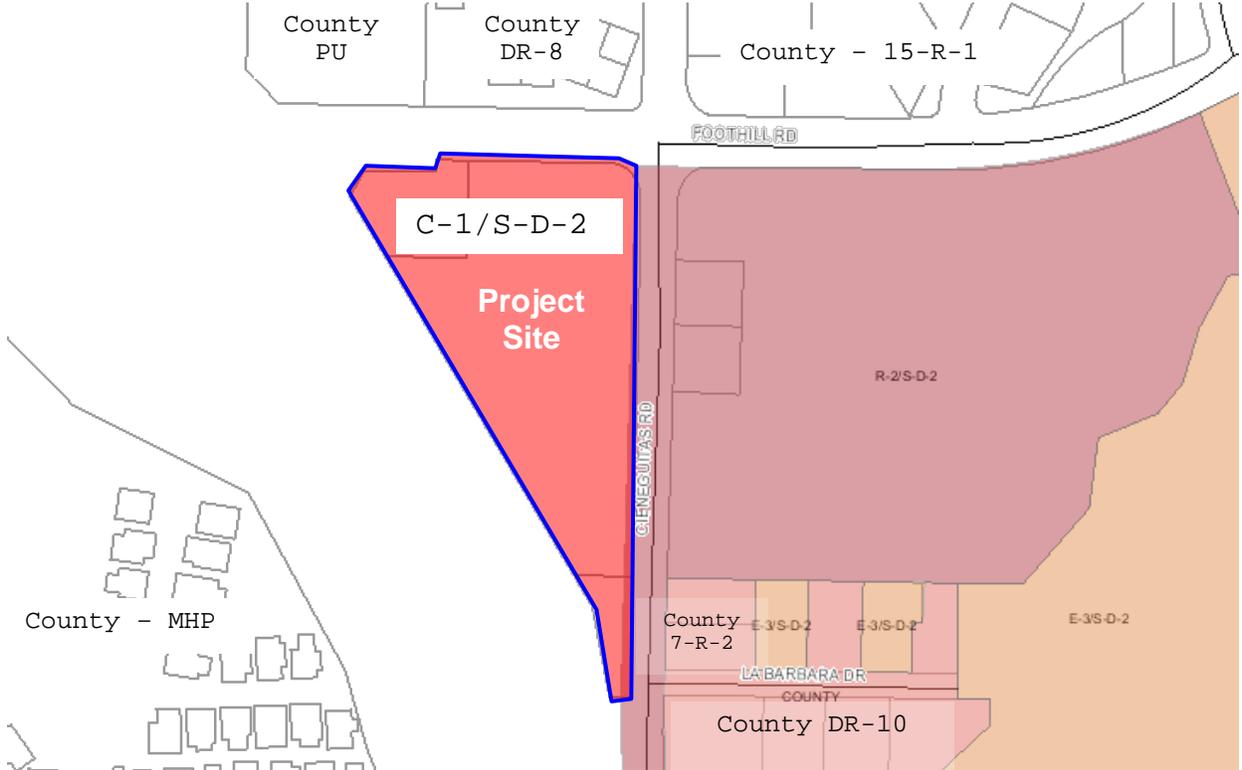
1. Upon annexation of the subject property, Sheet SD01 of the City's Sectional Zone Maps specified in Chapter 28.12 (Zone Map) of the Santa Barbara Municipal Code is hereby amended to designate Assessor's Parcel Numbers 059-160-017, 059-160-021, and 059-160-023, totaling approximately 4.31 acres, located at 4151 Foothill Road, 675 Cieneguitas Road and 681 Cieneguitas Road, and depicted in the attached Exhibit, as C-1/S-D-2, Limited Commercial/Special District Two (Upper State Street Area) Zone.

2. Notwithstanding any provision of Santa Barbara Municipal Code Chapter 22.70 to the contrary, the owner of a pole sign (as that term is defined in Section 22.70.020.KK) located on any parcel annexed to the City of Santa Barbara pursuant to this ordinance shall have five (5) years from the date of the recordation of the Certificate of Completion for this annexation to bring such sign into compliance with the provisions of Chapter 22.70. During the five (5) year period, any pole sign subject to this provision shall be treated as a nonconforming sign subject to the provisions of Section 22.70.080.B of the Santa Barbara Municipal Code until the owner of the sign obtains the approval of an exception pursuant to Section 22.70.080.C.3 of the Code. If the owner of the sign does not receive approval of an exception pursuant to Section 22.70.080.C.3 prior to the expiration of the five (5) year period, the pole sign shall be removed from the parcel on or before the fifth anniversary of the date of the recordation of the Certificate of Completion for this annexation. If the pole sign is not removed from the parcel and the owner of the sign does not obtain the approval of an exception on or before the fifth anniversary of the date of the recordation of the Certificate of Completion for this annexation, the sign shall be deemed illegal and subject to enforcement pursuant to Section 22.70.100 of the Santa Barbara Municipal Code.

**4151 Foothill Road and 675 and 681 Cienequitas Road - Current Zoning**



**4151 Foothill Road and 675 and 681 Cienequitas Road - Proposed Zoning**



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA REQUESTING INITIATION OF PROCEEDINGS FOR A REORGANIZATION OF BOUNDARIES, ANNEXATION TO THE CITY OF SANTA BARBARA AND DETACHMENT FROM THE GOLETA WATER DISTRICT, GOLETA SANITARY DISTRICT, SANTA BARBARA COUNTY FIRE PROTECTION DISTRICT, COUNTY SERVICE AREA 3 (GOLETA VALLEY – MULTIPURPOSE), AND COUNTY SERVICE AREA 32 (UNINCORPORATED AREA – LAW ENFORCEMENT) FOR CERTAIN REAL PROPERTY LOCATED AT 4151 FOOTHILL ROAD (ASSESSOR'S PARCEL NUMBER 059-160-017), 675 CIENEGUITAS ROAD (ASSESSOR'S PARCEL NUMBER 059-160-021) AND 681 CIENEGUITAS ROAD (ASSESSOR'S PARCEL NUMBER 059-160-023)

WHEREAS, the City accepted an application from Foothill Centre, LP, owners of 4151 Foothill Road and 681 Cieneguitas Road, in order to process a request for: 1. Annexation of the subject property from the unincorporated area of Santa Barbara County to the City of Santa Barbara; 2. A General Plan Amendment Upon Annexation to add the property to the City's General Plan Map; 3. A Zoning Map Amendment Upon Annexation; 4. A Development Plan; and 5. An Economic Development Designation;

WHEREAS, due to previously-imposed conditions on the adjoining property to the south, staff requests initiation of annexation of the 0.23 acre lot known as 675 Cieneguitas Road (APN 059-160-021) to be included with the applicant's request. This lot is owned by Britschgi, LLC;

WHEREAS, the proposed reorganization has been reviewed and recommended for approval by the Planning Commission with respect to environmental and planning matters;

WHEREAS, the City Council has read and considered the Final Mitigated Negative Declaration for the project together with comments received during the public review process and in its independent judgment and analysis and on the basis of the record before it, determined that there is no substantial evidence that the project will have a significant effect on the environment; and

WHEREAS, the City desires to initiate a proceeding for the adjustment of boundaries specified herein.

NOW, THEREFORE, the City Council does hereby resolve and order as follows:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization

Act of 2000, commencing with Section 56000 of the California Government Code.

2. This proposal is a reorganization and consists of the following changes of organization:
  - a. Annexation to the City of Santa Barbara;
  - b. Detachment from the Goleta Water District;
  - c. Detachment from the Goleta Sanitary District;
  - d. Detachment from the Santa Barbara County Fire Protection District;
  - e. Detachment from County Service Area 3 (Goleta Valley - Multipurpose); and
  - f. Detachment from County Service Area 32 (Unincorporated Area - Law Enforcement).
3. A description of the boundaries and a map of the affected territory are set forth in Exhibits A and B, respectively, attached hereto and incorporated herein by reference.
4. It is desired that the proposal be subject to the following term and condition:

The affected territory will be subject to the existing general bonded indebtedness of the City of Santa Barbara.
5. Upon annexation to the City, the annexed area will be designated on the General Plan as Commercial/Medium High Density Residential.
6. Upon annexation to the City, the annexed area will be zoned C-1/S-D-2, Limited Commercial/Special District Two (Upper State Street Area).
7. Upon annexation to the City, the annexed area will not be included in the Hillside Design District.
8. The reason for the proposal is to provide services to the subject property in a manner considered in the best interests of the affected area and the total organization of local governmental agencies within Santa Barbara County.
9. The proceeding is subject to the terms and conditions approved by the Local Agency Formation Commission.
10. The regular County assessment roll will be utilized.

11. Consent is given to the waiver of conducting authority proceedings, with the condition that LAFCO does not subject completion of this annexation to the initiation or completion of annexations other than those listed in this Resolution.
12. The City Clerk is directed to transmit two (2) certified copies of this resolution to the Santa Barbara Local Agency Formation Commission.

EXHIBIT A

DRAFT

CIENEGUITAS REORGANIZATION  
LAFCO NO. 12-XX  
ANNEXATION TO THE CITY OF SANTA BARBARA  
DETACHMENT FROM THE GOLETA WATER DISTRICT  
GOLETA SANITARY DISTRICT  
SANTA BARBARA COUNTY FIRE PROTECTION DISTRICT  
AND FROM COUNTY SERVICE AREAS 3 & 32

Legal Description

That portion of the land in the County of Santa Barbara, State of California, described as follows:

Beginning at a point in the westerly line of Cieneguitas Road, 65.00 feet wide, at the southwest corner of the Gainor Annexation to the City of Santa Barbara, as described in Ordinance No. 3293, approved and adopted by the City Council of Santa Barbara on April 23, 1968, said point also being the southeast corner of Parcel One, as described in the deed to Webster Properties, LP, recorded January 6, 1999 in the office of the County Recorder of said County as Instrument No. 99-000922 of Official Records;

Thence, 1st, along said westerly line of Cieneguitas Road, and the westerly line of said Gainor Annexation, and the easterly line of said Parcel One, North 00°24'30" East, 585.47 feet to the beginning of a curve concave southwesterly having a radius of 50.00 feet;

Thence, 2nd, continuing along said Annexation boundary and said Parcel One boundary, northwesterly, along said curve, through a central angle of 64°31'55", an arc distance of 56.32 feet to a line parallel with and distant southerly 5.00 feet, measured at right angles, from the southerly line of Foothill Road, 80.00 feet wide;

Thence, 3rd, leaving said Gainor Annexation boundary, along said parallel line, North 89°57'56" West, 247.95 feet;

Thence, 4th, leaving said parallel line, South 88°24'55" West 52.02 feet to the intersection with the easterly line of Parcel 1, conveyed to the State of California for State Highway purposes, as described in the Final Order of Condemnation recorded June 25, 1971 as Instrument No. 19618, in Book 2352, Page 1432 of Official Records;

Thence, along said easterly line the following eight (8) courses:

5th, South 00°06'13" West, 7.41 feet to an angle point therein;

6th, South 87°11'47" West, 95.87 feet to an angle point therein;

7th, South 27°57'11" West, 46.03 feet to an angle point therein;

8th, South 31°23'53" East, 385.22 feet to an angle point therein;

9th, South 31°20'26" East, 289.55 feet to the northwest corner of Parcel A of Parcel Map No. 11,276, filed in the office of said County Recorder in Book 7, Page 63 of Parcel Maps;

10th, continuing along said easterly line and along the westerly line of said Parcel A, South 31°20'26" East, 56.33 feet to an angle point;

11th, South 10°39'16" East, 140.00 feet to the southwest corner of said Parcel A and an angle point in said easterly line;

and 12th, South 89°36'56" East, 33.51 feet to the southeast corner of said Parcel A, being a point in the westerly line of the Reino Annexation to the City of Santa Barbara, as described in the Certificate of Completion of LAFCO Resolution No. 82-616, recorded in the office of the Santa Barbara County Recorder August 16, 1982 as Instrument No. 82-34183 of Official Records;

Thence, 13th, along said westerly line and the easterly line of said Parcel A, North 00°24'30" East, 185.29 feet to the point of beginning.

Containing 4.27 acres, more or less.

DRAFT

Prepared by:

Kenneth S. Hughes  
PLS 6170  
License expiration  
date: 3/31/14



EXHIBIT "B"

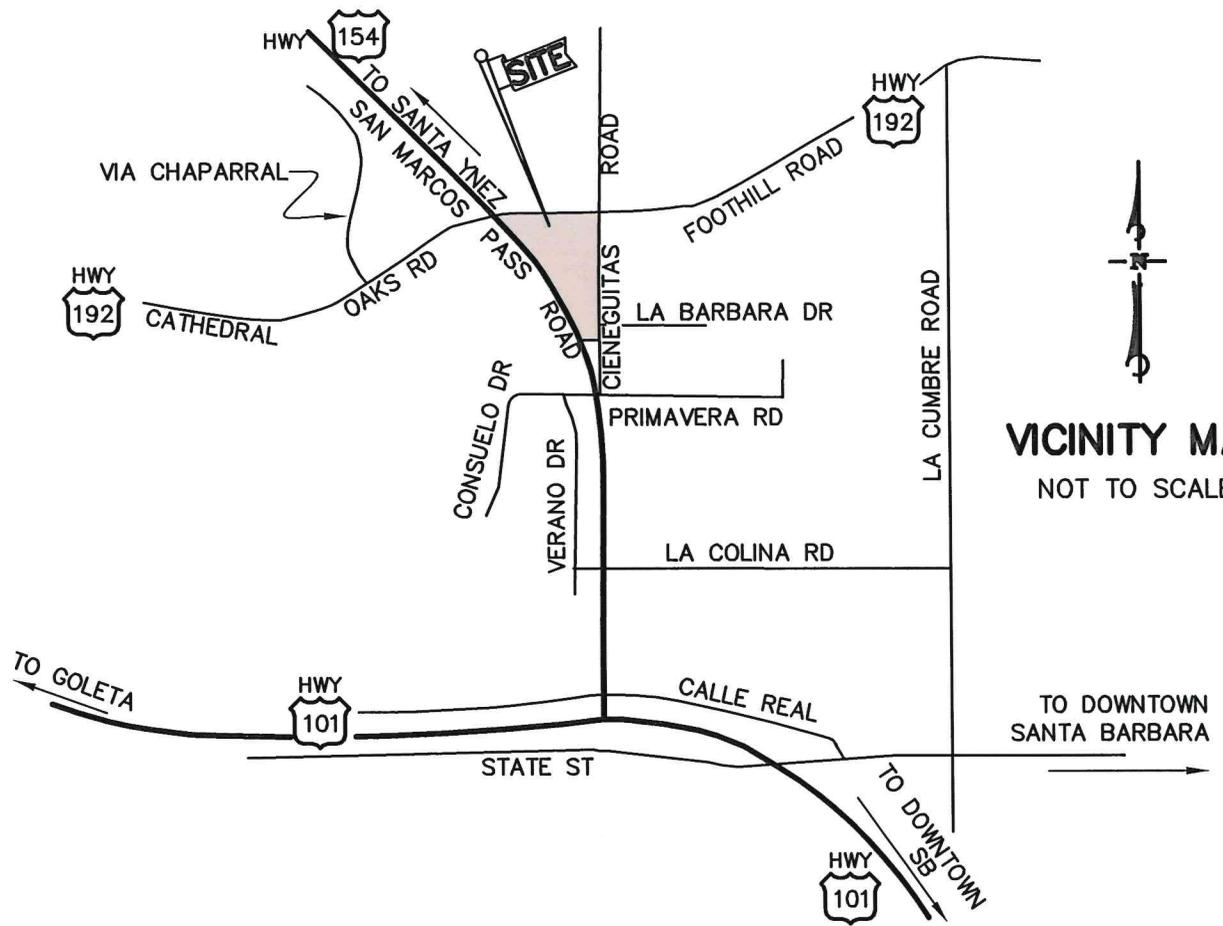
SHEET 1 OF 2

DRAFT

ALL DISTANCES SHOWN HEREON  
ARE EXPRESSED IN US SURVEY FEET

APRIL 12, 2012

VICINITY MAP  
NOT TO SCALE



APPROVED AS TO FORM  
AND SURVEYING CONTENT

ALEKSANDAR JEVREMOVIC PLS 8378  
SANTA BARBARA COUNTY SURVEYOR

PREPARED BY:  
KENNETH S. HUGHES  
PLS 6170  
LICENSE EXPIRATION  
DATE: 3/31/14



*Kenneth S. Hughes*  
APRIL 12, 2012

CIENEGUITAS REORGANIZATION-- LAFCO NO. 12-XX  
ANNEXATION TO THE CITY OF SANTA BARBARA  
DETACHMENT FROM GOLETA WATER DISTRICT, GOLETA SANITARY  
DISTRICT, SANTA BARBARA COUNTY FIRE PROTECTION DISTRICT AND  
FROM COUNTY SERVICE AREAS 3 & 32

PARCEL A OF PARCEL MAP NO. 11,276, BOOK 7, PAGE 63 PM, TOGETHER  
WITH PORTIONS OF PARCEL ONE AND PARCEL TWO OF INSTRUMENT NO.  
99-000922 OF OFFICIAL RECORDS  
FILED IN THE OFFICE OF THE SANTA BARBARA COUNTY RECORDER



111 East Victoria Street, Santa Barbara, CA 93101  
Phone: (805) 963-9532 Fax: (805) 966-9801



**Penfield & Smith**  
Engineering · Surveying · Planning  
· Construction Management ·

111 East Victoria Street, Santa Barbara, CA 93101  
Phone: (805) 963-9532 Fax: (805) 966-9801

LINE TABLE		
LINE	BEARING	DIST
L1	S 88°24'55" W	52.02
L2	S 00°06'13" W	7.41

**DRAFT**

**LEGEND**

= EXISTING SANTA BARBARA CITY BOUNDARY

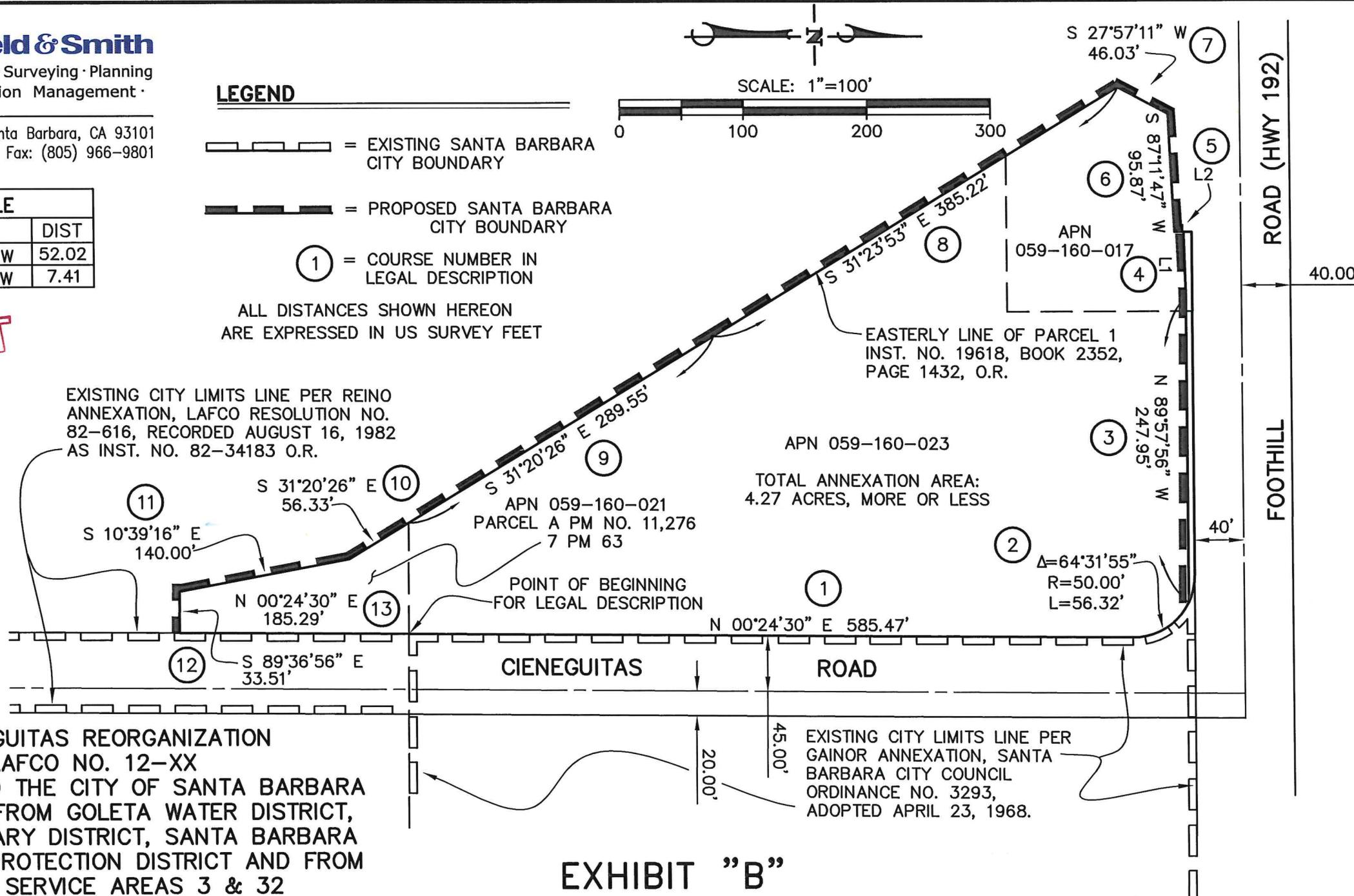
= PROPOSED SANTA BARBARA CITY BOUNDARY

① = COURSE NUMBER IN LEGAL DESCRIPTION

ALL DISTANCES SHOWN HEREON ARE EXPRESSED IN US SURVEY FEET



SCALE: 1"=100'



CIENEGUITAS REORGANIZATION  
LAFCO NO. 12-XX  
ANNEXATION TO THE CITY OF SANTA BARBARA  
DETACHMENT FROM GOLETA WATER DISTRICT,  
GOLETA SANITARY DISTRICT, SANTA BARBARA  
COUNTY FIRE PROTECTION DISTRICT AND FROM  
COUNTY SERVICE AREAS 3 & 32

**EXHIBIT "B"**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE GENERAL PLAN MAP OF THE CITY OF SANTA BARBARA PERTAINING TO ASSESSOR'S PARCEL NUMBER 059-160-017 LOCATED AT 4151 FOOTHILL ROAD, ASSESSOR'S PARCEL NUMBER 059-160-021 LOCATED AT 675 CIENEGUITAS ROAD AND ASSESSOR'S PARCEL NUMBER 059-160-023 LOCATED AT 681 CIENEGUITAS ROAD, WHICH WILL BE ANNEXED TO THE CITY OF SANTA BARBARA

WHEREAS, the City accepted an application from Foothill Centre, LP, owners of 4151 Foothill Road and 681 Cieneguitas Road, in order to process a request for: 1. Annexation of the subject property from the unincorporated area of Santa Barbara County to the City of Santa Barbara; 2. A General Plan Amendment Upon Annexation to add the property to the City's General Plan Map; 3. A Zoning Map Amendment Upon Annexation; 4. A Development Plan; and 5. Economic Development Designation;

WHEREAS, due to previously-imposed conditions on the adjoining property to the south, staff requests initiation of annexation of the 0.23 acre lot known as 675 Cieneguitas Road (APN 059-160-021) to be included with the applicant's request. This lot is owned by the Britschgi, LLC;

WHEREAS, on March 18, 2003, the City Council held a duly noticed public hearing to consider the proposed reorganization for the parcels addressed as 4151 Foothill Road and 675 and 681 Cieneguitas Road with respect to planning matters and initiated the annexation by a vote of 6-0;

WHEREAS, on June 14, 2012, the Planning Commission held a duly noticed public hearing to consider the proposed development request for the project at 4151 Foothill Road and 681 Cieneguitas Road, along with the reorganization of said properties and 675 Cieneguitas Road, with respect to environmental and planning matters and approved the development request and adopted the Final Mitigated Negative Declaration by a vote of 4-2;

WHEREAS, on July 24, 2012, the City Council has conducted a duly noticed public hearing concerning the requested Annexation, pursuant to the provisions of Chapter 3, Title 7 of the Government Code of the State of California;

WHEREAS, the City Council has introduced an Ordinance that will amend the current Zoning Map upon the annexation of the subject property;

WHEREAS, the City Council has read and considered the Final Mitigated Negative Declaration for the project together with comments received during the public review process and in its independent judgment and analysis and on the basis of the record

before it, determined that there is no substantial evidence that the project will have a significant effect on the environment;

WHEREAS, the City Council has reviewed and considered all materials and exhibits in the current record relative to this amendment, including the project and all staff reports. At the close of the public hearing, the City Council, on a \_\_\_\_\_ vote, initiated the annexation, and forwarded the request to the Local Agency Formation Commission (LAFCO) for their review; and

WHEREAS, the documents or other materials which constitute the record of the proceedings upon which this decision is based are on file at the City of Santa Barbara Planning Division, located at 630 Garden Street.

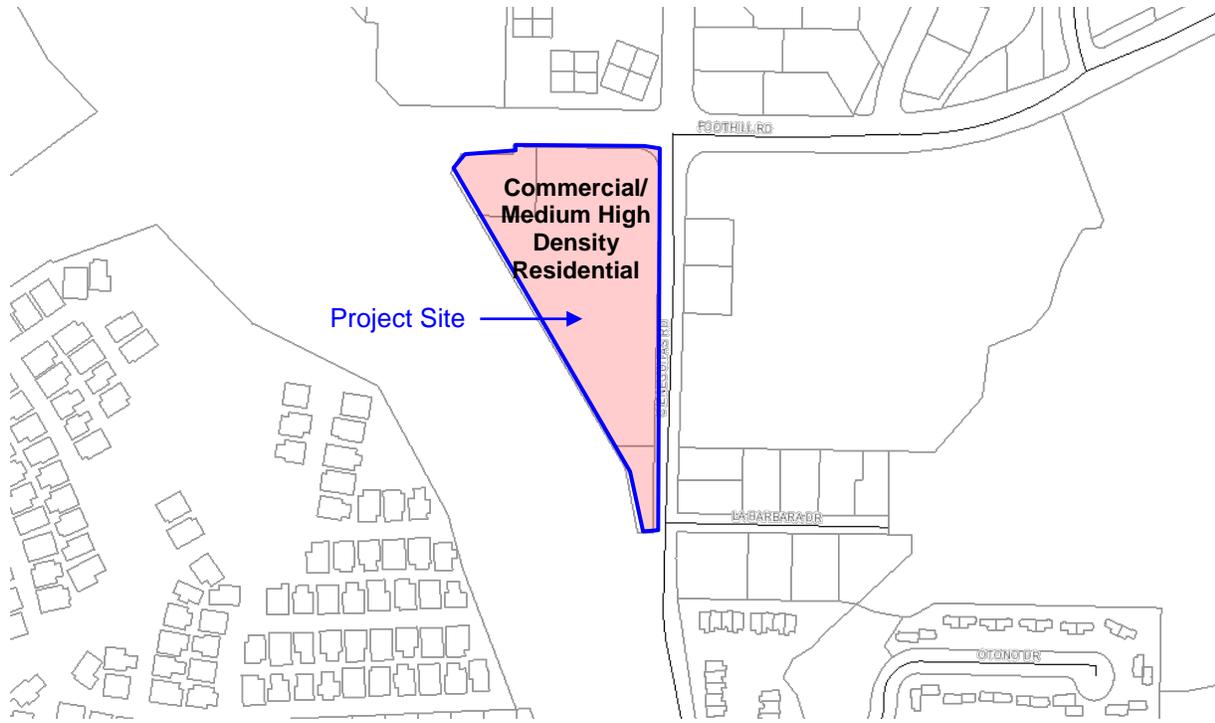
NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Santa Barbara as follows:

Upon annexation of the subject real property, the General Plan map of the City of Santa Barbara is amended by designating Assessor's Parcel Numbers 059-160-017, 059-160-021 and 059-160-023 as Commercial/Medium High Density Residential, depicted on the attached Exhibit.

**4151 Foothill Road and 675 and 681 Cieneguitas Road  
Existing General Plan Designation (County)**



**4151 Foothill Road and 675 and 681 Cieneguitas Road  
Proposed General Plan Designation (City)**



**Commercial/  
Medium High  
Density  
Residential**

Project Site →

FOOTHILL RD

ESCONDIDO

ESCONDIDO BLVD



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 24, 2012

**TO:** Mayor and Councilmembers

**FROM:** Administration Division, Airport Department

**SUBJECT:** Naming Of The New Airline Terminal

### **RECOMMENDATION:**

That Council receive a recommendation from the Airport Commission regarding the naming of the new airline terminal and give direction to staff.

### **DISCUSSION:**

#### Background

The new airline terminal construction was completed this past summer and opened for operations on August 17, 2011. In August, the City Administrator received two unsolicited requests from citizens to name the new terminal for local individuals who made significant contributions to the community.

#### City Policies and Procedures

The City of Santa Barbara Municipal Code Chapter 22.48, adopted in 1971, provides a process for such requests to be considered by the City. The Council adopted the policies and procedures because no consistent policy for the naming of public buildings previously existed. The Municipal Code establishes principles, policies, and procedures for the election of names for public facilities (Attachment 1).

#### City Facilities Named after Individuals

There are numerous City facilities that bear the name of local community leaders, the majority of those facilities are City parks.

The Airport also has facilities named for community members. In 1949, the City named the 25 streets at the Airport after local aviators who died during World War II. The Airport streets bear the names of Frederick Lopez, John Donaldson, James Fowler, Norman Firestone, and other young men who sacrificed their lives.

In 1969, the "Santa Barbara Air Terminal" was renamed for aviator Earle Ovington. Mr. Ovington was America's first airmail pilot and a world renowned aviator. He settled in Santa Barbara in 1920 and became an important figure in aviation locally, operating Casa Loma Field in the approximate location of the Municipal Golf Course.

Over one-half of the City's park acreage has been donated through philanthropic gifts resulting in the naming of the facility after the donor or donor's family. The Municipal Soccer Field was purchased by the City in 1925 and in 1933 it was dedicated and named for Dwight Murphy, a civic leader who served as Park Commission Chairman from 1927-1931.

### Airline Terminal Naming Requests

On August 3, 2011, Mack S. Staton, President of the Santa Barbara County Bar Association, submitted a request to name the new airline terminal after John T. Rickard (Attachment 2). On August 24, 2011, Edward Hartfeld submitted a request to name the new airline terminal after Dwight Murphy (Attachment 3).

The City Administrator referred both requests to Airport Commission for its recommendation to City Council pursuant to Municipal Code Chapter 22.48.

### Names Proposed

The following is a brief summary of John Rickard's and Dwight Murphy's contributions that are more fully detailed in the submittals by Mr. Staton and Mr. Hartfeld.

#### John Rickard

John Rickard, a descendant of the Orena and De la Guerra families, began his involvement in Santa Barbara civic affairs in 1946 when he served on the City Harbor Commission. He was instrumental in preserving open space and the Santa Barbara coastline from oil development, encouraging smokeless industry, and, during his tenure as El Presidente of Old Spanish Days (1946-1948), sought to return the Fiesta event to the sentiment and dignity of the early Fiestas of the 1920s and 1930s.

John Rickard was elected City Attorney (1951-1953) and Mayor (1953-1957). The result of his leadership and vision was the successful creation of the Marine Sanctuary which prohibited oil drilling within 3 miles of the Santa Barbara coastline.

During his tenure as Mayor, he crafted an idea that would later enable the City to annex its airport property to the City. Other accomplishments included expansion of the City's water and sewer system which resulted in expansion of the City limits, establishment of boat slips in the harbor, and construction of the Municipal Golf Course.

Dwight Murphy

Dwight Murphy was an active civic leader following the 1925 Earthquake which marked a significant change in the city architecture and landscape and was active through the 1960s. He was a behind-the-scenes benefactor that contributed to the development of the City park system, Santa Barbara's post-earthquake architectural style, the effort to establish and select a site for a local airport, and the long-term preservation of Fiesta.

Dwight Murphy played a significant, and largely anonymous role in increasing and improving the City's park system which has benefitted generations of Santa Barbara residents, providing places for recreation, open space, and natural beauty. He played an important role on the committee to select an airport site as well as securing federal funding during the early development of the Santa Barbara Airport. In 1933, the City's Municipal Soccer Field was named in his honor.

#### History Display in Earle Ovington Terminal

When the Airline Terminal Project construction is completed, including the rehabilitation of the Earle Ovington Terminal, the base of the iconic tower will house a small history exhibit. All or part of the exhibit will rotate to feature various themes about local aviation, airport history, and the community members who made significant contributions to development of aviation and the airport.

#### Airport Commission Recommendation

At its regular meeting of February 15, 2012, the Airport Commission held a public hearing pursuant to Municipal Code Chapter 22.48. The Commission heard testimony from Mr. Staton and Mr. Hartfeld, comments from the public, and discussed the matter. The Commission unanimously recommended that the new airline terminal building not be named for an individual. The Commission also recognized that Council may wish to name the terminal and recommends that, if that is the case, that Council establish a process to consider the names of other local community leaders who made contributions to the City consistent with Municipal Code Chapter 22.48.

**ATTACHMENT(S):** 1. Municipal Code 22.48 (Naming of Public Facilities)  
2. Letter from Mack S. Staton  
3. Letter from Edward A. Hartfeld

**SUBMITTED BY:** Karen Ramsdell, Airport Director

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

**Excerpt from the City of Santa Barbara Municipal Code**

**Chapter 22.48**

**NAMING OF PUBLIC FACILITIES AND PRIVATE STREETS**

**Sections:**

- 22.48.010 Purpose.
- 22.48.020 Principles, Policies and Priorities.
- 22.48.030 Change of Name.
- 22.48.040 Recommendations of Community or Citizen Groups.
- 22.48.050 Initiation.
- 22.48.060 Review of Request - Referral.
- 22.48.070 Hearing.
- 22.48.080 Private Street Names.
- 22.48.090 Change of Private Street Name

**22.48.010 Purpose.**

The City Council finds and determines that the public has an interest in the naming of public facilities, including parks, buildings and streets, owned or controlled by the City, that no consistent policy has been employed in the past in selecting the names of public facilities, that the renaming of facilities without due consideration in the context of established principles results in confusion and detracts from the honor accorded in naming a facility, and that, therefore, it is desirable and in the public interest to delineate the policies, principles and procedures for the selection of names and naming of public facilities. (Ord. 3485 §1(part), 1971.)

**22.48.020 Principles, Policies and Priorities.**

The election of names for public facilities shall conform to the following principles, policies and priorities:

(a) As a general policy, names which commemorate the culture and history of Santa Barbara will be given first priority; those names commemorating California history may be given second priority;

(b) The name of an individual shall be considered only if such individual has made a particularly meritorious and outstanding contribution, over a period of several years, to the general public interest or the interests of the City;

(c) A preference shall be given to names of long established local usage, names which are euphonious, and names which lend dignity to the facility to be named;

(d) Names selected shall be of enduring, honorable fame, not notoriety, and shall be commensurate with the significance of the facility;

(e) Proliferation of names for different parts of the same facility should be avoided, and the same name should not be applied to a similar kind of facility;

(f) Names with connotations which by contemporary community standards are derogatory or offensive shall not be considered. (Ord. 3485 §1(part), 1971.)

#### **22.48.030 Change of Name.**

Existing names and names once established shall not be changed unless, after investigation and public hearing, the name is found to be inappropriate. (Ord. 3485 §1(part), 1971.)

#### **22.48.040 Recommendations of Community or Citizen Groups.**

In the selection of names for City owned facilities the suggestions, comments and recommendations of community or citizen groups and the citizens in the neighborhood of the facility shall be duly considered; provided, that such suggestions, comments and recommendations are not inconsistent with the provisions of this chapter. (Ord. 3485 §1(part), 1971.)

#### **22.48.050 Initiation.**

Any person may initiate the naming of a City owned facility by submitting to the City Administrator a request for such action and setting forth the proposed name, a description of the facility, and a statement evidencing that the proposed name is consistent with the policies and guidelines of this chapter. (Ord. 3485 §1(part), 1971.)

#### **22.48.060 Review of Request - Referral.**

The City Administrator shall review all requests to name a City owned facility and shall refer the request to the department having jurisdiction of such facility and the appropriate commission or committee for consideration of the request. (Ord. 3485 §1(part), 1971.)

#### **22.48.070 Hearing.**

The commission or committee to which the City Administrator has referred a naming request pursuant to Section 22.48.060 shall hold a public hearing to consider the necessity or desirability of naming the facility, and the proposed name and any alternatives. Such commission or committee shall prepare a recommendation for action by the City Council. The recommendation shall include the name, if any, for the facility which is deemed most appropriate in accordance with the policies and guidelines of this chapter and the justification for the selection of such name. (Ord. 3485 §1(part), 1971.)



Santa Barbara  
County Bar  
Association

ATTACHMENT 2  
**RECEIVED**

AUG 03 2011

MAYOR & COUNCIL  
SANTA BARBARA

August 3, 2011

The Hon. Helene Schneider, Mayor  
Santa Barbara City Council  
75 E. De La Guerra  
Santa Barbara, CA 93101

Dear Mayor Schneider:

As President of the Santa Barbara County Bar Association, I am honored and pleased to offer the endorsement of the Santa Barbara County Bar Association for the naming of the new terminal at the Santa Barbara Airport in honor of the late John T. Rickard. It would indeed be fitting to honor a man whose life was so dedicated to the community that he loved.

To the bench and bar, Judge Rickard was known as a brilliant lawyer and judge. During his career, he was revered as the consummate lawyer by his clients and colleagues alike, dedicated, bright and creative. I have learned from talking to lawyers who appeared before him that he was the judge to appear before, smart, and dedicated to his job. He listened and was fair to the citizens who had matters before him. Trial lawyers universally label him as a "great judge", not just good. Indeed, shortly after his passing, the Bar Association established the Judge John T. Rickard Judicial Service Award in his honor, which is awarded from time to time to the very finest Santa Barbara County judges. Judge Rickard is the only judge in the last century in this county to be honored in this way by the Association. He remains the gold standard, universally admired by his colleagues.

His role in establishing the airport cannot be understated. As a lawyer and eventually mayor, beginning in 1953, Mr. Rickard was instrumental in securing rights in the tidelands along Santa Barbara's shores to protect them from oil development, utilizing state legislative approval in the process. As mayor, he spearheaded efforts to annex the property that eventually became the airport. The City owned part of the land and the United States Marine Corps deeded the rest to the City. When the County Board of Supervisors opposed the inclusion of the airport property in the City's Master Plan, Mayor Rickard devised a plan whereby the previously obtained tidelands strip along the shore was annexed, and then eventually the airport property itself.

This brilliant plan launched a protracted legal battle which continued after his term as mayor. However, the City eventually prevailed and property was annexed, establishing jurisdiction over the airport property. There is no doubt that Mayor Rickard's legal acumen and thought process was the key to this successful effort. Without his vision and creativity, Santa Barbara simply would not have the airport we have today. Indeed the process was brilliant enough to cause the state legislature to thereafter prohibit the use of tidelands for annexation purposes ever again.

August 3, 2011  
Page 2

Above all, lawyer/mayor/judge John T. Rickard loved the community he served. His long dedicated service to the citizens of Santa Barbara resulted in the acquisition of the land for the Municipal Golf Course, McKenzie Park and Shoreline Park, to name but a few accomplishments. He was twice President of Fiesta, and the very first President of the Trust for Historic Preservation. In his 14 years of service as a superior court judge, he earned the undying respect of all those who appeared before him for his integrity and fairness, and above all, his dedication to our system of justice.

In closing, I urge that the Mayor and City Council initiate proceedings to name the new terminal at Santa Barbara Airport in honor of John T. Rickard. I can't think of a better way to thank John T. Rickard for his dedicated service to the citizens of Santa Barbara.

Very truly yours,



Mack S. Staton, President  
Santa Barbara County Bar Association

*Edward A. Hartfeld*  
*1551 Veronica Place*  
*Santa Barbara, California 93105*

(805) 687-5146

[edhartfeld@gmail.com](mailto:edhartfeld@gmail.com)

Mr. James L. Armstrong  
 City Administrator  
 Post Office Box 1990  
 Santa Barbara, CA 93102-1990

August 24, 2011

Dear Mr. Armstrong:

There is a most deserving individual who could be memorialized by naming the new air terminal for him. He is little known today due to his passion for anonymity while he was making innumerable major contributions that clearly were the foundation of the international fame of Santa Barbara as we know it today. In particular, he was the modest driver of Santa Barbara's renaissance following the 1925 earthquake. The list of his contributions, mostly civic but also humanitarian and equestrian, runs several pages. His name; Mr. Dwight Murphy (1884-1968).

As mayor in 1953 Mr. John Rickard, who among other very fine things was a gifted speaker, delivered an extraordinary tribute to Mr. Murphy in presenting him with the "Man of the Year" award and cited dozens of his contributions to Santa Barbara, and in fact the entire state, that were truly staggering. (It was about this point in his life, age 70, that Murphy finally let his associates -- and publisher Tom Storke, his best friend and monopolizer of the local press -- start to reveal his uncanny and unstinting efforts.) Upon his death in 1968 Dwight Murphy's editorial column obituary stated: Once in 1953 he was named Santa Barbara's "Man of the Year". He was in fact, as much as any local resident, the "Man of the Century". He still deserves that accolade.

Overcoming earthquake, Great Depression, World War II and much civic indifference Dwight Murphy was clearly the genius behind Santa Barbara's renaissance becoming founder, chairman, donor and moving force of many projects including: The 1927 airport site selection committee; development and long term preservation and success of Fiesta and the horse shows including acquisition of the fairgrounds and most of the municipal golf course land; building of the fairgrounds; city's conversion to Spanish themed architecture (Plans and Planting sponsor, founded and chaired City Master Planning Committee following 1925 earthquake); as Chairman of the Parks and Recreation Commission, quadrupling of the developed park system and lining miles of streets with trees completely changing the city's urban landscape (Invented unemployed relief programs concept and when adopted nationally headed California's programs); personal acquisition for the city of the entire beach front from Milpas to Santa Barbara Streets and back to the railroad right of way (repaid by bond issue); underwrote bond issue for the two beachfront blocks from Santa Barbara to State Streets; acquisition and rehabilitation of Stearns Wharf with acquisition for the city of the beach front from State to Chapala Streets; the breakwater which also created Leadbetter Beach and most of East Beach (funded feasibility studies, handled Major Max Fleischmann's donations and paid workmen on own when contractor failed); A. Childs estate property acquisition and development of the zoo, and Bradbury Dam/Tecolote Tunnel/South Coast Water Distribution System (pushed for essential election vote and Federal funds). These just scratch the surface. (For a full list see page 227 of *California's Knight on a Golden Horse*). For several decades it was unusual for anyone or any organization to undertake a project or cause without asking Mr. Murphy to become either its leader or major participant. He also was clearly the city's greatest humanitarian from 1920 until his death in 1968. And, as California State Horse Racing Board commissioner for 16 years, eight as chairman, single handedly eliminated corruption rife in the industry. Also, he saved from extinction the Golden Palomino, the ceremonial royal horse of Spain.

CONTINUED

PAGE TWO

It is worth noting that Major Max Fleischmann relegated much of the detail work of most of his very substantial philanthropies and donations to Mr. Murphy because the Major was disdainful of detail whereas Mr. Murphy, whose business career included head of the family's large railway equipment business, loved management in all of its aspects. As its treasurer from the founding of the Santa Barbara Foundation in 1928 he was instrumental in its operation and ultimate success and forced, through a threat to quit, the introduction of women both to its board of trustees and membership. From the late 1930's through the Cachuma Reclamation Project of the 1950's, latterly under the sponsorship of the Foundation, he successfully championed efforts to expand the city's water supply. As the city's foremost fund raiser it is likely Dwight Murphy encouraged some of Fleischmann's huge donations, e.g. breakwater, Old Mission restorations.

Quoting from a recent article by William McGurn of the Wall Street Journal: "The purpose of memorials ... is not simply to commemorate a dead past. It is to take out something vibrant from that past to inspire those in the here and now". For forty years this obsessively modest man dedicated his life, fortune and extraordinary genius to Santa Barbara's quality of life, making it much more "vibrant" in the process. No one did more or served as a more outstanding citizenship example.

In researching, at the request of the city's Parks and Recreation Department for its 2001 Centennial, my father's administration of that department from 1930 to 1935, I uncovered some indication of the true extent of Mr. Murphy's extraordinary contributions to Santa Barbara and feeling a part of its vital history would otherwise be lost forever, I became his biographer. Due to his uncanny success in generally avoiding the public eye for 40 years, extensive research was necessary. In the process I concluded a great injustice would be done unless his name was properly memorialized in some appropriate manner.

Realizing the need for increased public awareness of him various publications were produced including: The hardcover biography *California's Knight on a Golden Horse* of which 1,300 copies have been sold locally (Esp. pgs. 103, 139-48, 157-58, 165-68, 170-72, 222-23); the Historical Museum's *Noticias* of Winter 2001 and the double Summer/Autumn of 2005; plus various articles for local news papers and the Montecito Magazine. Also, some two dozen talks with visual projections were given to most local institutions of any significance and service clubs, attendees totaling about 2,000.

Feeling that the city's decision makers, relevant for such a memorial, cannot fully appreciate the significance of Mr. Murphy's impact without doing so, I will most gladly provide copies of the above publications gratis. Such thorough documentation would seem to be required for so important a memorial.

Furthermore, should the new air terminal be named for Mr. Murphy I plan to propose that an enlarged, possibly life sized, version of an impressive Spanish equestrian statuette of Mr. Murphy be placed in front of the new terminal building. (Please refer to page 118 of *California's Knight on a Golden Horse* for photo.) It along with a number of other articles from Mr. Murphy's estate have already been offered for the historical displays planned for the terminal interior.

Given that extensive effort has gone into designing the new terminal building using the Hispanic metaphor, I can think of nothing more suited to dramatically emphasizing that metaphor for newly arriving air passengers to our very special city, special in great measure because Dwight Murphy above all other citizens made it so, particularly as the father and long time sustainer of La Fiesta along with his key role in the adoption of Andalusian style architecture for the business district.

I would personally exert all possible effort to assist in the funding and approval process for such a memorial.



Cc: K. Ramsdell



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 24, 2012  
**TO:** Mayor and Councilmembers  
**FROM:** City Administrator's Office  
**SUBJECT:** Conference With Real Property Negotiators – 319 West Haley Street

**RECOMMENDATION:**

That Council hold a closed session pursuant to the authority of Government Code §54956.8 in to provide direction to the City Administrator and to the City Attorney regarding the possible City sale of the real property known as 319 W. Haley Street.

**Property:** 319 W. Haley Street

**City Negotiator:** City Transportation Planning Manager and the City Attorney's office.

**Negotiating Party:** Pathpoint, Inc.

**Under Negotiation:** Price, terms of payment, possible exchange terms.

**SCHEDULING:**

Duration, 20 minutes; anytime

**REPORT:**

None anticipated

**SUBMITTED BY:** Stephen P. Wiley, City Attorney

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



Agenda Item No. \_\_\_\_\_

File Code No. 440.05

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 24, 2012

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Conference With Labor Negotiator

**RECOMMENDATION:**

That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the City's General bargaining unit, the Police Management Association, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

**SCHEDULING:** Duration, 45 minutes; anytime

**REPORT:** None anticipated

**PREPARED BY:** Kristy Schmidt, Employee Relations Manager

**SUBMITTED BY:** Marcelo López, Assistant City Administrator

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