



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 15, 2008

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of The Planning Commission Approval Of 1298 Coast Village Road

RECOMMENDATION: That Council:

- A. Deny the appeals of Friends of Outer State Street, Delfina Mott, Save Coast Village Road, and Sandy and John Wallace, adopt the Mitigated Negative Declaration, and uphold the Planning Commission approval of the Tentative Subdivision Map, the Coastal Development Permit, the Development Plan, and the Modifications; and
- B. Request City staff to prepare a Council Resolution with the evidence and findings appropriate to deny the appeals and uphold the decision of the Planning Commission, to prepare an Ordinance amending the Zoning Map, and to submit the Resolution and Ordinance to the City Council for its consideration and possible approval within thirty (30) days.

EXECUTIVE SUMMARY:

On March 20, 2008, the Planning Commission approved the demolition of a gasoline service station and construction of a three story mixed use building, with both on grade and below grade parking. The project included a request for a Tentative Subdivision Map, a Coastal Development Permit (CDP), a Development Plan, three Modifications and a rezone of a portion of the lot. The Commission denied one requested Modification that would have allowed a portion of the building in the eastern front yard setback. At the hearing, a number of people spoke in support of the project and a number of people, including the appellants, spoke in opposition to the project. Issues raised at the hearing and in the subsequent appeal of the project include: concerns about the project's size, bulk, and scale; traffic; grading; water supply impacts; change in the character of the neighborhood; and concern that the development will create a precedent for future development along Coast Village Road (Attachment 1, Appellants' Letters). This report addresses these issues and why the Planning Commission determined the project was consistent with all applicable policies and regulations, as well as made findings to approve the project and recommend that the City Council rezone a portion of the involved real property. Therefore, staff recommends that Council deny the appeals, uphold the Planning

Commission approval, and take necessary actions to approve the rezone and the project's tentative subdivision map.

DISCUSSION:

Project Description

The proposed project involves the demolition of an existing gas station with two repair bays and the construction of a new mixed use building. The new 17,270 square foot mixed use building would be comprised of eight residential condominiums and approximately 5,000 square feet of commercial space, located on the ground floor. All of the residential units would be located on the second and third floors. Five residential units would include two bedrooms, two units would include one bedroom each and one unit would include three bedrooms. 37 parking spaces are provided, with 9 covered parking spaces located at grade level and 28 parking spaces located below grade. Grading would be approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill.

Currently, the 18,196 square-foot site is split by two zoning designations; the northern portion, totaling approximately 7,150 square feet, is zoned R-2, and the southern portion, totaling about 11,046 square feet, is zoned C-1. The Planning Commission initiated re-zoning the portion of the subject property zoned R-2 (Two Family Residential) to C-1 (Limited Commercial) on April 7, 2005. The entire property is located in the Coastal Overlay (SD-3) Zone, which would not change with this request

Planning Commission Approval

The Planning Commission initially reviewed the project on March 13, 2008 (Attachment 3) and received a staff presentation, an applicant presentation, as well as comments from the public, both in support and opposition to the project. The Commission closed the hearing and continued the item to March 20, 2008 (Attachment 4). On that date, after deliberation on the project, the Commission, on a 3-1 vote, approved the project, but denied one of the four requested Modifications. The following requests were recommended to the City Council for approval or approved by the Planning Commission:

1. A recommendation to City Council for a Zoning Map Amendment to change the zoning from R-2, Two-Family Residential, to C-1, Commercial Zone District;
2. A recommendation to the City Council for a Local Coastal Program Amendment to change the zoning to match the Local Coastal Plan designation of General Commerce.
3. A Modification to allow a portion of the building to encroach 7 feet into the required 17 foot northern interior yard setback;
4. A Modification to allow a portion of the 10% common open space to be located above the ground floor level;
5. A Modification to allow one second floor covered balcony to encroach 3 feet 6 inches into the 10 foot front yard setback on Coast Village Road;
6. A Coastal Development Permit (CDP2005-00003) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone;

7. A Development Plan to allow the construction of 5,000 square feet of nonresidential development; and
8. A Tentative Subdivision Map for a one-lot subdivision to create eight (8) residential condominium units and one (1) commercial condominium unit (SBMC 27.07 and 27.13).

Appeal Issues (Note: The appeal concerns raised by the separate appellants will be grouped and given a staff response on an issue by issue basis):

1. *Appellants: The rezone of the R-2 zoned lot is inappropriate as the R-2 zoning provides a buffer between the commercial zone district and the single family zone district.*

The R-2 Zone is not required in order to provide a buffer between the project and the residentially zoned parcel to the north nor was this zoning intended to serve as such a "buffer." The C-1 Zone District includes two restrictions that limit projects located adjacent to a residentially zoned lots. The first is a variable setback of 10 feet or half the height of the building, whichever is greater. The second restriction is a variable height limit that limits the height of the building on the C-1 zoned lot to the most restrictive height in the adjacent residentially zoned lot, within a distance of 23 feet of the lot line or a distance of one half of the building height, whichever is less. The R-1/E-1 Zone District on the adjacent lot, located within the County, allows a maximum height of 25 feet.

Because the project site abuts a residential zoned county lot to the north, the setback for the subject lot would be 17 feet 6 inches, which is half the height of the proposed building. Within this setback of 17 feet 6 inches, the City's C-1 zoning would limit the height of the building to 25 feet or less. The applicant is requesting a Modification to allow approximately 45 feet of the 110 feet long, north facing portion of the building to encroach into this northern setback by 7 feet 6 inches. The portion of the building proposed to encroach into the setback is two stories with an approximate building height of 24 feet. The third story portions of the building would be consistent with the required setback.

The Planning Commission supported this Modification since over half of the entire three story building would be set further back than the required setback, the portion of the building that would encroach into the setback is adjacent to a commercially zoned lot to the west, and the adjacent development to the north is a garage. Further, the required private outdoor living space faces to the northwest, away from the residentially zoned lot.

Finally, it should be noted that the entire project site, including the R-2 portion of the site, has historically been used as a gas station. Under the current development and use, the R-2 zoned portion of the lot is not acting as a buffer between commercial uses and the adjacent residential use. Further, the R-2 zoned lot abuts a residentially zoned lot to the north only, the remaining land uses otherwise abutting this lot are commercial uses and public streets. The proposed project with predominantly residential uses would reduce the intensity of use adjacent to the residential uses to the north.

2. *The project would have an adverse visual impact on the neighborhood and mountain views.*

In both the staff report and in the Initial Study, staff acknowledged that the project would reduce some views of the mountains. However, staff concluded that the potential visual impacts are not significant because the project is not within the vicinity of public gathering places, such as parks, beaches or plazas, which are usually considered public vantage points. Views exist along the sidewalk and streets adjacent to the project site in both the north-south axis and the east-west axis. Since the streets and sidewalks are paths of travel, the views open and close depending on where someone stands or walks. Furthermore, for safety reasons, streets are not considered primary viewing locations. With the Planning Commission's denial of the setback Modification along Olive Mill Road, a view corridor up the road toward the mountains is maintained on the property. However, dense vegetation on properties further up Olive Mill Road currently obscures these views.

3. *The project is too large for the site.*

The project was reviewed at one Architectural Board of Review (ABR) meeting on November 14, 2005. The original proposal included much of the building encroaching into the front setback of both Olive Mill Road and Coast Village Road. While the ABR appreciated the overall design, the board felt that there was too much encroachment, leading to an over ambitious project. The applicant has since scaled the project back by placing the footprint of the building at or behind the required 10 foot front yard setbacks and requesting only minor encroachments into the front setbacks of a second floor covered balcony facing Coast Village Road and an emergency stairway facing Olive Mill Road. With the denial of the Modification request for the emergency stairway, the Planning Commission found the project consistent with the Coastal Plan and General Plan, which includes visual policies.

The overall height of the building is 35 feet, with an architectural projection of 39 feet (the tower element), which is less than the Municipal Code allowed height of 45 feet. With the elimination of the Modification, as discussed above, the project will comply with the Olive Mill Road front yard setback. While there is no setback requirement along the western property line, the applicant has sited the building footprint two to five feet from the property line. This will allow the adjacent building to the west, which is sited on the property line, to continue to have light along its eastern walls. The Modification to the front setback on Coast Village Road is for a balcony due to the fact that it is covered. The balcony provides articulation of the building only; it does not provide required outdoor living space. The Modification to the interior yard setback allows a portion of the building to extend closer to the northern property line. However another portion of the north facing building is sited further away from the property line than is required by the Zoning Ordinance.

4. Environmental Review is inadequate and an Environmental Impact Report must be prepared. Staff relied too heavily on the developer's studies for their review.

The Mitigated Negative Declaration was prepared consistent with the California Environmental Quality Act (CEQA). As discussed above, staff acknowledged that the project would eliminate or reduce limited views of the mountains, but given the lack of public vantage points, other than roads or sidewalks, this reduction is not considered a significant adverse environmental impact.

The current use is a gas station with four entry and exiting driveways. The project would eliminate three of the driveways and thus the use of the site would be less intensive. Both the traffic study provided by the applicant and a traffic study provided by a neighbor opposing the project concluded that there would be a reduction in trips. Before staff requests a traffic study to be prepared by a consultant, staff analyzes whether or not the project is approaching a City threshold of significance. If there is a potentially significant impact, staff instructs the applicant to provide a traffic (or parking) analysis.

City staff provide the consultant preparing the report with specific criteria and analysis methodology to employ in their report including: traffic counts, appropriate trip generation rates used for the existing and proposed land uses, trip distribution to and from a site, level of service (LOS) for nearby intersections, and conclusions regarding project specific and cumulative impacts to nearby intersections. City staff, specifically those staff persons trained as transportation planners, then review the traffic study for accuracy and completeness. Staff often request refinements to traffic studies when staff does not concur with the land use trip generation rate used, or the trip distribution pattern, etc. After analyzing all of the above factors, staff determines whether the traffic study is adequate employing their experience and professional judgment. Utilizing this approach in this case, staff determined that the traffic studies were clearly adequate.

A noise study was prepared and, as expected (with the site being located in the vicinity of a freeway), the noise level exceeds the City's thresholds. Thus the project is designed and conditioned to be consistent with both the indoor and outdoor noise levels based upon recommendations in the noise study. For example, the design of the building orients the outdoor space on the north side of the building to block the noise levels.

The water usage in the initial study was based upon the correct project description, but the numbers used in the formula to determine water demand were not calculated correctly and showed a reduction in demand. Once the numbers were corrected, the water usage for the project was shown to increase, but was not considered a significant increase in demand on the water supply of the Montecito Water District (the District) as a whole. Prior to preparation and circulation of the Mitigated Negative Declaration, the District issued a "can and will serve" letter to the project manager on June 8, 2007. This letter has not been rescinded or revoked by the Water District. On April 15, 2008, the District adopted an interim ordinance that limits the amount of water allocated to projects that request a "can and will serve" letter on or after the date of adoption of the interim ordinance. However, the interim ordinance is not applicable to this project.

The Montecito Water District is concerned about the increased water demand district-wide, but has issued multiple statements in public forums that the demand is based upon landscaping irrigation demands associated with new SFR residential development.

As proposed, the project would include drought tolerant landscaping with the appropriate water conserving irrigation. Further, all plumbing will be water conserving, consistent with the Uniform Plumbing Code as adopted by the City.

Environmental review of a project, whether it is an EIR or a Negative Declaration, includes reviewing the General Plan Elements, Zoning Ordinance, as well as studies provided by the applicant. Each study that was provided was reviewed by the appropriate City staff who are knowledgeable on preparation of a particular study in order to determine if it was prepared using accepted protocol and practices for the purposes of determining environmental impacts.

5. Noticing for the Environmental Document and the public hearings was inadequate. The story poles prior to the Planning Commission site visit were in place for a short period of time and no one knew about the timing.

The project has included multiple public notices due to the number of hearings on the project to date. The project was reviewed by the Planning Commission at four meetings. The first meeting on April 7, 2005 was for initiation of the rezoning. The second meeting on February 16, 2006 was a conceptual review of the project. The third and fourth meetings on March 13 and 20, 2008 were deliberations and possible approval of the project. All of the Planning Commission hearings were publicly noticed, consistent with noticing requirements. Additionally, staff was in contact throughout the process via email and by phone with members of the public that had concerns with the project. The environmental document was also circulated and noticed consistent with CEQA noticing requirements of the State Government Code. At least two parties, including one of the appellants, contacted staff immediately to ask questions after receiving the Mitigated Negative Declaration notice. Finally, as stated in one appeal letter, the Architectural Board of Review (ABR) did not have a noticing requirement for mixed used projects at the time of the project review. However, as reflected in the ABR minutes, the applicant was given direction to meet with the neighboring property owners. The applicant presented the project to Montecito Association at four different meetings over the course of two years. The Montecito Association provided notice of their meeting to interested parties, many of whom attended.

The story poles are usually required to be installed on the Friday before the Planning Commission site visit. However, if the story poles cause an obstruction of the use of the site, then installation can be delayed. Due to the site being operated as a gas station, the applicant began installing the story poles three days ahead of the Planning Commission site visit, with the remaining poles installed on the morning before the visit. Two of the appellants were notified of the timing. Further, at the request of one project opponent, the Planning Commission viewed the story poles from their property.

CONCLUSIONS AND FINDINGS:

Staff recognizes that the project site is an important corner of Coast Village Road and a gateway into the City and neighborhood. The design of the project needs to be sensitive to aesthetics, traffic and neighborhood compatibility. Locating the residential units along the north side of the project site provides a better connection to the County single family residential than the current use. Providing all of the required parking on the project site and mostly below grade is consistent with the vision for the commercial neighborhood. Both driveways on Coast Village Road would be eliminated, which would provide

additional public parking and the driveways on Olive Mill Road would be consolidated and relocated further away from the intersection. Landscaping and pedestrian amenities would be provided along both front yard setbacks, which is consistent with the scenic buffer designation of the right-of-way for Coast Village Road. Therefore, staff recommends that Council deny the appeals, adopt the Mitigated Negative Declaration, direct staff to prepare a resolution and ordinance appropriate to deny the appeals and uphold the decision of the Planning Commission and to submit the resolution and ordinance to Council for consideration and possible approval.

NOTE: The documents listed below have been separately delivered to the City Council for their review as part of the Council reading file and are available for public review in the City Clerk's Office:

- Public Comment Letters
- Project Plans
- Staff Report Exhibit C
- Mitigated Negative Declaration Exhibits A thru I

ATTACHMENTS:

1. Appellants letters dated March 28 and March 31, 2008
2. Site Plan
3. March 4, 2008 Planning Commission Staff Report
4. November 1, 2007 Mitigated Negative Declaration
5. March 13, 2008, Final Planning Commission Minutes
6. March 20, 2008 Draft Planning Commission Minutes
7. March 20, 2008 Draft Planning Commission Resolution 012-08

PREPARED BY: Peter Lawson, Associate Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

RECEIVED

March 28, 2008

MAR 28 2008

Santa Barbara City Council
City of Santa Barbara
De La Guerra Plaza
735 Anacapa Street
Santa Barbara, CA 93101
Hand-delivered to City Clerk office

CITY CLERK'S OFFICE
SANTA BARBARA, CA

Dear Council Members:

This will inform you that the undersigned citizens and citizens group, Save Coast Village Road, are appealing the Planning Commission's March 20, 2008 decision to approve the proposed project to redevelop 1298 Coast Village Road (MST2004-0493), changing it from a gas station to a mixed-use building.

The Planning Commission's recommendation and decisions are arbitrary, capricious and the result of a failure to comply with the procedures required by law for a land use decision. The following is a summary of the deficiencies in the process and failure to comply with legal requirements and a more detailed list of concerns. If the required land use approval process had been followed, additional grounds for a required denial of the project may have surfaced. It is the duty of the City staff and the applicant to justify their proposed project. The members of the public do not have the burden of proof.

The project as described and proposed is out of character with the neighborhood as to both public and private views, privacy, size, bulk, scale, and design. As proposed and as approved, it violates the California Coastal Act, the Subdivision Map Act, the Environmental Quality Act, Zoning and Planning Laws of the State of California and the applicable requirements of the Santa Barbara Municipal Code. The process required by the Coastal Act and Regulations has not been followed in that the Coastal Act requires an open public hearing process based upon accurate notice and opportunities to be heard. The Coastal Act required the decision making process to study the impacts on the City and the unincorporated areas of the County located outside the City.

The City has not complied with the letter or spirit of the laws. Misleading, incomplete and inaccurate information has been provided by staff. Persons with conflicts of interest have been involved in providing "official" comments and have influenced both the design and proposed review process. The entire process for this project should be considered void and the only appropriate action is a denial. Descriptions in staff reports beginning with the Initial Study and continuing through the Planning Commission staff reports have been unrealistic. For example, to dismiss the impact on views as insignificant or minimal is unbelievable when placed in the context of the Coastal Act, the General Plan and the zoning restrictions on the size and bulk of buildings.

The involvement of persons with conflicting interests in the initiation of the zone change and the initial "comments" of the ABR, which have never been updated or reviewed, has prevented appropriate review and has given a false description of the site design, the size, bulk, scale and architecture.

Due process has been violated and evaded by lack of clarity and inadequate content of public notices and proposed impacts. For example, the requirements of setback ordinances and policies have been ignored and/or by-passed by purported approval of modifications without basis in law or facts. Failure to comply based upon ignorance or lack of knowledge of the law by City Planning Staff and the Office of the City Attorney is no excuse for inadequate notices and disclosures. Zoning ordinance requirements - applicable under the City Charter and the Coastal Act - have been dismissed as if they did not exist. For example, section 28.87.150 of the Municipal Code, which, based upon the rules of construction in the Zoning Ordinance, is entitled to preference over any other code section, was not part of any requirement, legal notice or staff report or presentation. Attempts to have it considered at the Planning Commission were wrongfully rejected.

Notices of hearings, meetings, and sessions of review bodies, including but not limited to the ABR and Planning Commission have been defective by failing to give notice of dates and times of meetings, applicable requirements and policies along with unrealistic and defective descriptions.

Staff is required by the spirit and letter of the applicable land use laws to present accurate and informed information and not to provide only the view of the project as desired by the Applicant or by persons under the employ or control of the Applicant. This requirement exists in the written reports, the conduct of public hearings, site visits and placement of story poles, which were intended to be informative to the public but were fully installed only for a short period of time while shorter poles were displayed for a longer period without informing the public that the poles were incomplete.

We are appealing all aspects of the Planning Commission's approval for many reasons, including but not limited to the following: 1) A zoning change from R-2 to C-1, where the parcel zoned R-2 was so zoned to act as a buffer from protecting the adjacent single family residence from the C-1 area. It is our understanding that individual economic circumstances are not a proper consideration for granting of such a zoning variance; 2) Three requested setback modifications, which have the effect of placing the proposed structure too close to Olive Mill Road, Coast Village Road and the adjacent residence at 115 Olive Mill Road; 3) An unmentioned fourth setback violation that fails to meet SBMC section 28.21.060 minimum setback requirements; 4) The proposed building would eliminate a major part of the best public mountain view from anywhere on Coast Village Road; 5) The applicant's traffic study is flawed, based mainly on conclusions drawn from studies of communities wholly unlike

Montecito/Santa Barbara and irrelevant to the gas station at the corner of Coast Village Road and Olive Mill Road. Further, the traffic study does not adequately analyze potential traffic going (and waiting to go) in and out of the sole driveway, on residential Olive Mill Road, to the on-site parking for eight condominiums with fifteen bedrooms and 5,000 sq. ft. of commercial space. All of this is on the already extremely busy corner with five stop signs and a freeway on-ramp entrance and eleven different lanes for cars, plus bike lanes; 6) The applicant's solar access calculations conclusions are flawed, not showing that the rear portion of the neighboring property and the adjacent office building at 1290 Coast Village Road will lose sunlight by the proposed three-story building; 7) The proposed building will add to the already seriously strained water resources of the Montecito Water District; 8) The building could meet the city's acceptable interior ambient noise level only by requiring three of the condominiums to have their doors and windows closed; 9) The proposed building, too bulky and tall and out of character for the location has been characterized as being "consistent with the surrounding neighborhood," but the term "surrounding neighborhood" has been incorrectly defined to mean only the neighborhood directly across the street and to the west; 10) The story poles showing the height and width and depth of the proposed building were erected for too short a period of time (the tallest ones were up barely overnight), not allowing enough local residents to see how big and bulky the building would be; 11) The requested modification to put open space on the second floor, which adds to the project's bulk, does not comply with the intent of the open space requirement; 12) Contrary to the California Environmental Quality Act, no Environmental Impact Report has been prepared and none has been requested by the city planning staff; 13) Three planning commissioners recused themselves from the final two public hearings and voting process, but they had participated in at least one prior site visit and an unknown number of discussions about the project (the application was submitted by the applicant in 2004). Two of the commissioners are or were employed by the applicant; one is currently the applicant's planning consultant.

Sincerely,



Jeff Farrell
Save Coast Village Road



Marco Farrell
Save Coast Village Road



Phoebe Alexiades
Save Coast Village Road

Santa Barbara City Council
735 Anacapa Street
Santa Barbara, CA 93103

March 27, 2008

RECEIVED

VIA: Hand-delivered to City Clerk's Office

MAR 28 2008

RE: Appeal of Approval- 1298 COAST VILLAGE ROAD

CITY CLERK'S OFFICE
SANTA BARBARA, CA

Dear Mayor and City Council members,

We, the next door neighbors, John and Sandy Wallace, are appealing the conditions, modifications and all aspects of the approval of the above named project by the Planning Commission, including the Mitigated Negative Declaration Environmental document prepared for this project.

Reasons for this appeal include, but are not limited to:

The projects' height, scale, mass and interior open space force it's perimeter walls up and out to the limits, eliminating public views making it out of proportion to its small corner lot and neighboring properties, forcing requests for unnecessary modifications and making it incompatible, out of character and significant in it's adverse impact to the predominately one story adjacent neighborhoods, and

The project will deny us sunshine and will fully shade our right to solar panels in violation of city and state solar ordinances, and

The Mitigated Negative Declaration and Draft Initial Study are severely flawed with discredited, inaccurate and insufficient water resource analysis resolvable only through an Environmental Impact Report, and

There is no justification for the northerly modification encroaching into the rear yard setback by 7.5 feet creating a significant adverse impact (privacy, sunlight and reasonable uses, etc.) on our property, and will lower our property value by negating the benefit of building a new home better suited on the rear of our parcel, and

The developers survey shows our 50+ year old garage to be about 12" on to his property, and we haven't consented to the rezoning of our garage, the 125 foot long block wall is likely the agreed upon boundary and may be two feet closer to the project than the purported boundary, therefore necessitating the re-configuring of setbacks, and the settling of this adverse possession issue before granting approval, and

There is no justification to rezone the R-2 to C, since there is no mistaking this initial zoning was correct because there was a residence on site before any general plan updates, and the change will create an inappropriate transition without adequate buffer or reduction in scale to marry the adjacent single story neighbor (us) and the predominantly (+/- 80%) single story neighborhood both commercial and residential, and

The four remaining and voting commissioners were unduly influenced by the three commissioners who had conflicts of interest to the developer during the entire rezone,

ABR, conceptual design, site visit and review process with insufficient public notice (we received no notice at any time for any of the above) and should therefore invalidate the Planning Commission vote, and

The shorter story poles were up for three days with the tall ones only up overnight providing inadequate viewing for the public. If the public did not get an adequate viewing, neither did the City Council. There is no legitimate way for the City Council to vote to approve this project without each personally viewing the story poles. City Council should not rely on second hand information from the questionable, partial and influenced few remaining members of the Planning Commission. Therefore, the City Council must require the story poles be re-erected for adequate viewing, and

The traffic impacts were inadequately addressed, especially the effects of creating a roadway next to our living room with the associated noise, lights and odors getting through the insufficient wooden fence offered by the developer, and it therefore needs a focused EIR per our own independent traffic analysis submitted for your review, and

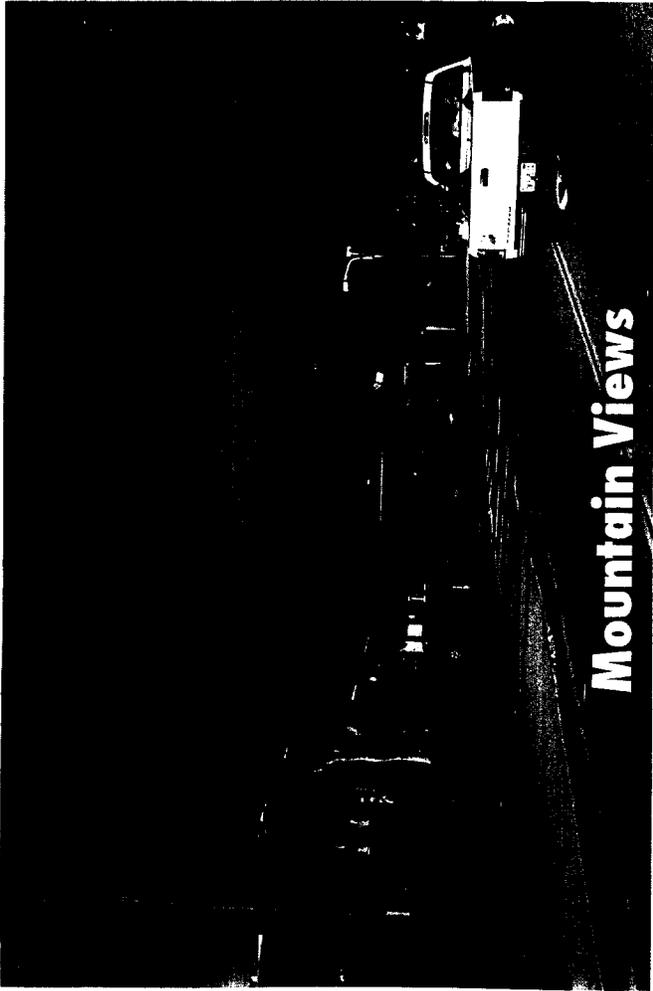
The inadvisable positioning of open space inside the building on the second story forces the perimeter walls up and out too far, eliminating public mountain views and setting a bad precedent. The future of Coast Village Road would be better served by non-hollow buildings, which instead have living space in the middle and open spaces to the perimeter, thus preserving views. All the surrounding neighborhoods, be they residential or commercial are overwhelmingly (+/-80%) single story and have drastic setbacks (60-200 feet) for buildings over two stories. Only one building is three storied above Coast Village Road and that is the ancient Montecito Inn. After performing a walking survey and documenting each building's number of stories above street level on Coast Village Road, we found 26 one story buildings, 6 two story buildings, 1 three story building, 1 four story building fronting Coast Village Road with a 60 foot setback. The numbers speak for themselves. There is no possible compatibility for this project to be found on Coast Village Road or Olive Mill Road (Olive Mill Road neighborhood is 90% one story homes).

In summary, this is 2lbs in a one pound bag. A terrible precedent with many adverse effects to our property, which is next door, and all of the surrounding area. Coast Village Road truly deserves a time out in order to allow guidelines to protect it from over-development in the form of excessively massive structures as this one. There are inadequate resources and height restrictions (Ventura passed a height ordinance of 30 feet between residential and commercially zoned areas and it is currently being amended to 25 feet), and Coast Village Road deserves at least similar protection, if not a moratorium. This proposed building should not be allowed to be too tall, too close and dwarf our 11 foot tall home a mere ten feet away. This project should respect and marry the adjacent neighborhood, in all directions, with a maximum two story building and no northern modification allowed. As the most severely impacted next door neighbor, we fully intend to protect our property by pursuing whatever means are necessary.

Thank you

John Wallace
(805) 234-1368

[Signature]
(805) 234-1368

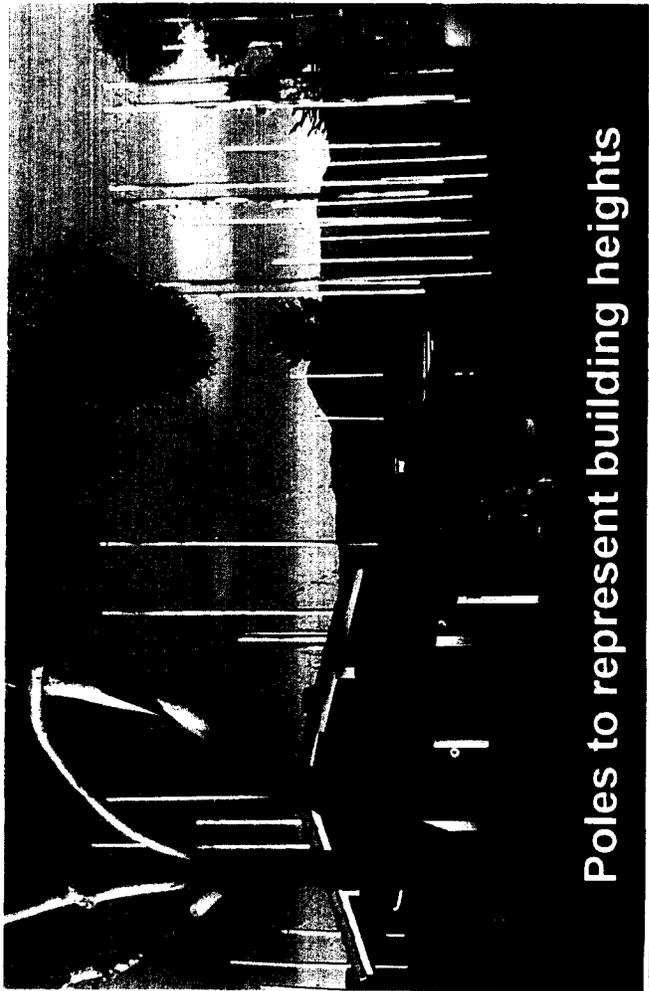


Mountain Views



No Views

**Artist Rendering
from developer.**



Poles to represent building heights



**LA JOLLA
COAST VILLAGE
ROAD**

Friends of Outer State Street

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93130-1045

E-MAIL
Internet
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foosorg@gmail.com
fooss.org
(805) 680-5743

March 31, 2008

RECEIVED

City Clerk's Office
735 Anacapa Street
Santa Barbara, CA 93101

MAR 31 2008
4:20pm JAC
CITY CLERK'S OFFICE
SANTA BARBARA, CA

Re: Appeal of Planning Commission actions on March 20, 2008, Item III
1298 Coast Village Road, all approvals including adoption of Negative Declaration

The Friends of Outer State Street ("FOOSS") appeal all of the Planning Commission's approvals and recommendations for approval of the referenced project, including the adoption of a Negative Declaration. The proposed development is the wrong project for this site, especially when it could not be approved without (i) a re-zoning from residential to commercial, (ii) granting of three or four zoning modifications and (iii) amending of the Local Coastal Plan for a specific project. A project could have been designed to conform to its land use requirements rather than so drastically changing the law and other land use requirements for a specific project.

FOOSS expressly appeals the approval of the Negative Declaration for this controversial, precedent setting project which would have significant adverse environmental impacts.

This proposed project is too much development in the wrong location on a site that is too small (0.41 acre). There was no meaningful attempt to live within the limits of the site as indicated by the number of zoning modifications and re-zoning needed to gain approval. The northerly portion of the project site is zoned R-2 (two-family residences) and forms a buffer for the adjacent single-family zoning and residences in Montecito. The proposed project is TOO MUCH ON TOO LITTLE IN THE WRONG PLACE. There may be a smaller project that is appropriate for this site, but the proposed project is not appropriate for the gateway to Coast Village Road.

FOOSS is concerned about over-development in both the Outer State Street area and throughout the entire City. FOOSS has an interest in the proposed development because it is not an appropriate project for the site and will set a bad precedent for both Coast Village Road and the rest of the City.

At this time, FOOSS will focus on following problems:

1. PROPOSED PROJECT VIOLATES CHARTER SECTION 1506

The northern portion of the property is now a buffer between commercial uses and buildings along Coast Village Road and the single-family zoning and residences in Montecito. It has been

zoning is removed. Santa Barbara City Charter Section 1506 limits building heights in two-family zones to 30 feet and states, in relevant part, that:

“It is hereby declared the policy of the City that high buildings are inimical to the basic residential and historical character of the City. **Building heights are limited to 30 feet in areas zoned for single-family and two-family residences** *** .” (emphasis added)

It would violate both the spirit and intent of Charter Section 1506 to remove the 30 feet height limitation for a two-family zone by re-zoning that site to C-1, thereby removing existing Charter 1506 protections and overturning the will of the electors when they adopted Charter Section 1506.

2. THE ABR NEVER FOUND THE PROPOSED PROJECT COMPATIBLE WITH THE NEIGHBORHOOD

The Staff Report erroneously stated the proposed project was reviewed by the ABR and “considered compatible with the neighborhood” [Staff Report, p. 16 (last sentence) to p.17], but the ABR made no such determination during the only time it reviewed (concept) this project more than two years ago on November 14, 2005 (see Exhibit D to Initial Study). Moreover, the minutes for that meeting concluded “It is understood that the project was not noticed” which indicates that the ABR did not receive adequate comments and input from those individuals and groups that would have opposed the project.

3. INITIAL STUDY ERRORS - VISUAL IMPACTS

The Initial Study incorrectly states the facts in many places. In reference to Scenic Views, it concludes:

“The visual change resulting from the proposed project would not substantially obstruct any important visual resources as viewed from public vantage points and would not be visible from Highway 101; therefore, the impacts to scenic views would be less than significant.” (Initial Study, page 6, second full paragraph)

We were amazed by that fallacious assertion because it was so easy to see the views that would be destroyed when one viewed the short lived story poles. The proposed project would be clearly visible from the Olive Mill off-ramp (part of 101) and would block mountain views. It would also destroy views of the Santa Ynez Mountains from Coast Village Road, Jameson Lane and Olive Mill Road. The Initial Study did not use story poles but relied on simulations (apparently provided by the developer). The pictures that were used were taken from very selective distances which would not destroy or significantly impact mountain views.

4. TENTATIVE MAP SHOULD NOT BE APPROVED BECAUSE THE PROJECT IS INCONSISTENT WITH THE ZONING AND GENERAL PLAN

In order to approve a Tentative Subdivision Map in the City, that Map must be consistent with the both the zoning and General Plan and comply with other laws (such as City Charter). The

City's Clerk's Office
1298 Coast Village Road, Appeal
March 31, 2008
Page 3

Noise Element of the General Plan establishes a maximum noise level of 60 dBA. However, the Staff Report states that the levels in the area range up to 65 dBA (Page 13, Item 6). Hence, Staff has conceded that the proposed project does not comply with the Noise Element of the General Plan which would require denial of the Tentative Subdivision Map.

A re-zoning and three or four zoning modifications would be needed for approval of the proposed project. The proposed project is not consistent with the zoning and the granting of zoning modifications does not make it consistent for the purpose of approving a Tentative Map. Moreover, the proposed project would not comply with the Charter height limitation of 30 feet. The proposed project does not come close to complying with the zoning. Granting three or four modifications and re-zoning this property in order to approve this project would make a mockery of the zoning laws in Santa Barbara.

5. AN EIR SHOULD BE PREPARED FOR THIS PROJECT

Before there are any approvals related to this project, an **independent** Environmental Impact Report ("EIR") should be prepared for this project concerning at least aesthetics, blockage of views, traffic, noise and water resources. There were numerous major errors in the Initial Study. The Initial Study also relied too heavily on reports submitted by the developer. Little, if any public notice, was given of the so-called "environmental review" until the project was to be considered by the Planning Commission. An EIR would restore public confidence concerning the review of this project and give some transparency to this project.

It is our hope that the open process for an EIR could expose these errors and other significant adverse environmental impacts with sunlight so that they could be fully and fairly evaluated. Moreover, an EIR would have to evaluate alternatives which might provide an acceptable project for this site. There are too many controversial and controverted issues to proceed any further without an independent EIR.

We hope that all approvals for this Project are denied and that the Planning Commission make it clear that before this project proceeds any further that it be required to be evaluated in an EIR before any further approvals are considered. There are too many exceptions and questions relating to this Project to grant any type of approval. There is nothing in the law that requires granting these discretionary approvals. To the contrary, the law prohibits granting these approvals. Moreover, the controversy surrounding this project requires the preparation of at least a focused EIR.

Save the charm of Coast Village Road by granting the appeals, denying the requests to (i) rezone the residential buffer parcel to commercial and (ii) amend the Local Coastal Plan, thereby rejecting the proposed project.

Submitted by.
Friends of Outer State Street

RECEIVED

MAR 31 2008

4:00pm JAC
CITY CLERK'S OFFICE
SANTA BARBARA, CA

March 31, 2008

**Santa Barbara City Council
City of Santa Barbara
De la Guerra Plaza
735 Anacapa Street
Santa Barbara, CA 93101
Hand-delivered to City Clerk Office**

Dear Mayor Blum and Council Members,

This will inform you that I, Delfina Mott, am appealing the Planning Commission's March 20, 2008 decision to approve the proposed project to redevelop 1298 Coast Village Road (MST2004-0493), changing it from a gas station to a mixed-use building.

I live on Olive Mill Lane and am directly above but I am in direct sight line with the third floor of this building.

The approved project is too large for the site, it is not appropriate for the site and it is out of character with the development along Coast Village Road. This project will establish a bad precedent for future development along Coast Village Road, especially on the mountain side.

The staff report refers to this project as being "consistent with the surrounding neighborhood". The staff report does not address the fact that there are many residents (real people living in residential homes) living directly around this project. This is a residential community on three sides of this gas station who are being ignored and pushed aside.

I am one of these residential neighbors, 300 feet from this project and I will suffer a loss of privacy because people in portions of the new building will be staring directly into my home. There are other residents within the direct vicinity who will also be deprived of their privacy because people in portions of the new building will be staring directly down into their property.

Sincerely,


Delfina Mott

100 Olive Mill Lane
Santa Barbara, CA
93108

☞ 570-7753 (c) best contact
565-0984 (h)



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: March 4, 2007
AGENDA DATE: March 13, 2008
PROJECT ADDRESS: 1298 Coast Village Road (MST2004-00493)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
Jan Hubbell, AICP, Senior Planner
Peter Lawson, Associate Planner

I. PROJECT DESCRIPTION

The proposed project involves the demolition of an existing gas station with two repair bays and the construction of a new mixed use building. The new 18,196 square foot mixed use building would be comprised of eight residential condominiums and approximately 5,000 square feet of commercial space, located on the ground floor. All of the residential units would be located on the second and third floors. Five residential units would include two bedrooms, two units would include one bedroom each and one unit would include three bedrooms. 37 parking spaces are provided, with nine covered parking spaces located at grade level and 29 parking spaces located below grade. Grading would be approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill.

Currently, the 18,196 square-foot site is split by two zoning designations; the northern portion, totaling approximately 7,150 square feet, is zoned R-2, and the southern portion, totaling about 11,046 square feet, is zoned C-1. The Planning Commission initiated re-zoning the portion of the subject property zoned R-2 (Two Family Residential) to C-1 (Limited Commercial) on April 7, 2005. The entire property is located in the Coastal Overlay (SD-3) Zone, which would not change with this request.

Background

The site was developed first as a residence in the 1930s, and then converted to a gasoline station, which has been rebuilt at least once since the late 1940s. The southern portion of the site was rezoned to C-1 in 1946. The line of ficus trees along the northern property line appear to be in place since the 1950's and thus would be considered legal and nonconforming.

II. REQUIRED APPLICATIONS

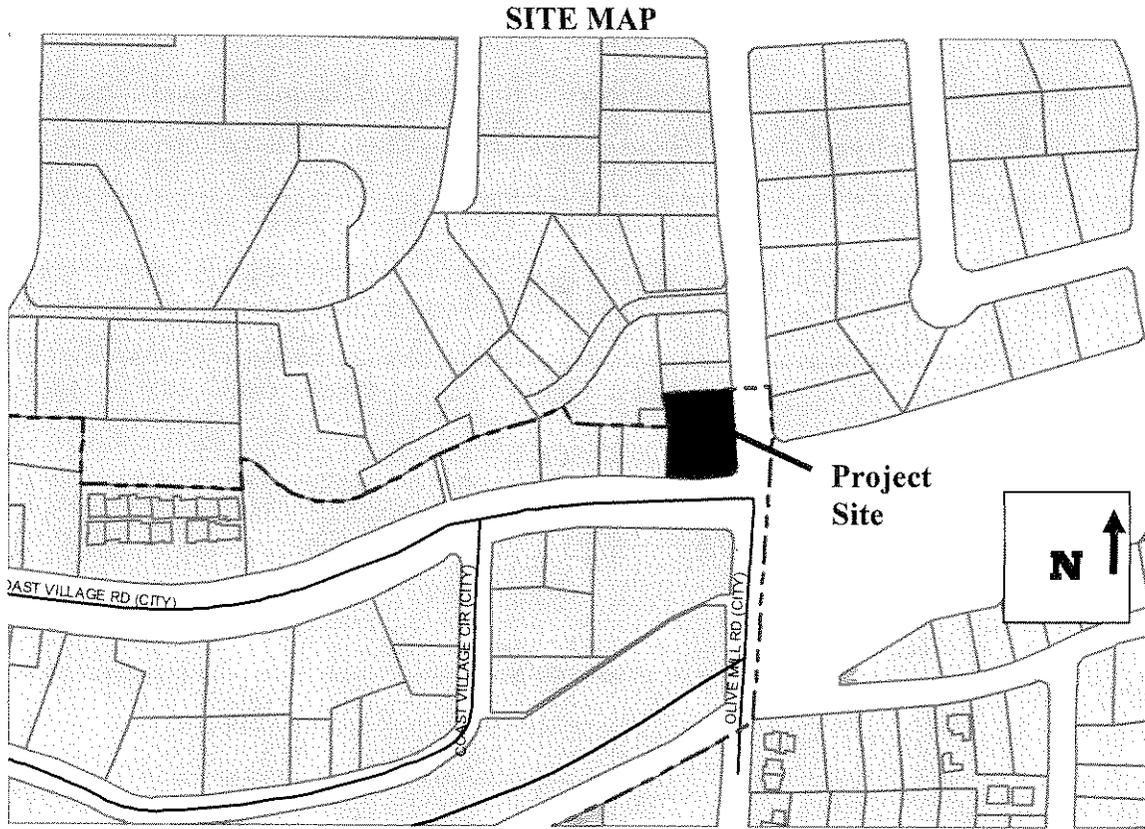
The discretionary applications required for this project are:

1. A recommendation to City Council for a Zoning Map Amendment to change the zoning from R-2, Two-Family Residential, to C-1, Commercial Zone District (SBMC §28.92.080.B);

2. A recommendation to the City Council for a Local Coastal Program Amendment to change the zoning to match the Local Coastal Plan designation of General Commerce.
3. A Modification to allow a portion of the building to encroach 7 feet into the required 17 foot northern interior yard setback (SBMC §28.92.110.A.2);
4. A Modification to allow the 10% common open space to be located above the ground floor level (SBMC §28.92.110.A.2);
5. A Modification to allow one second floor covered balcony to encroach 3 feet 6 inches into the 10 foot front yard setback on Coast Village Road (SBMC §28.92.110.A.2);
6. A Modification to allow the an emergency stairway to encroach up to 9 feet 2 inches into the 10 foot front yard setback on Olive Mill Road (SBMC §28.92.110.A.2);
7. A Coastal Development Permit (CDP2005-00003) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
8. A Development Plan to allow the construction of 5,000 square feet of nonresidential development (SBMC §28.87.300); and
9. A Tentative Subdivision Map for a one-lot subdivision to create eight (8) residential condominium units and one (1) commercial unit (SBMC 27.07 and 27.13).

III. RECOMMENDATION

With approval of the Modifications and Council and Coastal Commission approval fo the requesting Zoning and Local Coastal Program Amendments, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project contingent upon City Council approval of the Zone Change and recommend that the Council approve the Zone Change, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



APPLICATION DEEMED COMPLETE: August 7, 2007

IV. SITE INFORMATION AND PROJECT STATISTICS

B. SITE INFORMATION

Applicant: John Price Agent Jeff Gorell, Lenvik & Minor	Property Owner: TOSCO Corporation
Parcel Number: 009-230-043	Lot Area: 0.41 acres (gross); 18,196 s.f.
General Plan: General Commerce	Zoning: C-1, Commercial (partial) R-2, Residential SD3 – Coastal Overlay Zone
Existing Use: Gasoline Service Station	Topography: 2%
Adjacent Land Uses: North - Residential South - Hotel/Restaurant East - Residential/US 101 Freeway West - Commercial/Office	

C. PROJECT STATISTICS

	Existing	Proposed			
		Unit #	# of Bedrooms	Size of Unit (s.f.)	% of Req. Lot Area
Living Area	N/A	Unit 1	2	1,604 s.f.	69%
		Unit 2	2	1,486 s.f.	64%
		Unit 3	1	1,292 s.f.	71%
		Unit 4	1	1,112 s.f.	60%
		Unit 5	3	2,126 s.f.	76%
		Unit 6	2	1,394 s.f.	60%
		Unit 7	2	1,444 s.f.	62%
		Unit 8	2	1,776 s.f.	76%
Commercial	Service Station	West ½	N/A	2,360 s.f.	N/A
		East ½		2,640 s.f.	
				5,000 s.f.	
Garage/ Parking	12 uncovered	37 spaces (17 residential + 20 commercial) 9 spaces covered @ ground level, 28 spaces below grade			
Accessory	N/A	8 storage units for the residents -			

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	10 Foot setback	Coast Village Rd. 0' Olive Mill Rd. Structure - 40' Parking Area - 0'	Coast Village Rd. - 10' Olive Mill Rd. - 10' (Note: Modifications to the setbacks for minor encroachment are being requested for each front setback)

Standard	Requirement/ Allowance	Existing	Proposed
-Interior	0' – adjacent to commercial 1 zoned lot ½ the height		North Interior Yard – 17' Portion at 10' w/Modification
Building Height	Three (3) stories - Max forty-five feet (45'). Adjacent to residentially zoned lots - within a distance of twenty-three (23) feet or one-half (1/2) the height of the proposed structure, whichever is less, height to be 25 feet.	12 feet	Building – 35' Architectural Element – 39.5' Within 17' of North Interior Lot Line – 25'
Parking	<u>Multiple Residential Unit.</u> 1 bedroom: 1-1/2 spaces/ unit. 2 or more bedrooms: 2 spaces/unit. Guest parking - 1 space/4 residential units. <u>Commercial</u> 1 space per/250 square feet of net floor area or fraction thereof.	Approximate: 12 uncovered	Residential – 15 spaces Guest Parking – 2 spaces <u>Commercial – 20 spaces</u> Total – 37 Spaces
Lot Area Required for Each Unit (Variable Density)	1 bedroom unit 1,840 s.f./unit 2 bedroom unit: 2,320 s.f./unit 3 bedroom unit +- 2,800 s. f./unit	N/A – Commercial only	2 – 1 bedroom – 3,680 s.f. 5 – 2 bedroom – 11,600 s.f. <u>1 – 3 bedroom – 2,800 s.f.</u> Total - 18,080 s.f.
10% Open Space	1,280 s.f.	N/A	1,020 s.f. – ground level 1,820 s.f. – 2 nd level w/ a modification
Private Outdoor Living Space	2nd Floor Units and above: 1 bedroom unit - 72 s.f. 2 bedroom unit - 84 s.f. 3 bedroom unit – 96 s.f.	N/A - Commercial	Unit 1 – 270 s.f. Unit 2 - 230 s.f. Unit 3 – 310 s.f. Unit 4 – 362 s.f. Unit 5 – 470 s.f. Unit 6 - 184 s.f. Unit 7 – 200 s.f. Unit 8 – 174 s.f.
Lot Coverage -Building	N/A	1,189 s.f. 7%	12,697 s.f. 69.8%

Standard	Requirement/ Allowance	Existing	Proposed
Paving/Driveway	N/A		
-Paving	N/A	15,866 s.f. 87%	1,653 s.f. 9.08%
-Landscaping		1,141 s.f. 6%	3,846 s.f. 21.12%

With the following recommendations and approvals, the proposed project would meet the requirements of the C-1 Zone District, with the exception of the Modifications.

A. CHANGE OF ZONE

A change of zone is a legislative process and City procedures require that the Planning Commission or City Council initiate the rezoning before the applicant can submit a formal application for rezoning. A zone change can be initiated by either an applicant, the Planning Commission or City Council. In this case, the property owner applied for the zone change and the Planning Commission initiated the process at their April 7, 2005 hearing, to change a portion of the subject property from R-2 (Two-Family Residential) to C-1 (Commercial). This designation change is required in order to process the applicant's mixed-use project proposal. Currently, the project site is split by two zoning designations; the northern portion is zoned R-2, and the southern portion is zoned C-1. Although there is only one Assessor's Parcel Number, the project site consists of two legal parcels and the zone line follows the parcel line. Both parcels have a General Plan designation and a Local Coastal Plan designation of General Commerce.

The project site is a corner lot. The western lot line abuts two lots and the northern lot line abuts one lot. The southwestern adjacent lot (1290 Coast Village Road), developed with a commercial building, is under the City jurisdiction and is zoned C-1 (Limited Commercial Zone). The northwestern lot, developed as a parking lot serving Long's Drug Store and other commercial businesses, is under the County's jurisdiction and is zoned C-2. The adjacent northern lot (115 Olive Mill Road), developed with a single family dwelling, is zoned R-1 (Residential) and is also under the County's jurisdiction.

The intent of the proposed C-1 zone is that it strives to provide a desirable living environment by preserving and protecting surrounding residential land uses in terms of light, air and existing visual amenities. Given the residential development and zoning on the adjacent northern parcel, this would be an appropriate zone district. The development that is being proposed, with the commercial component oriented to the south along Coast Village Road and the residential use oriented to the north, would reflect the intent of the zone district. Additionally, the general commercial use along with the residential uses that are being proposed would be less intensive than the current service station. Finally, the proposed change would be consistent with the current General Plan and Local Coastal Plan designation. Staff recommends that the Planning Commission recommend to the City Council the approval of the zone change from R-2 to C-1.

B. MEASURE E

The project includes the demolition of approximately 1,189 square feet (s.f.) of commercial space and construction of approximately 5,000 s.f. of commercial space. Because the project site consists of two legal parcels, pursuant to the provisions of SBMC §28.87.300, the project would be allocated a total of 2,000 s.f. of Measure E nonresidential square footage from the Minor Addition category and 1,811 s.f. from the Small Addition category for the project parcels, leaving 3,189 s.f. of Small Addition square footage. Development Plan findings for this square footage are included in Section VII below.

C. MODIFICATIONS

Northern Side Yard Setback – This Modification would allow a portion of the building to encroach into the required northern side yard setback. Because the project site abuts a residential zoned lot, the C-1 Zone District states that the setback shall have an interior yard of no less than ten (10) feet or one-half (1/2) the height of the building, whichever is greater. In this case, the overall building height is 35 feet, thus the setback would be 17 feet 6 inches. The total length of development along the northern portion of the lot is 110 feet. This is not a solid line of development, as the private and common space, located in the center, occupies 25 feet of that length. The portion of the development that would encroach into the setback would include both the first and second floor and occupy an area measuring 7 feet 6 inches in depth by 45 feet in length. On the ground level, the portion of the building that would encroach into the setback would be used as storage area for each of the units. Access to the storage area would be oriented toward the garage and there would be no windows or other openings facing the northern property line. On the second floor, a portion of the living room, dining room and patio of Unit 8 would encroach into the setback.

The remaining development along the northern property line, including the entire length of the third floor, would be consistent with or greater than the required setbacks. The driveway would be setback a minimum of five feet from the property line and will continue to be landscaped. Currently, there is a hedge approximately twenty feet in height along this property line, but, as stated above, it is legal and nonconforming and would remain. Additionally, a solid wall of at least six feet in height is provided along the property line and will remain as part of the project, which is consistent with the requirements for development adjacent to a residential zone district.

Therefore, staff can support this Modification for several reasons. The majority of the development, on all floors, meets or exceeds the northern setback by at least 10 feet. Unit 1, which is the next closest residential unit to the north property line, is setback by 33 feet and has minimal windows along the north facing walls. The outdoor patio for Unit 1 is setback from the northern property line by 34 feet, which would allow privacy to the adjacent property. The remaining required outdoor private space for each of the residential units, all located on the second floor, would be clustered around the common open space courtyard further south. The additional residential balconies or decks are oriented toward the public street or the adjacent commercial buildings.

The majority of the second floor public open space is oriented in the middle of the development, approximately 60 feet from the northern property line, and the stairway and elevator accessing this space is from Coast Village Road, which keeps the majority of the pedestrian traffic away from the adjacent residential use. Six out of eight units would be accessed off of the central common open space court yard. There is no exterior, unenclosed access to the third floor. All residential units are accessed via the second floor and each unit includes interior stairs to their respective third floors.

The patio for Unit 8, which would partially encroach into the setback, is oriented in the north-western corner of the lot and faces both the commercial parking lot to the west and the residential garage to the north. The patio is approximately 40 feet from the westernmost portion of the adjacent residence. Thus, the impacts from the patio to the adjacent residence would be minimal. Further, the portion of the building that is subject to this modification would be consistent with the additional building height requirement under the C-1 zone district. This requirement states that if portion of a structure is within a distance of twenty-three (23) feet or one-half (1/2) the height of the proposed structure, whichever is less, of an adjacent residential zone, it shall not exceed the allowed height in the most restrictive adjacent residential zone. In this case, the project site is adjacent to a County zoned Single Family Residential Zone District with a maximum height of 25 feet. Therefore, the height of the portion of the building that is within 17.5 feet (1/2 the height of the building) of the northern property line does not exceed 25 feet. Another consideration is that the applicant has provided solar calculations for Unit 8 demonstrating that the structure would comply with the Chapter 28.11, Protection and Enhancement of Solar Access under the R-3/R-4 Zoning.

10% Common Open Space – This Modification would allow a portion of the required common open space to be located above the ground floor level. As required by the Municipal Code, the common open space shall be located outside of the required setbacks and, based upon the size of the lot, a minimum of 1,820 square feet of open space shall be provided. Approximately 2,280 square feet of common open space is being proposed. Approximately 1,000 square feet of common open space is provided on the ground level, primarily in the southern and western portions of the lot. Along the western property line, pedestrian access will be provided not only for the project site, but for access from the adjacent commercial lot. On the second floor 1,280 square feet of common open space will be provided and is placed in a central court yard location that will lead to an entry into each of the residential areas.

The C-1 zone district is a unique commercial zone district requiring front yard setbacks of ten feet. With approximately 95% of the development respecting the front setbacks, 2,000 additional square feet of pathways and landscaping is being provided and, coupled with the five foot wide planter to separate the adjacent residential zone to north from the driveway, there would be a total of approximately 2,500 square feet of additional open space within the required setbacks. Finally, the private outdoor space provides for each unit is more than double that required by the Municipal Code requirement. Therefore, since at least 50% of the common space is being provided on the ground level, the proposed common open space exceeds the Municipal Code requirement, there is additional open space being provided by the setback

requirements, and large private outdoor areas are provided for each unit, staff supports this Modification.

Front Yard Setback on Coast Village Road - This Modification would allow the encroachment of a covered balcony into the setback. This balcony would be located on the second floor and encroach up to four feet into the setback and span a length of 26 feet. This balcony is not providing the required private outdoor space, but would provide some articulation to help break up the massing of the building. The balcony would not extend beyond the line of the development located to the west. The overall design was supported by the Architectural Board of Review (ABR). Therefore, staff supports this Modification.

Front Yard Setback on Olive Mill Road - This Modification would allow the encroachment of an emergency stairway into the setback. The majority of the stairs would follow the line of the building and encroach into the front setback by approximately four and one-half feet. The last five risers would face Olive Mill Road and encroach into nearly the entire setback. Since these stairs would occupy an area of approximately 20 feet in length, not impede pedestrian traffic, and would not be located adjacent to a residential use, staff can support this Modification.

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed by the Architectural Board Review (ABR) at one meeting (meeting minutes are attached as Exhibit D). On November 14, 2005, the ABR stated that they were supportive of the overall development and provided specific comments on the architectural details. This area is not subject to the Urban Design Guideline.

B. PLANNING COMMISSION CONCEPT REVIEW

On February 16, 2006, the project was presented to the Planning Commission for conceptual review and comment (Attachment F). The proposal presented to the Planning Commission demonstrated the building height at 35 feet and the architectural projection at 42 feet. The Planning Commission was supportive of the overall design and thought the project would be a good gateway project for Coast Village Road. There was concern expressed about the line of trees along the north property line and if these trees would remain. There was also concern about the height of the building, especially to the north of the lot. The applicant has responded by lowering the height of the architectural project to 39.5 feet and the trees along the north property line will remain mostly in a hedge form.

C. COMPLIANCE WITH THE GENERAL PLAN AND THE LOCAL COASTAL PLAN

The project site is located within the Coast Village area under the General Plan and Component 7 North of U.S. 101 under the Local Coastal Plan (LCP). No major coastal issues within this area were identified in the LCP. The General Plan designates this area for commercial uses, and it is anticipated that they will continue and probably expand. In addition to commercial development in the area, it is anticipated that further residential development may occur. The Coast Village area is primarily a commercial district with residential development being

subordinate. The Vons shopping center anchors the western end of Coast Village Road at Hot Springs Road and the Montecito Inn, located south of the project site, anchors the eastern end at Olive Mill Road. This area has evolved from providing roadside service in the early 1900s to being a commercial retail and business service area for the Montecito and Eastside communities. Between Hot Springs Road and Olive Mill Road, a mix of condominiums and apartments can be found among restaurants, offices, hotels, a nursery and service stations. The topography descends rapidly from the north to Coast Village Road, and then descends down to Coast Village Circle to the south. This topographical change is reflected along parts of Coast Village Road in the development, with two and three story development on the north side and single story on the south side. The Local Coastal Plan designates this site for General Commerce and the proposed rezone would result in the entire site being consistent with this designation.

1. Land Use Element

The subject site has a General Plan designation of General Commerce. The residential portion of the mixed-use development would be subject to the density requirements of the R-3/R-4 Multiple Family Residential Zones, which can be either based upon one unit per 3,500 square foot of land, with no limit on the bedroom size or based upon the variable density standards with a limit on the number of bedrooms. The applicant is proposing a residential development based upon the variable density component and, as stated above, would be consistent with the amount of square footage of land necessary to develop eight condominiums. Further, by providing a mix of bedrooms per condominium, the project would be consistent with the Housing Element, stated below.

2. Housing Element

The City Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. This proposal, with one, two and three bedroom units would satisfy that goal.

In accordance with Housing Element Policy 3.3, which requires new development to be compatible with the prevailing character of the neighborhood, the proposed building would be compatible in scale, size and design with the surrounding neighborhood.

The surrounding neighborhood, from Hot Springs Road to Olive Mill Road, is comprised of a mix of office, residential and commercial buildings, with a range of heights. The uses are a mixture of offices and commercial uses with most of the residential development setback to the north of Coast Village Road. The three-story building undulates in some areas and is mostly setback 17.5 feet from the adjacent residential use. Additionally, the apparent height of the building as viewed from the adjacent residential areas is lessened a small amount due to the natural topography that situates the adjacent homes at a higher elevation than the project site. Further to the north-west, in the Montecito Community Plan area, the residential development is located on a mesa that varies from 40 feet to 70 feet higher in elevation.

3. Circulation Element

The Circulation Element contains goals and policies that promote housing in and adjacent to commercial areas, such as Coast Village Road, to facilitate the use of alternative modes of transportation and to reduce the use of the automobile. For example, Circulation Element Implementation Strategy 13.1.1 encourages "the development of projects that combine and locate residential uses near areas of employment and services." This project provides housing as well as commercial space in the Coast Village Road area and is, therefore, consistent with this goal.

The project is consistent with the development standard policies stated in the Circulation Element. A transit stop is located adjacent to the site and the project also includes removing three out of four driveway entrances, consistent with the Pedestrian Master plan of minimizing curb cuts. By eliminating curb cuts, additional on-street parking will be provided which is consistent with the goal in the Coastal Zone of providing more public parking. The additional on-street parking spaces will not interfere with the existing westbound bike lane. Bicycling parking will be provided on site both for the residential use and the commercial use. Finally, all parking will be provided on the project site, also consistent with the Local Coastal Plan.

D. 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 Mitigated Negative Declaration (Attachment D) 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: air quality (short-term), hazards (short-term), noise (long-term), traffic/circulation (long-term) and. Also evaluated in the document as less than significant impacts are aesthetics, air quality (long-term), biological resources, cultural resources, geophysical conditions, noise (short-term), public services traffic/circulation (short-term) and water environment.

A Draft Mitigated Negative Declaration (MND) was prepared and released for public review. During the public review period from November 12, 2007, to December 13, 2007, public comment on the draft MND was taken. No Environmental Hearing was held by the Planning Commission because one was not requested by the public. Staff received two letters of concern from members of the public regarding the project during the public comment period that focused on policy and design issues, not environmental concerns. Concerns related the size of the project, construction traffic and solar impacts.

Staff also received comments from two public agencies, Montecito Water District and Santa Barbara County Air Pollution Control District APCD. The water resources section of the Mitigated Negative Declaration was corrected to reflect the Water District's concerns. The APCD commented that conditions should be included to address construction equipment emissions, asbestos removal and that any gasoline station or dry cleaning use should be setback from adjacent residential use. The attached conditions of approval address the emission control on the construction equipment, any asbestos removal will be addressed as part of the building permit and no gasoline station or dry cleaning store is being proposed.

The analysis concludes that no significant environmental impacts would result from the project as mitigated. Below is a brief summary of the Final Mitigated Negative Declaration evaluation.

1. AESTHETICS

The project site is located in an urban setting in the Coast Village Road area of the City. Views of the site from public vantage points are primarily from the adjacent streets and sidewalks. Existing development along this portion of the Coast Village Road corridor includes one-, two- and three-story buildings. There is a mix of office, commercial and hotel development in the project vicinity. The site is currently developed with a single story structure, paved parking areas and a limited amount of landscaping. The proposed new building would be three stories and would measure 35 feet above existing grade. The two existing eucalyptus trees on the site would remain. The Architectural Board of Review (ABR) has reviewed the project and has made generally positive comments. The size, height, architecture and siting of the proposed building would result in a visual change to the site; however, this is considered a less than significant environmental impact.

2. AIR QUALITY

This project will not result in long-term air quality impacts. The primary concerns related to air quality impacts are pollutant emissions from vehicle exhaust or other stationary sources, particulates and nuisance dust associated with grading and construction. Because a gasoline service station is being removed, long-term emissions would be reduced and are much less than the Santa Barbara County Air Pollution Control District threshold of significance for air quality impacts; therefore, long term project air quality impacts are less than significant. The MND has incorporated mitigation measures to minimize short-term impacts from construction emissions and dust.

4. GEOPHYSICAL CONDITIONS

Project impacts related to ground shaking, liquefaction, seiche, tsunami, landslides, mudslides or excessive grading are considered less than significant. Potential impacts due to subsidence or expansive soils would be minimized to less than significant levels due to the excavation of most of the site for an underground garage.

5. HAZARDS

The project site is currently under a soil and ground water contamination remediation program due to the gasoline service station. The contamination results from minor tank leakage prior to the early 1990s. State regulations after that time required all service stations to install double walled tanks that can be monitored in the event that the inner wall fails. Based upon the monitoring reports, the level of contamination has been lowering consistently since the remediation began. With the excavation of the site for the proposed underground garage, all the site would fully remediated. The project

includes a mitigation measure that completion of final Corrective Action Plan shall be approved by both the California Regional Water Quality Control Board and the Santa Barbara County Fire Department. The site is not located within a High Fire Hazard Area.

6. NOISE

The project is located in an area where noise levels range from 60-65 dBA Ldn, due primarily to traffic noise from Coast Village Road and US Highway 101. All of the units are oriented in a horse shoe pattern, with the private outdoor space at the center of this pattern. The building will shield the outdoor space from adjacent road noise and no further mitigation will be necessary. Since the majority of the units face the adjacent public roads and highway, interior noise levels of 45 dBA or less will be achieved through windows being closed and mechanical heating and cooling being provided. Short-term construction noise would be adverse, but less than significant. Mitigation measures have been recommended to further minimize any construction noise impacts.

7. TRANSPORTATION/CIRCULATION

Due to the present use as a gasoline service station and a car detailing service, the proposed project would cause a reduction in traffic trips. The project is expected to generate 36 less a.m. peak hour trips, 19 less p.m. peak hour trip and 367 less average daily trips. Therefore, there would be no impact to traffic or the operation of intersections in the area.

Short term construction traffic would not result in a significant impact to the traffic network because of the temporary nature of the trips generated and the size of the project. Standard mitigations recommended to minimize any adverse impact include restrictions on the hours permitted for construction trips and approval of routes for construction traffic.

The project would include 37 parking spaces for both the commercial and residential uses, which is consistent with the Ordinance requirements and would also meet projected parking demand. Additionally, with the removal of three out of four driveways, three additional on street parking spaces will be provided.

VII. FINDINGS

The Planning Commission finds the following:

A. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION

- The Planning Commission has considered the proposed Final Mitigated Negative Declaration together with comments received during the public review process.

- The Planning Commission finds on the basis of the whole record before it (including the initial study and comments received) that there is no substantial evidence that the project will have a significant effect on the environment.
- The Planning Commission finds that the Final Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.
- The Planning Commission finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed project. The Planning Commission hereby adopts the Final Mitigated Negative Declaration for the project.
- The Planning Commission hereby adopts a mitigation monitoring and reporting program for measures required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
- The location and custodian of the 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, California.

B. LOT AREA MODIFICATION – SETBACKS (SBMC §28.92.110.A.2)

A modification of yard, lot and floor area regulations where the modification is consistent with the purposes and intent of this Title, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development which is affordable to very low-, low-, moderate- or middle-income households.

The Modification to the setbacks would provide more flexibility in the design of the development, to break up the massing and provide visual corridors to the north of the site. Portions of the overall development are not being fully developed to the required setback lines and additional common open space and private outdoor space beyond what is required is being provided, thus the Modification would not cause an overdevelopment of the site and would meet the purpose and intent of the Zoning Ordinance.

C. LOT AREA MODIFICATION – COMMON OPEN SPACE (SBMC §28.92.110.A.2)

A modification of yard, lot and floor area regulations where the modification is consistent with the purposes and intent of this Title, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development which is affordable to very low-, low-, moderate- or middle-income households.

Approximately 1,000 square feet of the required 1,820 square feet is being provided on the ground level, consistent the Municipal Code. The Modification would allow the remaining portion of the Common Open space to be located on the second floor. As proposed, 1,820 square feet would be located in a court yard setting, with landscaping being considered. Additionally, with two front yard setbacks, the project would have approximately 2,000 square feet of additional open space, with landscaping.

D. AMENDMENTS AND CHANGES TO ZONE BOUNDARY (SBMC §28.92.020)

The change is justified by public necessity convenience, general welfare or good zoning practice.

The intent of the C-1 Limited Commercial 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. Given the adjacent residential zone district to the north and that the subject lot is the easternmost commercial lot of Coast Village Road; this would be an appropriate zone district. Further, the zone change is consistent with the General Plan and Local Coastal Plan designation..

E. THE TENTATIVE MAP (SBMC §27.07.100)

With approval of the zone charge, the Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

F. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.
2. The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.
3. The proposed development is consistent with the General Plan of the City of Santa Barbara.
4. The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood.
5. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

6. The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

G. COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)

1. The project is consistent with the policies of the California Coastal Act.
2. With approval of the Local Coastal Plan Amendment, the project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation, because there will be no effect on the coastal access and minimal effects on public recreation.

H. DEVELOPMENT PLAN APPROVAL (SBMC §28.87.300)

1. The proposed development complies with all of provisions of the Zoning Ordinance upon approval of the requested Zone Boundary Change;
2. The proposed development is consistent with the principles of sound community planning;
3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk and scale of the development are compatible with the neighborhood;
4. The proposed development will not have an unmitigated adverse impact upon the City and South Coast affordable housing stock;
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources;
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic;
7. Resources are available and any applicable traffic improvements will be in place at the time of project occupancy.

The proposed project includes three Modifications and with approval of those Modifications, the project would be consistent with the Municipal Code. The project would provide a gateway development into the Coast Village area, for both residential and commercial uses. The project would be adding housing to a site that is currently developed with commercial usage only. The overall development was conceptually reviewed by the Architectural Board of Review and considered compatible with the

Planning Commission Staff Report

1298 Coast Village Road (MST2004-00493)

March 4, 2008

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surrounding neighborhood. The water and traffic use would decrease with the proposed development. Therefore, the project can be found consistent with this finding.

Exhibits:

- A. Conditions of Approval
- B. Negative Declaration dated November 14, 2007
- C. Applicant's letter, dated January 7, 2008
- D. Site Plan

CITY OF SANTA BARBARA

COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

FINAL MITIGATED NEGATIVE DECLARATION MST2004-00493

PROJECT: 1298 Coast Village Road
Mixed-Use Development

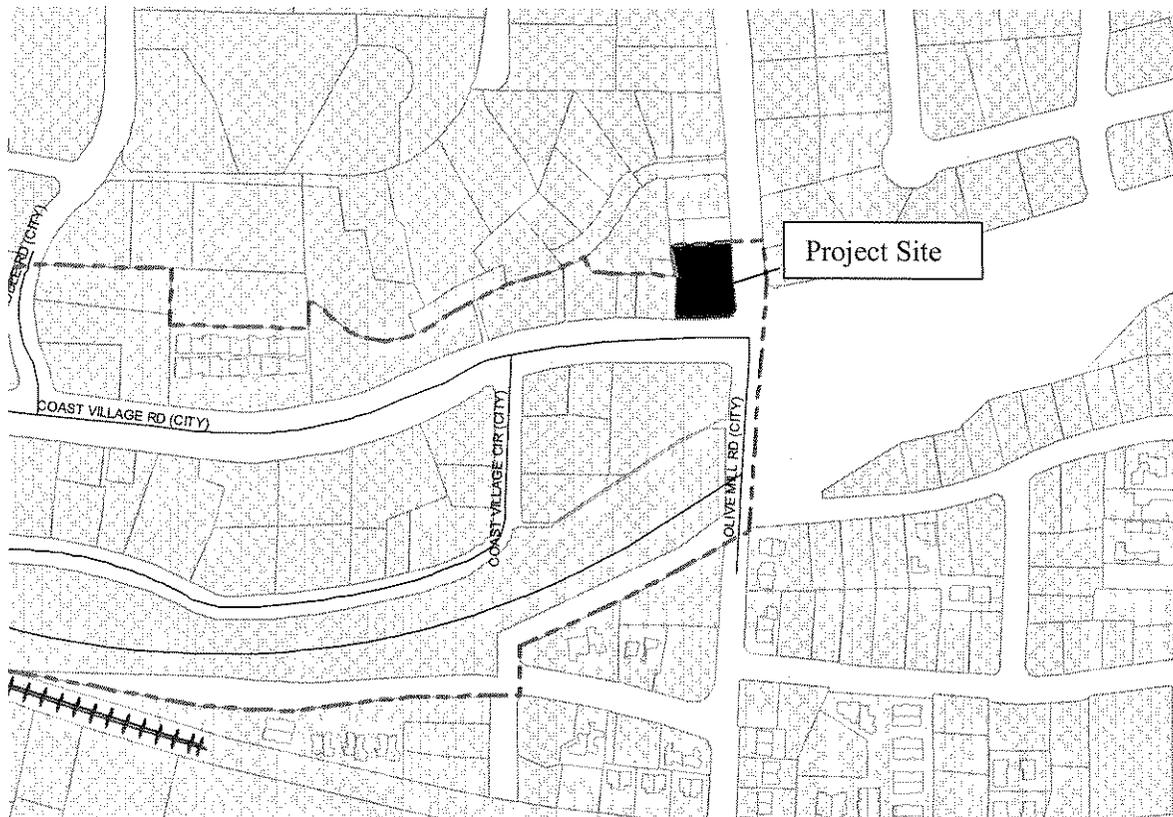
This Initial Study has been completed for the project described below because the project is subject to review under the California Environmental Quality Act (CEQA) and was determined not to be exempt from the requirement for the preparation of an environmental document. The information, analysis and conclusions contained in this Initial Study are the basis for deciding whether a Negative Declaration (ND) is to be prepared or if preparation of an Environmental Impact Report (EIR) is required to further analyze impacts. Additionally, if preparation of an EIR is required, the Initial Study is used to focus the EIR on the effects determined to be potentially significant.

APPLICANT/ PROPERTY OWNER

Agent: Jeff Gorell, Lenvik & Minor
Applicant: John Price
Owner: TOSCO Corporation

PROJECT ADDRESS/LOCATION

The project site is 0.42 gross acres (18,335 square feet) in size and is located at 1298 Coast Village Road. The site is located in the Coast Village Road neighborhood of the City of Santa Barbara.



PROJECT DESCRIPTION (See Exhibit A-Project Plans)

Project Components: The project consists of the demolition of an existing gas station with two repair bays and the construction of a new mixed use building. The new 18,196 square foot mixed use building would be comprised of eight residential condominiums and approximately 5,000 square feet of commercial space, located on the ground floor. All of the residential units would be located on the second and third floors. Five residential units would include two bedrooms, two units would include one bedroom each and one unit would include three bedrooms. Approximately 38 parking spaces

are provided, with nine covered parking spaces located at grade level and 29 parking spaces located below grade. Grading would be approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill.

Construction: The project will be in five phases:

- Demolition of the existing structures and associated concrete.
- Soldier pile driving.
- Mass excavation of the site and possible contaminated soil removal.
- Under ground parking construction
- Building construction

Required Permits: In order for the project to proceed, the following discretionary approvals are required by the Planning Commission:

1. A Development Plan to construct a new mixed use building (SBMC§28.87.300); and
2. A Modification of the front yard setback on Olive Mill Road to allow the encroachment of an emergency stair way (SBMC§28.63.060.1); and
3. A Modification of the front yard setback on Coast Village Road to allow the encroachment of a covered balcony (SBMC§28.63.060.1); and
4. A Modification of the western side yard setback to allow a portion of the building to encroach into the northern-western side yard setback (SBMC§28.63.030.2); and
5. A Modification of the northern side yard setback to allow a portion of the building to encroach into the northern side yard setback (SBMC§28.63.030.2); and
6. A Modification to allow the 10% common open space to be located above the ground floor level (SBMC§28.21.080.F); and
7. A Tentative Subdivision Map for a one-lot subdivision to create eight (8) residential condominium units and one commercial condominium (SBMC§27.07 and 27.13); and
8. Design Review by the Architectural Board of Review for a mixed used development (SBMC §22.68).

ENVIRONMENTAL SETTING

Existing Site Characteristics

Topography: Topography of the site is relatively flat, sloping less than 2 % to the southeast.

Seismic/Geologic Conditions: The surface and subsurface soil conditions encountered at the site generally consist of fanglomerate deposits overlain by alluvium. The City's Master Environmental Assessment (MEA) identifies a minimal potential for liquefaction to occur as a result of earthshaking. The potential for expansive soils is very low. The potential for seismic hazards is low.

Fire: The project site is not located in a high fire zone.

Flooding/Drainage: The project site is not located within a flood plain. Drainage from the site sheet flows to the adjacent streets, south and east of the site.

Biological Resources: The project site is located within an urban area and includes a row of ornamental trees along the northern property line and two mature eucalyptus trees to the south that will remain.

Archaeological Resources: The project site is not included on any archeological maps.

Noise: The project site is currently subject to noise levels of up to approximately 62 Ldn dBA. The primary noise source affecting the site is vehicular traffic from Highway 101, Coast Village Road and Olive Mill Road.

Hazards: The project site contains known soil contamination, primarily from historical use as a gas station.

PROPERTY CHARACTERISTICS

Assessor's Parcel Number:	009-230-043	General Plan Designation:	General Commerce
Existing Land Use:	Commercial	Parcel Size:	0.42 acres (gross); 18,335 square feet
Zoning:	C-1, Commercial R-2, Residential SD3 – Coastal Overlay Zone	Proposed Land Use:	Commercial and Residential
Slope: Relatively Flat			
SURROUNDING LAND USES:			
North:	Two-family Residential		
South:	Coast Village Road - Commercial		
East:	Olive Mill Road - Residential (north-east)/Olive Mill Road - Highway 101 (south-east)		
West:	Commercial		

PLANS AND POLICY DISCUSSION

Land Use and Zoning Designations:

The project site is designated General Commerce by the General Plan Land Use Element. The project is located in the Coast Village Road neighborhood, which begins at Hot Springs Road to the west and terminates at Olive Mill Road to the east. The project site is split zoned C-1, Commercial and R-2, Two-Family Residential.

General Plan Policies:

Various sections of this Initial Study make reference to applicable General Plan policies and ordinance provisions. The Mitigated Negative Declaration (MND) to be prepared based upon the conclusions discussed below will provide a further analysis of potential project consistency or inconsistency with the City General Plan elements, including the Land Use Element, Circulation Element, Conservation Element, Noise Element, Seismic Safety-Safety Element and other applicable plans and policies (Associated General Plan and Coastal Policies are listed in Exhibit B). Additional discussion of policy consistency issues will subsequently be provided in the staff reports to the Planning Commission. Final determinations of project consistency with applicable plans and policies will be made by the decision-makers as part of their action to approve or deny the project proposal.

Proposed Re-Zone:

Currently, the 18,196 square-foot lot is split by two zoning designations; the northern portion, totaling approximately 7,150 square feet, is zoned R-2, and the southern portion, totaling about 11,046 square feet, is zoned C-1. The Planning Commission initiated re-zoning the portion of the subject property zoned R-2 (Two Family Residential) to C-1 (Limited Commercial) on April 7, 2005. The entire property is located in the Coastal Overlay (SD-3) Zone, which would not change with this request.

The surrounding property on Coast Village Road, from Hot Springs Road to Olive Mill Road, is zoned C-1, with the

exception of one parcel zoned E-3 (One-Family Residential) on Hermosilla Drive, and the small portion of the subject property zoned R-2. The original intent in zoning the northern portion of the property R-2 was to provide a buffer to the residentially zoned properties to the north and west, and many years ago this area of the site was developed with a single family residence. The residentially-zoned properties to the north and west are under County jurisdiction and zoned 7-R-2 (Two Family Residential), similar to the City's R-2 Zone.

The residential density of the site could potentially increase with the rezone. However, due to the variable density provisions of the Zoning Ordinance, the number of bedrooms per unit would be limited and parking is based upon the number of bedrooms up to a two bedroom unit. Under the current zoning, a duplex could be constructed on the northern property, with no restriction on the number of bedrooms and parking is based upon per unit, not bedrooms. Thus more habitable building could be constructed under the R-2 zone district, with less parking.

The building height maximum would increase from 30 feet to 45 feet. Currently, provisions are built into the C-1 Zone District to provide some protection of residentially-zoned properties from adjacent non-residential development, including setback restrictions. These restrictions would provide some buffer for the adjacent residentially-zoned properties, because the interior yard setback would increase as the building height increases. This would also help meet the intent of the Solar Access Ordinance that currently applies in the R-2 Zone District.

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

A Mitigation Monitoring and Reporting Program will be prepared for the subject project in compliance with Public Resources Code §21081.6 and will be included in the ND. The mitigation measures suggested in the Initial Study may be refined or augmented through the ND process. Monitoring and reporting requirements are adopted as conditions of project approval.

ENVIRONMENTAL CHECKLIST

The following checklist contains questions concerning potential changes to the environment that may result if this project is implemented. If no impact would occur, **NO** should be checked. If the project might result in an impact, check **YES** indicating the potential level of significance as follows:

Significant: Known substantial environmental impacts. Further review needed to determine if there are feasible mitigation measures and/or alternatives to reduce the impact.

Potentially Significant: Unknown, potentially significant impacts that need further review to determine significance level and whether mitigable.

Potentially Significant, Mitigable: Potentially significant impacts that can be avoided or reduced to less than significant levels with identified mitigation measures agreed-to by the applicant.

Less Than Significant: Impacts that are not substantial or significant.

1. AESTHETICS Could the project:	NO	YES <i>Level of Significance</i>
a) Affect a public scenic vista or designated scenic highway or highway/roadway eligible for designation as a scenic highway?		Less than Significant
b) Have a demonstrable negative aesthetic effect in that it is inconsistent with Architectural Board of Review or Historic Landmarks Guidelines or guidelines/criteria adopted as part of the Local Coastal Program?		Less than Significant
c) Create light or glare?		Less than Significant

Visual Aesthetics - Discussion

Issues: Issues associated with visual aesthetics include the potential blockage of important public scenic views toward the mountains, project on-site visual aesthetics and compatibility with the surrounding development.

Impact Evaluation Guidelines: Aesthetic quality, whether a project is visually pleasing or unpleasing, may be perceived and valued differently from one person to the next, and depends in part on the context of the environment in which a project is proposed. The significance of visual changes is assessed qualitatively based on consideration of the proposed physical change and project design within the context of the surrounding visual setting. First, the existing visual setting is reviewed to determine whether important existing visual aesthetics are involved, based on consideration of existing views, existing visual aesthetics on and around the site, and existing lighting conditions. The importance of existing views is assessed qualitatively based on whether important visual resources such as mountains, skyline trees, or the coastline, can be seen, the extent and scenic quality of the views, and whether the views are experienced from public viewpoints. The visual changes associated with the project are then assessed qualitatively to determine whether the project would result in substantial effects associated with important public scenic views, on-site visual aesthetics, and lighting.

Significant visual aesthetics impacts may potentially result from:

- Substantial obstruction or degradation of important public scenic views, including important views from scenic highways or substantial loss of important public open space.
- Substantial negative aesthetic effect or incompatibility with surrounding land uses or structures due to project size, massing, scale, density, architecture, signage, or other design features.
- Substantial light and/or glare that poses a hazard or substantial annoyance to adjacent land uses and sensitive receptors.

Visual Aesthetics – Existing Conditions and Project Impacts

1. a) Scenic Views

The project site is located in an urban environment in the Coast Village Road commercial corridor of the City of Santa Barbara. It is currently developed with a gas service station and is located at the eastern end of the Coast Village Road, which is characterized with commercial development and high density residential development. The development, as proposed, would be a three story structure with underground parking. It would be similar in height and architecture as the Olive Mill Inn, to the south of the project site across Coast Village Road. In this area of Coast Village Road, from the intersection of Coast Village Circle to Olive Mill Road, much of the architecture is Spanish style. To the west of Coast Village Circle the style of development becomes a mix of modern styles of 1970's buildings, a few buildings from the 1930's and approximately four converted gas station buildings.

The City's Master Environmental Assessment (MEA) maps do not identify the parcel as being located in an area of visual

sensitivity. The main visual resource of this area is along Coast Village Road, with its landscaped medians, according to the Local Coastal Plan Visual Resources map. The closest beach area is approximately 0.3 miles to the south and Highway 101, a designated scenic highway located to the east and south of the project, is below the ground level of the project site. From the public sidewalk on the south side of Coast Village Road, there is a small visual corridor of the Santa Ynez Mountains.

The views of the Santa Ynez Mountains could be altered as viewed from the sidewalk on the southern side of Coast Village Road and as you drive north on Olive Mill Road (Exhibit C). The applicant prepared a view study that utilized photographic simulations to demonstrate the proposed project's effect on scenic views of the Santa Ynez Mountains. As viewed from the sidewalk on the southern side of Coast Village Road, the mid-range views of the Santa Ynez Mountains would be diminished slightly. However, given the mature vegetation both on the north and south side of the lot, as well as the short distance of the sidewalk, the impact would be minimal. The proposed project would not be visible from Highway 101, due to the difference in topography. There are not any public viewing areas (such as parks or public gathering spaces) or designated open space areas where the public would spend considerable time contemplating the view of significant scenic resources. There are no view impacts from or to the coastline due to topography, mature vegetation and existing structures.

The visual change resulting from the proposed project would not substantially obstruct any important visual resources as viewed from public vantage points and would not be visible from Highway 101; therefore, the impacts to scenic views would be less than significant.

1.b) On-Site Aesthetics

The proposed project would replace a single story gas station, surrounded by paving, which has occupied the site for at least fifty years or more. The adjacent northern lot is developed with a residential duplex and the adjacent western lot is developed with a two story commercial building. The style of architecture of the proposed three story building is Spanish, similar to the surrounding development to the west and south. The height of the structure would be taller than the existing on site development, but similar to the surrounding development. The development is stepped back along both Coast Village Road and Olive Mill Road. The commercial portion of the building would face and be open to Coast Village Road. The eight residential units would be located above the commercial use and would face toward northern property line, where the existing adjacent residential use is located.

Five Modifications are being requested. A Modification to each ten foot, front yard setback would allow a small portion of the development, a covered balcony facing Coast Village Road and an emergency access stairs on Olive Mill Road, to encroach into the required setback by three feet and nine feet, respectively. Another Modification to the required seventeen foot side yard setback (half the height of the building when adjacent to a residentially zoned lot) is proposed along the northern property. The majority of the development would be setback from this property line by at least 28 feet, which would buffer the existing residences. However, a 24 foot long portion of the first and second floor, located on the north-west side, would encroach seven feet into the required seventeen foot side yard setback by seven feet. A Modification to the western setback is proposed along the northern half of the property, which is adjacent to a residentially zoned lot that is developed and used as a commercial parking lot. As proposed, the required setback of seventeen feet would be reduced by approximately nine feet. Finally, a Modification to the common open yard space is being requested. As required, the common open space is located on the ground level. As proposed, it would be located on the second level in a court yard configuration and it would meet the required 10% of the lot area.

The project was reviewed conceptually at one meeting by the Architectural Board of Review (ABR) on November 14, 2005 and the minutes are attached (Exhibit D). The design that was presented to the Board at that time was more massive and there was more building encroachment into the front yard setbacks. While the ABR supported some encroachment into the front yard setbacks, they did recommend that the building should be scaled down along the front property lines. The Board did support the Modification along the northern property line. Subsequent to the ABR review, the project was presented to the Planning Commission for conceptual review on February 16, 2006 (Exhibit E). Overall the Planning Commission supported the project, but did ask if there were any offsets to the Modifications. Finally, while not required, the project was presented to the Montecito Association for feedback from the community. In response to all of the comments for the public hearings and working with the neighbors, the applicant pulled the building back to be consistent with the required front yard setbacks on the ground floor and further pulled the building back on the upper floors.

However, there will continue to be Modification requests for both front yard setbacks as described above, in addition to the interior yard setbacks. On the northern side of the building, part of the structure exceeds the required interior yard setback to balance the encroachment of the north-west portion.

The design of the proposed project is required to receive review and final approval by the ABR after review by the decision maker. Therefore, it is anticipated that the project's onsite aesthetics impacts would be less than significant.

1.c) Lighting

The project is located at the eastern end of a commercial area with residential development located to north of the project site. The existing lighting on the site consists of typical commercial lighting needed for a gas station with neon lighting and lighting on all sides of the building. Under the proposed development, the onsite parking will be located mostly underground, which would reduce the amount of lighting for parking. The majority of the lighting will be associated with typical residential use. The required private outdoor living space and common area are located within a central area with the proposed townhouses framing three sides of these areas. Lighting fixtures will be selected to minimize night sky and neighborhood intrusion per Leadership in Energy and Environmental Design (LEED) guidelines. All proposed residential and commercial exterior lighting would be subject to compliance with the requirements of SBMC Chapter 22.75, the City's Outdoor Lighting and Design Ordinance. The ordinance provides that exterior lighting be shielded and directed to the site such that no undue lighting or glare would affect surrounding residents or roads. Compliance with this ordinance as well as review and approval of the lighting plan by the ABR will ensure that the proposed exterior lighting does not result in a significant impact. As such, project impacts on lighting and glare would be less than significant.

2. AIR QUALITY		NO	YES
Could the project:			<i>Level of Significance</i>
a)	Violate any air quality standard or contribute to an existing or projected air quality violation? (Short Term)		Potentially Significant, Mitigable
	(Long Term)		Less than Significant
b)	Expose sensitive receptors to pollutants? (Short Term)		Potentially Significant, Mitigable
	(Long Term)		Less than Significant
c)	Create objectionable odors? (Short Term)		Potentially Significant, Mitigable
	(Long Term)		Less than Significant
Is the project consistent with the County of Santa Barbara Air Quality Attainment Plan? Yes			

Air Quality - Discussion

Issues. Air quality issues involve pollutant emissions from vehicle exhaust and industrial or other stationary sources that contribute to smog, particulates and nuisance dust associated with grading and construction processes, and nuisance odors.

Smog, or ozone, is formed in the atmosphere through a series of photochemical reactions involving interaction of oxides of nitrogen [NO_x] and reactive organic compounds [ROC] (referred to as ozone precursors) with sunlight over a period of several hours. Primary sources of ozone precursors in the South Coast area are vehicle emissions. Sources of particulate matter (PM₁₀) include demolition, grading, road dust, agricultural tilling and mineral quarries and vehicle exhaust (PM_{2.5}).

The City of Santa Barbara is part of the South Coast Air Basin. The City is subject to the National Ambient Air Quality Standards and the California Ambient Air Quality Standards (CAAQS), which are more stringent than the national standards. The CAAQS apply to six pollutants: photochemical ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide,

particulate matter, and lead. The Santa Barbara County Air Pollution Control District (SBCAPCD) provides oversight on compliance with air quality standards and preparation of the County Clean Air Plan.

Presently, Santa Barbara County is considered in attainment of the federal eight-hour ozone standard, but does not meet the state one-hour ozone standard or the standard for particulate matter less than ten microns in diameter (PM₁₀). Insufficient data is available to determine our attainment status for either the federal standard for particulate matter less than 2.5 microns in diameter (PM_{2.5}) or the state PM_{2.5} standard. The state recently adopted a new eight-hour ozone standard that became effective in May 2006. Although the state has not yet issued attainment designations, the data indicate Santa Barbara County will be considered in non-attainment of this standard.

Impact Evaluation Guidelines. A project may create a significant air quality impact from the following:

- Exceeding an APCD pollutant threshold; inconsistency with District regulations; or exceeding population forecasts in the adopted County Clean Air Plan.
- Exposing sensitive receptors, such as children, elderly, or sick people to substantial pollutant exposure.
- Substantial unmitigated nuisance dust during earthwork or construction operations.
- Creation of nuisance odors inconsistent with APCD regulations.

Long-Term (Operational) Impact Guidelines: The City of Santa Barbara uses the SBCAPCD thresholds of significance for evaluating air quality impacts. The APCD has determined that a proposed project will not have a significant air quality impact on the environment if operation of the project will:

- Emit (from all project sources, both stationary and mobile) less than 240 pounds per day for ROC and NO_x, and 80 pounds per day for PM₁₀;
- Emit less than 25 pounds per day of ROC or NO_x from motor vehicle trips only;
- Not cause a violation of any California or National Ambient Air Quality Standard (except ozone);
- Not exceed the APCD health risks public notification thresholds adopted by the APCD Board; and
- Be consistent with the adopted federal and state air quality plans for Santa Barbara.

Short-Term (Construction) Impacts Guidelines: Projects involving grading, paving, construction, and landscaping activities may cause localized nuisance dust impacts and increased particulate matter (PM₁₀). Substantial dust-related impacts may be potentially significant, but are generally considered mitigable with the application of standard dust control mitigation measures. Standard dust mitigation measures are applied to projects with either significant or less than significant effects.

Exhaust from construction equipment also contributes to air pollution. Quantitative thresholds of significance are not currently in place for short-term or construction emissions. However, SBCAPCD uses combined emissions from all construction equipment that exceed 25 tons of any pollutant except carbon monoxide within a 12-month period as a guideline threshold for determining significance of construction emission impacts.

Cumulative Impacts and Consistency with Clean Air Plan: If the project-specific impact exceeds the ozone precursor significance threshold, it is also considered to have a considerable contribution to cumulative impacts. When a project is not accounted for in the most recent Clean Air Plan growth projections, then the project's impact may also be considered to have a considerable contribution to cumulative air quality impacts. The Santa Barbara County Association of Governments and Air Resources Board on-road emissions forecasts are used as a basis for vehicle emission forecasting. If a project provides for increased population growth beyond that forecasted in the most recently adopted CAP, or if the project does not incorporate appropriate air quality mitigation and control measures, or is inconsistent with APCD rules and regulations, then the project may be found inconsistent with the CAP and may have a significant impact on air quality.

Air Quality – Existing Conditions and Project Impacts

2. a-b) Air Pollutant Emissions

Long-Term (Operational) Emissions: Long-term project air pollutant emissions primarily stem from motor vehicles associated with a project and/or from stationary sources that may require permits from the Santa Barbara County Air Pollution Control District (SBCAPCD). The current use of the site is a gas station that generates more emissions than the proposed use of retail/office commercial and residential use. The proposed project does not contain any stationary sources (gas stations, auto body shops, dry cleaners, oil and gas production and processing facilities, and water treatment facilities) which require permits from APCD. As stated in the traffic report, the proposed project would generate approximately 367 less average daily trips (ADT) than the current usage. Additionally, the A.M. and P.M. peak hour trips (PHT) would be reduced under the proposed project by 36 and 19 trips, respectively. Therefore, the project's long-term air quality impact would be less than significant.

Short-Term (Construction) Emissions: The project would involve a large amount of grading, excavation, transport of soils from the site (consisting of approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill), paving, and landscaping activities which could cause localized dust related impacts resulting in increases in particulate matter (PM10). Dust-related impacts are considered potentially significant, but mitigable with the application of standard dust control mitigation measures.

Construction equipment would also emit NO_x and ROC. However, in order for NO_x and ROC emissions from construction equipment to be considered a significant environmental impact, combined emissions from all construction equipment would need to exceed 25 tons of any pollutant (except carbon monoxide) within a 12-month period. Given the limited size and scope of the proposed project, construction equipment emissions are anticipated to be well below the threshold. Therefore, the project's short term air quality impact would be less than significant The recommended mitigation measures requiring the use of ultra low sulphur diesel fuel and diesel particulate filters, as well as bio-diesel to the maximum extent feasible, for all construction equipment would further minimize construction related emissions.

Sensitive Receptors: Sensitive receptors are defined as children, elderly, or ill people that can be more adversely affected by air quality problems. Land uses typically associated with sensitive receptors include schools, parks, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and clinics. Stationary sources are of particular concern to sensitive receptors, as is construction dust and particulate matter. The project would not include stationary sources, but sensitive receptors could be affected by dust and particulates during project site grading. However, there are no known sensitive receptors within the project vicinity. Nuisance dust and particulates would be reduced to a less than significant level through application of dust control mitigation measures and recommended mitigation measures. The insignificant amounts of these pollutants would result in an insignificant exposure of sensitive receptors to pollutants. Therefore, the project's impact on sensitive receptors would be less than significant.

2.c) Odors

Long-Term (Operational) Emissions: The proposed project would include both residential and commercial uses, which would replace a gasoline and service station. Long term odor emission would be reduced with the elimination of engine repair, as well as the fumes from a higher number autos entering and existing the site on a frequent basis. Future uses of the commercial site would likely be office or retail. However, should any restaurant or other food preparation facilities be located in the commercial space, those uses would be subject to building codes, health codes and air pollution requirements to provide equipment that reduce or eliminate odor impacts. Due to the nature of the proposed land use and limited size of the project, long term project impacts related to odors would be considered less than significant.

Short-Term (Construction) Emissions: As discussed above, there would short term emissions associated with the use of equipment grading the site, which would also include some odor emission. Additionally, there would be some short term odors associated with the construction and painting of the exterior of the building. However, with the implementation of the both of the recommended and required mitigation measures, the project impacts would be less than significant.

Consistency with the Clean Air Plan:

The proposed project involves a re-zone of a portion of the project from R-2 to C-1. Residential use is still allowed under the C-1 zone district; however the multi-family zone district regulations would apply. The amount of units could

potentially increase on the site under the re-zone; however the number of bedrooms per unit would be limited. Under the R-2 zone district, there is no limit on the number of bedrooms and parking is based upon spaces per units not per bedrooms. Thus under the split zone scenario a duplex with bedrooms limited only be setbacks and height could be constructed with six studios or one bedrooms units being constructed on the C-1 portion of the lot for a total of eight units. Under the proposed rezone to all C-1 zoning, up to 11 studios or 9 one bedroom units¹ could be constructed. Under the re-zone there could be potentially three additional units, but that would only be in the case of constructing studios. As proposed, the project would involve eight units of varying bedroom numbers ranging from one to three bedrooms. Thus the density of the project is the same as what could be developed under the existing split zone scenario.

Because the project complies with the General Plan designation and Zone District land use and density limits for the site, the direct and indirect emissions associated with the project are accounted for in the CAP emissions growth assumptions. Appropriate air quality mitigation measures, including construction dust suppression, would be applied to the project, consistent with CAP and City policies. The project can be found consistent with the Clean Air Plan.

Air Quality – Required Mitigation

AQ-1 Construction Dust Control – Minimize Disturbed Area/Speed. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.

AQ-2 Construction Dust Control - Watering. During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

AQ-3 Construction Dust Control – Tarping. Trucks transporting fill material to and from the site shall be covered from the point of origin.

AQ-4 Construction Dust Control – Gravel Pads. Gravel pads shall be installed at all access points to prevent tracking of mud on to public roads.

AQ-5 Construction Dust Control – Stockpiling. If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

AQ-6 Construction Dust Control – Disturbed Area Treatment. After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:

- A. Seeding and watering until grass cover is grown;
- B. Spreading soil binders;
- C. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
- D. Other methods approved in advance by the Air Pollution Control District.

AQ-7 Construction Dust Control – Paving. All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

¹ Due to the increase of total lot area that will be zoned C-1, there is a greater disparity between the number of studio and one-bedroom units.

AQ-8 Construction Dust Control – PEC. 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 construction 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 for the structure.

Air Quality – Recommended Mitigation

The following shall be adhered to during project grading and construction to reduce NOx and PM2.5 emissions from construction equipment:

- AQ-9** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized wherever feasible.
- AQ-10** The engine size of construction equipment shall be the minimum practical size.
- AQ-11** 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.
- AQ-12** Construction equipment shall be maintained in tune per the manufacturer's specifications.
- AQ-13** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
- AQ-14** Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- AQ-15** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
- AQ-16** Diesel powered equipment shall be replaced by electric equipment whenever feasible.
- AQ-17** To the maximum extent feasible, biodiesel shall be used for all construction equipment.
- AQ-18** Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible.

Air Quality - Residual Impacts

Implementation of the identified required mitigation measures would reduce short-term impacts associated with construction to a less than significant level. Implementation of recommended mitigation measures would further reduce short-term impacts associated with use of the construction to a less than significant level.

3. BIOLOGICAL RESOURCES		NO	YES
Could the project result in impacts to:			<i>Level of Significance</i>
a)	Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	X	
b)	Locally designated historic, Landmark or specimen trees?		Less than Significant
c)	Natural communities (e.g. oak woodland, coastal habitat, etc.).	X	
d)	Wetland habitat (e.g. marsh, riparian, and vernal pool)?	X	
e)	Wildlife dispersal or migration corridors?	X	

Biological Resources - Discussion

Issues: Biological resources issues involve the potential for a project to substantially affect biologically-important natural vegetation and wildlife, particularly species that are protected as rare, threatened, or endangered by federal or state wildlife agencies and their habitat, native specimen trees, and designated landmark or historic trees.

Impact Evaluation Guidelines: Existing native wildlife and vegetation on a project site are qualitatively assessed to identify whether they constitute important biological resources, based on the types, amounts, and quality of the resources within the context of the larger ecological community. If important biological resources exist, project effects to the resources are qualitatively evaluated to determine whether the project would substantially affect these important biological resources. Significant biological resource impacts may potentially result from substantial disturbance to important wildlife and vegetation in the following ways:

- Elimination or substantial reduction or disruption of important natural vegetative communities and wildlife habitat or migration corridors, such as oak woodland, coastal strand, riparian, and wetlands.
- Substantial effect on protected plant or animal species listed or otherwise identified or protected as endangered, threatened or rare.
- Substantial loss or damage to important native specimen trees or designated landmark or historic trees.

Biological Resources – Existing Conditions and Project Impacts

3.a,c,d,e) Protected Species/ Habitats, Natural Habitats, and Dispersal/ Migration Corridors.

The project site is fully developed with buildings and paving and does not support any contiguous natural communities nor function as an important wildlife movement or dispersal area or contain any wetland habitats. Vegetation on the site is minimal. One eucalyptus tree is located in the right-of-way on each street fronting the site. A line of ficus trees are located along the northern property line and are approximately 15 feet in height and used as a hedge. As recognized by the City of Santa Barbara Master Environmental Assessment, this portion of the City is almost entirely urbanized, and biological resources are limited. No endangered, threatened or rare species or their habitats currently listed nor candidates for State or Federal protection are present onsite.

However, all migratory non-game native bird species are protected under the Federal Migratory Bird Treaty Act. Take of birds and their active nests are prohibited. A mitigation is recommended that would be applied to this project would require that either construction occur outside the bird nesting season (February 1 – August 15) or prior to construction a clearance survey for nesting birds and avoidance of the area if nesting bird species are identified in the project area be completed. With the implementation of the mitigation measures, the project impacts would be less than significant. No project impacts to protected species/ habitats, natural habitats, and dispersal/ migration corridors are anticipated.

3.b) Specimen Trees

Mature native and non-native specimen trees provide numerous benefits to the environment, including visual beauty, shade, soil stability, air quality, and localized habitat for urban-adapted wildlife species, such as birds. City policies address the protection and replacement of mature trees.

No locally designated historic or landmark trees exist on the project site; however, there are three mature Eucalyptus trees and a row of trees that will remain. An Arborist's Report, prepared by Bill Spiewak, dated March 27, 2006 (see Exhibit F – Arborist's Report) provided an assessment of the existing trees. As proposed, all of the existing trees shall remain on site. Project impacts to specimen trees would be less than significant.

Biological Resources – Recommended Mitigation

BIO -1 During construction, carry out measures to protect the existing trees on site, as recommended in the Arborist's Report, prepared by Bill Spiewak, dated March 27, 2006.

BIO -2 Proposed project activities including tree and vegetation removal shall occur outside the breeding bird season (February 1 – August 15). If project activities cannot be feasibly avoided during the bird nesting season the project proponent shall conduct a survey prior to construction, using a qualified biologist, approved by the City Environmental Analyst, to detect protected nesting native birds in the vegetation and trees being trimmed and within 300 feet of the construction work area. The survey shall be conducted no more than three days before construction is initiated. If an active nest is located, construction within 500 feet of a raptor nest and 300 feet of any other nesting bird, vegetation trimming shall be postponed until the nest is vacated and juveniles have fledged and this has been confirmed by the qualified biologist.

Residual Impacts:

Implementation of the recommended mitigation measures would further reduce to less than significant impacts to biological resources.

4. CULTURAL RESOURCES Could the project:	NO	YES <i>Level of Significance</i>
a) Disturb archaeological resources?		Less than Signification
b) Affect a historic structure or site designated or eligible for designation as a National, State or City landmark?	X	
c) Have the potential to cause a physical change which would affect ethnic cultural values or restrict religious uses in the project area?	X	

Cultural Resources - Discussion

Issues: Archaeological resources are subsurface deposits dating from Prehistoric or Historical time periods. Native American culture appeared along the channel coast over 10,000 years ago, and numerous villages of the Barbareno Chumash flourished in coastal plains now encompassed by the City. Spanish explorers and eventual settlements in Santa Barbara occurred in the 1500's through 1700's. In the mid-1800's, the City began its transition from Mexican village to American city, and in the late 1800's through early 1900's experienced intensive urbanization. Historic resources are above-ground structures and sites from historical time periods with historic, architectural, or other cultural importance. The City's built environment has a rich cultural heritage with a variety of architectural styles, including the Spanish Colonial Revival style emphasized in the rebuilding of Santa Barbara's downtown following a destructive 1925 earthquake.

Impact Evaluation Guidelines: Archaeological and historical impacts are evaluated qualitatively by archeologists and historians. First, existing conditions on a site are assessed to identify whether important or unique archaeological or historical resources exist, based on criteria specified in the State CEQA *Guidelines* and City Master Environmental Assessment *Guidelines for Archaeological Resources and Historical Structures and Sites*, summarized as follows:

- Contains information needed to answer important scientific research questions and there exists a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with an important prehistoric or historic event or person.

If important archaeological or historic resources exist on the site, project changes are evaluated to determine whether they would substantially affect these important resources.

Cultural Resources – Existing Conditions and Project Impacts

4.a) Archaeological Resources

The project site is not a mapped archeological resource according to the City Master Environmental Assessment (MEA). The site has been periodically disturbed over the past several decades with the replacement of underground tanks. To date no resources were found during those excavations. With the implementation of the recommended mitigation measure, impacts to archaeological and historic resources would not be considered significant.

4.b) Historic Resources

The existing structures on the site have been determined by the City's Urban Historian to have no historic significance. Therefore, no impacts to historical resources would occur as a result of the proposed project.

4.c) Ethnic/Religious Resources

There is no evidence that the site involves any ethnic or religious use or importance. The project would have no impact on historic, ethnic or religious resources.

Cultural Resources – Recommended Mitigation

CR-1 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 associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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.

Residual Impacts:

Implementation of the identified mitigation measures would reduce impacts to prehistoric and historic archaeological and historic resources to a less than significant level.

5. GEOPHYSICAL CONDITIONS		NO	YES
Could the project result in or expose people to:			<i>Level of Significance</i>
a)	Seismicity: fault rupture?		Less than Significant
b)	Seismicity: ground shaking or liquefaction?		Less than Significant
c)	Seismicity: seiche or tsunami?	X	
d)	Landslides or mudslides?	X	
e)	Subsidence of the land?	X	
f)	Expansive soils?	X	
g)	Excessive grading or permanent changes in the topography?		Less than Significant

Geophysical Conditions - Discussion

Issues: Geophysical impacts involve geologic and soil conditions and their potential to create physical hazards affecting persons or property; or substantial changes to the physical condition of the site. Included are earthquake-related conditions such as fault rupture, ground-shaking, liquefaction (a condition in which saturated soil loses shear strength during earthquake shaking); or seismic sea waves; unstable soil or slope conditions, such as landslides, subsidence, expansive or compressible/collapsible soils; or erosion; and extensive grading or topographic changes.

Impact Evaluation Guidelines: Potentially significant geophysical impacts may result from:

- Exposure to or creation of unstable earth conditions due to seismic conditions, such as earthquake faulting, ground shaking, liquefaction, or seismic waves.
- Exposure to or creation of unstable earth conditions due to geologic or soil conditions, such as landslides, settlement, or expansive, collapsible/compressible, or expansive soils.
- Extensive grading on slopes exceeding 20%, substantial topographic change, destruction of unique physical features; substantial erosion of soils, overburden, or sedimentation of a water course.

Geophysical Conditions – Existing Conditions and Project Impacts

5.a-c) Seismic Hazards

Fault Rupture: The City Master Environmental Assessment (MEA) does not identify the project site as being near any faults. Because no known active or potentially active faults are located within or immediately adjacent to the subject site, potential impacts associated with fault rupture from proposed development would not be significant.

Ground Shaking and Liquefaction: The project site is located in a seismically active area of southern California (Seismic Zone 4). Significant ground shaking as a result of a local or regional earthquake is likely to occur during the life of the project. The City Master Environmental Assessment (MEA) identifies the project site as minimally susceptible to liquefaction in the event of a strong earthquake. Future development would be required to comply with building code requirements that would minimize potential hazards associated with ground shaking. Impacts associated with potential ground shaking and liquefaction are considered to be less than significant.

Seiche or Tsunami: The City Master Environmental Assessment (MEA) identifies the project site as not being located within the tsunami run-up zone. Seiche refers to seismic waves within an enclosed water body such as a lake, which is not applicable to the project site location. No impacts related to tsunami or seiche are anticipated.

5.d-f) Geologic or Soil Instability

Landslides: The project site topography is flat and therefore no impacts associated with landslide hazards would occur.

Subsidence: Based upon the soil type identified in the City Master Environmental Assessment (MEA) and in the quarterly remediation report, there is minimal potential for subsidence; therefore, no impacts associated with subsidence are anticipated.

Expansive Soils: The City Master Environmental Assessment (MEA) identifies the project site as having minimal expansiveness of soil due to the fanglomerate deposits overlain by alluvium having a very low potential for expansion. Therefore, no impacts would be associated with expansive soils.

5.g) Topography; Grading

Grading: Grading for the project is estimated to be approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill (CY). While it is anticipated that most of the excavation of the underground garage will also address the soil remediation cleanup, discussed below in the Hazards section, it should be noted that additional excavation may be necessary once the remaining soil is tested. The proposed grading would not result in a significant alteration of the natural landform or substantially change the existing topography of the site; since the topography is relatively flat and the purpose of the grading is for the combined soil remediation and construction of the subterranean parking garage. Impacts from grading and topographical changes are considered less than significant.

6. HAZARDS Could the project involve:	NO	YES <i>Level of Significance</i>
a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?	X	
b) The creation of any health hazard or potential health hazards?	X	
c) Exposure of people to existing sources of potential health hazards?		Potentially Significant, Mitigable
d) Increased fire hazard in areas with flammable brush, grass, or trees?		Less than Significant

Hazards - Discussion

Issues: Hazardous materials issues involve the potential for public health or safety impacts from exposure of persons or the environment to hazardous materials or risk of accidents involving combustible or toxic substances.

Impact Evaluation Guidelines: Significant impacts may result from the following:

- Siting of incompatible projects in close proximity to existing sources of safety risk, such as pipelines, industrial processes, railroads, airports, etc.
- Exposure of project occupants or construction workers to unremediated soil or groundwater contamination.
- Exposure of persons or the environment to hazardous substances due to improper use, storage, or disposal of hazardous materials.
- Siting of development in a high fire hazard areas or beyond adequate emergency response time, with inadequate access or water pressure, or otherwise in a manner that creates a fire hazard

Hazards – Existing Conditions and Project Impacts

6.a,b,c) Public Health and Safety

Hazardous Materials and Safety Risks:

The proposed residential and commercial condominiums are not anticipated to create any new hazards. Hazardous materials usage on the site would likely be limited to the storage and use of relatively small quantities of materials such as paint, oils, cleaners, and landscape maintenance materials. Any usage of hazardous materials would be subject to all applicable State and local requirements for management and disposal of such materials. No impact from the use of hazardous materials is anticipated.

Temporary Exposure to Existing Hazardous Materials:

The project site is subject to an on going remediation program since August 12, 2003 (see Exhibit G – Remediation Quarterly Report by ATC Associates) because the site contains groundwater contamination, as well as soil contamination, primarily from the current use of the service station. A Corrective Action Plan, as required by the CRWQCB and the Santa Barbara County Fire Department, was approved in April of 2001 to address the remediation of the site. Groundwater clean up and monitoring was implemented on a quarterly basis prior to 2003. Based upon test from the monitoring wells, which now includes two offsite and five onsite wells, the level of contamination is decreasing.

Soil contamination was also discovered on the site and there is an on going vapor extraction program which is removing the contamination. Samples from the vapor extraction system indicate that levels of contamination are decreasing. Final remediation will take place at the time of construction by the removal of contaminated soils being excavated as part of constructing the proposed building and shipped to the appropriate landfill. The impact of ground water and soil contamination on the project site would be potentially significant, but mitigable with the implementation of an approved Corrective Action Plan.

6.d) Fire Hazard

The project site is not located in a City designated high fire hazard area. The project would be subject to Fire Department and City Ordinance requirements for adequate access, structural design and materials. Adherence to the standard requirements of the Uniform Fire Code with respect to building design would ensure that fire hazard impacts for the proposed project would be less than significant.

Hazards – Required Mitigation

H-1 Written evidence of completion of a Corrective Action Plan approved by the California Regional Water Quality Control Board and the Santa Barbara County Fire Department shall be provided prior to issuance of any building permits other than those permits necessary to complete the Corrective Action Plan.

Hazards – Residual Impacts

Implementation of the identified mitigation measures would reduce the impact of hazardous materials to less than significant levels.

7. NOISE Could the project result in:	NO	YES <i>Level of Significance</i>
a) Increases in existing noise levels?		Less than Significant
b) Exposure of people to severe noise levels?		Less than Significant

Noise - Discussion

Issues: Noise issues are associated with siting of a new noise-sensitive land use in an area subject to high ambient background noise levels, siting of a noise-generating land use next to existing noise-sensitive land uses, and/or short-term construction-related noise.

The primary source of ambient noise in the City is vehicle traffic noise. The City Master Environmental Assessment (MEA) *Noise Contour Map* identifies average ambient noise levels within the City.

Ambient noise levels are determined as averaged 24-hour weighted levels, using the Day-Night Noise Level (L_{dn}) or Community Noise Equivalence Level (CNEL) measurement scales. The L_{dn} averages the varying sound levels occurring over the 24-hour day and gives a 10 decibel penalty to noises occurring between the hours of 10:00 p.m. and 7:00 a.m. to take into account the greater annoyance of intrusive noise levels during nighttime hours. Since L_{dn} is a 24-hour average noise level, an area could have sporadic loud noise levels above 60 dB(A) which average out over the 24-hour period. CNEL is similar to L_{dn} but includes a separate 5 dB(A) penalty for noise occurring between the hours of 7:00 p.m. and 10:00 p.m. CNEL and L_{dn} values usually agree with one another within 1 dB(A). The Equivalent Noise Level (L_{eq}) is a single noise level, which, if held constant during the measurement time period, would represent the same total energy as a fluctuating noise. L_{eq} values are commonly expressed for periods of one hour, but longer or shorter time periods may be specified. In general, a change in noise level of less than three decibels is not audible. A doubling of the distance from a noise source will generally equate to a change in decibel level of six decibels.

Guidance for appropriate long-term background noise levels for various land uses are established in the City General Plan Noise Element Land Use Compatibility Guidelines. Building codes also establish maximum average ambient noise levels for the interiors of structures.

High construction noise levels occur with the use of heavy equipment such as scrapers, rollers, graders, trenchers and large trucks for demolition, grading, and construction. Equipment noise levels can vary substantially through a construction period, and depend on the type of equipment, number of pieces operating, and equipment maintenance. Construction equipment generates noise levels of more than 80 or 90 dB(A) at a distance of 50 feet, and the shorter impulsive noises from other construction equipment (such as pile drivers and drills) can be even higher, up to and exceeding 100 dB(A). Noise during construction is generally intermittent and sporadic, and after completion of the initial demolition, grading and site preparation activities, tends to be quieter.

The Noise Ordinance (Chapter 9.16 of the Santa Barbara Municipal Code) governs short-term or periodic noise, such as construction noise, operation of motorized equipment or amplified sound, or other sources of nuisance noise. The ordinance establishes limitations on hours of construction and motorized equipment operations, and provides criteria for defining nuisance noise in general.

Impact Evaluation Guidelines: A significant noise impact may result from:

- Siting of a project such that persons would be subject to long-term ambient noise levels in excess of Noise Element land use compatibility guidelines as follows:
 - Residential: Normally acceptable maximum exterior ambient noise level of 60 dB(A); maximum interior noise level of 45 dB(A).
 - Office Buildings/ Commercial-Retail: Normally acceptable maximum exterior ambient noise level of 75 dB(A); maximum interior noise level of 50 dB(A).
- Substantial noise from grading and construction activity in close proximity to noise-sensitive receptors for an extensive duration.

Noise – Existing Conditions and Project Impacts

7.a,b) Increased Noise Level; Exposure to High Noise Levels

Long-Term Operational Noise:

The project site is located in an area subject to average ambient noise levels from roadway sources of 60-65 dBA, as shown on the City's Master Environmental Assessment noise contour maps. A Preliminary Acoustical Study, prepared by URS Corporation, dated December, 2006, (see Exhibit H - Preliminary Acoustical Study) was submitted for review.

Exterior Noise Levels – As proposed, all of the private outdoor living space, except for unit 8, would be clustered in the center of the project on the second level. With the private outdoor space shielded from the main contributors of noise, which are Coast Village Road to the south, Olive Mill Road to the east and the 101 freeway to the south-east, the study indicated that noise levels would be below the 60 dBA Ldn, both for current conditions, as well as future noise levels. The private outdoor space for unit 8 is located at the north-west corner of the lot. This space would be adjacent to the residential use to the north and a parking area to the west and therefore shielded from noise sources. Thus the noise levels would also be below the acceptable levels.

Because of the site planning for the required private outdoor space would not expose the occupants to noise levels above 60 dBA Ldn, exterior noise levels are less than significant.

Interior Noise Levels – According to the acoustical study, it is expected that the interior 45 dBA Ldn noise level would be exceeded in some of the residential units if the operable doors and windows were open; therefore, a “windows closed” condition would apply to these units. Interior noise levels are considered potentially significant, but mitigable with the implementation of the “windows closed” requirement for these units.

No impact related to substantial noise generation is anticipated to occur as a result of the operation of the proposed mixed-use development itself.

Temporary Construction Noise:

Uses around the project site are primarily commercial; however, residences are located on the adjacent property to the north. Noise from grading and construction equipment, truck traffic and vibration would affect surrounding noise-sensitive uses during the approximately 18 to 24 month construction period. The majority of the noise associated with the construction will take place in a short period of time. Demolition of the structure will be approximately eight days and pile driving and excavation will each be approximately three weeks. The construction of the underground garage and the building will be approximately 16 months.

The acoustical study states that short term noise impacts associated with grading and construction activities could result in noise levels ranging between 76 dBA to 100 dBA measured 50 feet from the noise source. Measures have been identified in the acoustical study which would minimize the short-term construction noise impacts on adjacent land uses. These include limiting the hours of construction, shielding the stationary construction equipment with effective noise control devices, notification of construction to sensitive noise receptors, and locating stockpiling and vehicle staging areas as far as practical from sensitive noise receptors. Temporary construction noise impacts are considered potentially significant, but mitigable.

Noise – Required Mitigation

N-2: Interior Noise Reduction: As identified in the Preliminary Acoustical Study, certain residential units (Units 3,4, and 5) shall require a “windows closed” condition in order to meet the maximum interior 45 dBA Ldn noise level standard. As recommended in the Study, these units shall provide the following:

"The mechanical ventilation and cooling system shall supply a minimum of two air changes per hour to each habitable room, including 20% fresh make-up air obtained directly from the outdoors. The fresh air inlet duct shall be of sound attenuating construction and shall consist of a minimum of ten feet of straight or curved duct or six feet plus one sharp bend."

Note that this mitigation could be removed if a detailed acoustical analysis determines that there is an alternative means for achieving the required interior noise level.

- N-6: Construction Notice.** At least 30 days prior to commencement of construction, the contractor shall provide written notice to all property owners and building occupants within 300 feet of the project area that proposed construction activities could substantially affect outdoor or indoor living areas. The notice shall contain a description of the proposed project, a construction schedule including days and hours of construction, a description of noise reduction measures and the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions and provide additional information or address problems that may arise associated with construction noise. A 24-hour construction hot line shall be provided. Any noise complaints received shall be documented and, as appropriate, construction activities shall be modified to the extent feasible to address such complaints. Informational signs with the PEC's name and telephone number shall also be posted at the site and shall be easily viewed from adjacent public areas.
- N-7: Construction Hours.** Noise-generating construction activities (which may include preparation for construction work) shall be permitted weekdays between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays observed by the City as legal holidays: New Year's Day (January 1st); Martin Luther King Jr.'s Birthday (3rd Monday in January); President's 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); Day Following Thanksgiving Day (Friday following Thanksgiving); 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.
- Occasional night work may be approved for the hours between 5 p.m. and 8 a.m. weekdays by the Chief of Building and Zoning (per Section 9.13.015 of the Municipal Code). In the event of such night work approval, the applicant shall provide written notice to all property owners and occupants within 300 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of night work. Night work shall not be permitted on weekends or holidays.
- N-8: Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dBA at the property boundaries shall be shielded with a barrier that meets a sound transmission class (STC) rating of 25.
- N-9: Construction Equipment Sound Control.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without said muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited.
- N-10: Construction Noise Barrier.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.

Noise – Residual Impact

Implementation of the identified mitigation measures would reduce operational interior noise impacts and temporary construction noise levels to less than significant levels.

8. POPULATION AND HOUSING	NO	YES
Could the project:		Level of Significance
a) Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)?		Less than Significant
b) Displace existing housing, especially affordable housing?	X	

Population and Housing - Discussion

Impact Evaluation Guidelines: Issues of potentially significant population and housing impacts may involve:

- Growth inducement, such as provision of substantial population or employment growth or creation of substantial housing demand; development in an undeveloped area, or extension/ expansion of major infrastructure that could support additional future growth.
- Loss of a substantial number of housing units, especially loss of more affordable housing.

Population and Housing – Existing Conditions and Project Impacts

8.a) Growth-Inducing Impacts

The project site is located in an existing developed urban area already served by urban infrastructure. No extensions of infrastructure or urban services would be necessary to serve the project site. The proposed residential units are intended to meet existing demand for ownership housing units within the community and would not induce growth. The proposed commercial space would provide an opportunity for additional commercial services to be provided to the immediate community, as well as the surrounding residential community to the north and east. Growth inducing impacts as a result of the project would be less than significant.

8.b) Housing Displacement

The project would not involve any housing displacement as the site is currently developed with commercial usage. As proposed, the project would include eight residential units and 5,000 square feet of commercial space. No impact associated with housing displacement would result from the project.

9. PUBLIC SERVICES Could the project have an effect upon, or result in a need for new or altered services in any of the following areas:	NO	YES <i>Level of Significance</i>
a) Fire protection?		Less than Significant
b) Police protection?		Less than Significant
c) Schools?		Less than Significant
d) Maintenance of public facilities, including roads?		Less than Significant
e) Other governmental services?		Less than Significant
f) Electrical power or natural gas?		Less than Significant
g) Water treatment or distribution facilities?		Less than Significant
h) Sewer or septic tanks?		Less than Significant
i) Water distribution/demand?		Less than Significant
j) Solid waste disposal?		Potentially Significant, Mitigable (Cumulative Adverse)

Public Services - Discussion

Issues: This section evaluates project effects on fire and police protection services, schools, road maintenance and other governmental services, utilities, including electric and natural gas, water and sewer service, and solid waste disposal.

Impact Evaluation Guidelines: The following may be identified as significant public services and facilities impacts:

- Creation of a substantial need for increased police department, fire department, road maintenance, or government services staff or equipment.
- Generation of substantial numbers of students exceeding public school capacity where schools have been designated as overcrowded.
- Inadequate water, sewage disposal, or utility facilities.
- Substantial increase in solid waste disposal to area sanitary landfills.

Public Services – Existing Conditions and Project Impacts

9.a,b,d-g. Facilities and Services

The project site is located in an urban area where all public services are available. In 2005, the City prepared a General Plan Update: 2030 Conditions, Trends, and Issues (CTI) Report (September 2005) that examined existing conditions associated with fire protection, police protection, library services, public facilities, governmental facilities, electrical power, and natural gas. The CTI Report specifically analyzed whether there were deficiencies existing or anticipated for each of the public services. The CTI report determined that police and fire protection services, and library services are being provided at acceptable levels to the City. In addition, the CTI Report determined that electricity, natural gas, telephone, and cable telecommunication services are being provided at acceptable service levels and utility companies did not identify any deficiencies in providing service in the future. Finally, the CTI Report determined that demand for City buildings and facilities will continue to be impacted by growth, although no appropriate/acceptable levels of service have been established.

The project site is located in an urban area and involves the demolition of an existing building and construction of a new

building in its place. Because the existing buildings already utilize existing public services, the project would be served with connections to existing public services for gas, electricity, cable, and telephone traversing the site, as well as access to existing roads. The project is not anticipated to create a substantially different demand on fire or police protection services, library services, or City buildings and facilities than that anticipated in the CTI Report. Therefore, impacts to fire protection, police protection, library services, City buildings and facilities, electrical power, natural gas, telephone, and cable telecommunication services are anticipated to be less than significant.

9.c) Schools

The project site is served by the Montecito Union School District and the Santa Barbara High School Districts. The project would provide an increase of eight residential units, which could generate a small number of additional students.

The project may also result in a minor increase in area net new employees. It would be expected that some of the added employees would already reside in the area. Some portion of new employees may commute from surrounding communities. The commercial portion of the proposed project may generate new elementary and secondary students to the extent that new employment created by the project results in new residents to the area. Unlike the residential portion of this project that falls into a defined school attendance area, students generated by the commercial portion of the proposed project could live and attend a school in any area of the South Coast. Some students generated by the commercial portion of this project could also live outside the boundaries of the Santa Barbara School Districts or attend private schools.

None of the school districts in the South Coast have been designated "overcrowded" as defined by California State law. School impact fees would be applied to the project in accordance with State law. Project impacts to schools would be less than significant.

9.h,i) Water and Sewer

Water

The proposed project receives water service from the Montecito Water District. The District's water supply comes from the following sources, with the actual share of each determined by availability and level of customer demand: Cachuma Reservoir and Tecolote Tunnel, Jameson Lake and Doulton Tunnel, groundwater, and State Water Project entitlement of 3,000 acre feet. A Certification of Water Service Availability was issued by the Montecito Water District on June 8, 2007, which stated that they are prepared to serve the project as proposed. Therefore, with the statement from Montecito Water District that they can and will serve the site, (subject to their ordinances in place at the time of the application) the increased water usage described below would not be considered a significant impact and thus the project would have adequate service.

The existing development on the site demands 0.57 acre feet per year (AFY) of water and the proposed project is estimated to demand 1.98 AFY. The calculated water demand for the proposed project assumes that all available water conservation methods will be implemented, consistent with the applicable regulations in place at the time the building permits are issued. Therefore, while the change in water use would be a net increase of approximately 1.41 AFY, it would not result in a significant impact to the Montecito Water District's water supply.

Sewer

The maximum capacity of the El Estero Wastewater Treatment Plant is 11 million gallons per day (MGD), with current average daily flow of 8.5 MGD. The Treatment Plant is designed to treat the wastewater from a population of 104,000. The proposed project's estimated sewer demand is 1,714 gallons per day or 1.92 AFY, which is an increase of 1,286 gallons per day or 1.44 AFY. Increased sewage treatment associated by the project would not result in a long term significant impact.

9.j) Solid Waste Generation/ Disposal

Most of the waste generated in the City is transported on a daily basis to seven landfills located around the County. The County of Santa Barbara, which operates the landfills, has developed impact significance thresholds related to the impacts of development on remaining landfill capacity. The County thresholds are based on the projected average solid waste generation for Santa Barbara County from 1990-2005. The County assumes a 1.2% annual increase (approximately 4000 tons per year) in solid waste generation over the 15-year period.

The County's threshold for project specific impacts to the solid waste system is 196 tons per year (this figure represents 5% of the expected average annual increase in solid waste generation [4000 tons/year]). Source reduction, recycling, and composting can reduce a project's waste stream by as much as 50%. If a proposed project generates 196 or more tons per year (TPY) after reduction and recycling efforts, impacts would be considered significant and unavoidable.

Proposed projects with a project specific impact as identified above (196 tons/year or more) would also be considered cumulatively significant, as the project specific threshold of significance is based on a cumulative growth scenario. However, as landfill space is already extremely limited, any increase in solid waste of 1% or more of the expected average annual increase in solid waste generation [4000 tons/year], which equates to 40 TPY, is considered an adverse cumulative impact.

Long-Term (Operational). The existing project generates approximately 42 tons per year of solid waste based upon a commercial category. The project use is estimated to generate 48.64 tons per year of solid waste as follows:

Attached Residential: $2.65 \text{ people/unit} \times 8 \text{ units} \times 0.95 \text{ tons/year} = 20.14 \text{ tons/year}$

General Retail: General Retail & Misc Services - $5,000 \text{ s.f.} \times 0.0057 = 28.5 \text{ tons/year}$

There would be a net increase associated with the commercial portion of the project of 6 tons/year. With application of source reduction, reuse, and recycling, landfill disposal of solid waste could be reduced to 3 tons per year. The project specific impact is considered less than significant because the 196 TPY threshold is not exceeded; however, an adverse cumulative impact would result because waste generation would exceed 40 tons per year.

Short-Term (Demolition and Construction). Project demolition and excavation will require export of non-structural fill. Construction-related waste generation would be short-term and less than significant. Application of recommended standard mitigations to reduce, re-use, and recycle construction waste to the extent feasible would minimize this effect.

Public Services – Required Mitigation

PS-1 Commercial Dumpsters. Commercial dumpsters shall be provided, including an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings or combustible roof eaves lines unless sprinkler coverage is provided.

PS-2 Trash Enclosure Provision. A trash enclosure with adequate area for recycling containers shall be provided on each 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.

Public Services – Recommended Mitigation

PS-3 Demolition/Construction Materials Recycling. Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.

Public Services – Residual Impacts

Implementation of the identified mitigation measures would further reduce adverse cumulative solid waste impacts to less than significant levels. Short-term construction impacts would be less than significant and further reduced by the recommended mitigation measure.

10. RECREATION	NO	YES
Could the project:		<i>Level of Significance</i>
a) Increase the demand for neighborhood or regional parks or other recreational facilities?		Less than Significant
b) Affect existing parks or other public recreational facilities?	X	

Recreation - Discussion

Issues: Recreational issues are associated with increased demand for recreational facilities, or loss or impacts to existing recreational facilities.

Impact Evaluation Guidelines: Recreation impacts may be significant if they result in:

- Substantial increase in demand for park and recreation facilities in an area under-served by existing public park and recreation facilities.
- Substantial loss or interference with existing park space or other public recreational facilities such as hiking, cycling, or horse trails.

Recreation – Existing Conditions and Project Impacts

10.a) Recreational Demand

Currently within the City there are more than 1,800 acres of natural open space, park land and other recreational facilities. In addition, there are 28 tennis courts, two public outdoor swimming pools, beach volleyball courts, sport fields, lawn bowling greens, a golf course, 13 community buildings and a major skateboard facility. The City also offers a wide variety of recreational programs for people of all ages and abilities in sports, various classes, tennis, aquatics and cultural arts.

In 2005, the City prepared a General Plan Update: 2030 Conditions, Trends, and Issues (CTI) Report (September 2005) that examined existing conditions associated with recreation and parks. Population characteristics including income, age, population growth, education and ethnicity affect recreation interests and participation levels.

The National Recreation and Park Association (NRPA) has established park service area standards for various types of parks. The NRPA standards have not been adopted by the City; however, the standards do provide a useful tool for assessing park space needs. The CTI Report determined that, based on NRPA standards, there is an uneven distribution of parkland in the City, such that some areas of the City may currently be underserved with neighborhood and community parks, but overall the City has adequate passive, community, beach, regional, open space, and sports facility parks.

The development of the proposed project with new residences would create an increase in the demand for park and recreational opportunities in the general area. As indicated above, the City of Santa Barbara has ample parkland, albeit unevenly distributed throughout the City and adequate recreation facilities. The proposed project would introduce additional residents into the Montecito Community where existing nearby parks and recreation areas (those intended to serve nearby residents) include Manning Park, and the adjacent beaches, located within approximately 0.3 miles of the project site. Residents would also have access to other community, regional, open space, and sports facility parks, and all City recreation programs.

Therefore, the increase in park and recreational demands associated with the residences would result in a less than significant impact.

10.b) Existing Recreational Facilities

The closest public recreation facilities are located at Manning Park on San Ysidro Road, approximately two miles north-east of the project site. Additionally, there are several informal recreational areas, paid membership facilities, public beaches and public trails within approximately a two mile radius of the project site. The proposed residential and

commercial uses by their nature and location would not interfere or cause a substantial loss of use by means of obnoxious or offensive emission of odors, dust, gas, fumes, smoke, liquids, wastes, noise, vibrations, disturbances, or other similar causes with existing parks or recreational facilities. Therefore, the project would have no impact on existing recreational facilities.

11. TRANSPORTATION/CIRCULATION	NO	YES
Could the project result in:		<i>Level of Significance</i>
a) Increased vehicle trips?	X	
b) Hazards to safety from design features (e.g. sharp curves, inadequate sight distance or dangerous intersections)?	X	
c) Inadequate emergency access or access to nearby uses?		Less than Significant
d) Insufficient parking capacity on-site or off-site?		Less than Significant
e) Hazards or barriers for pedestrians or bicyclists?	X	

Transportation - Discussion

Issues: Transportation issues include traffic, access, circulation, safety, and parking. Vehicle, bicycle and pedestrian, and transit modes of transportation are all considered, as well as emergency vehicle access. The City General Plan Circulation Element contains policies addressing circulation, traffic, and parking in the City.

Impact Evaluation Guidelines: A proposed project may have a significant impact on traffic/ circulation/ parking if it would:

Vehicle Traffic

- Cause an increase in traffic that is substantial in relation to the existing traffic load and street system capacity (see traffic thresholds below).
- Cause insufficiency in transit system.
- Conflict with the Congestion Management Plan (CMP) or Circulation Element or other adopted plan or policy pertaining to vehicle or transit systems.

Circulation and Traffic Safety

- Create potential hazards due to addition of traffic to a roadway that has design features (e.g., narrow width, roadside ditches, sharp curves, poor sight distance, inadequate pavement structure) or that supports uses that would be incompatible with substantial increases in traffic.
- Diminish or reduce safe pedestrian and/or bicycle circulation.
- Result in inadequate emergency access on-site or to nearby uses.

Parking

- Result in insufficient parking capacity for the projected amount of automobiles and bicycles.

Traffic Thresholds of Significance: The City uses Levels of Service (LOS) "A" through "F" to describe operating conditions at signalized intersections in terms of volume-to-capacity (V/C) ratios, with LOS A (0.50-0.60 V/C) representing free flowing conditions and LOS F (0.90+ V/C) describing conditions of substantial delay. The City General Plan Circulation Element establishes the goal for City intersections to not exceed LOS C (0.70-0.80 V/C).

For purposes of environmental assessment, LOS C at 0.77 V/C is the threshold Level of Service against which impacts are measured. An intersection is considered "impacted" if the volume to capacity ratio is .77 V/C or greater.

Project-Specific Significant Impact: A project-specific significant impact results when:

- (a) Project peak-hour traffic would cause a signalized intersection to exceed 0.77 V/C, or
- (b) The V/C of an intersection already exceeding 0.77 V/C would be increased by 0.01 (1%) or more as a result of project peak-hour traffic.

For non-signalized intersections, delay-time methodology is utilized in evaluating impacts.

Significant Cumulative Contribution: A project would result in a significant contribution to cumulative traffic impacts when:

- (a) Project peak-hour traffic together with other cumulative traffic from existing and reasonably foreseeable pending projects would cause an intersection to exceed 0.77 V/C, or
- (b) Project would contribute traffic to an intersection already exceeding 0.77 V/C.

Transportation – Existing Conditions and Project Impacts

11.a) Traffic

Long-Term Traffic

The level of service for the intersection of Coast Village Road, Olive Mill Road, Jameson Road and U S Highway 101 is currently a Level of Service (LOS) C. The current use of the site is a gasoline service station. A Traffic and Circulation Study was prepared by Associated Transportation Engineers, dated September 28, 2006 (see Exhibit I - Traffic and Circulation Study). The study stated that the proposed use of a residential and mixed use would generate 367 less average daily trips (ADT) and 36 less A.M. peak hour trips (PHT) and 19 less P.M. PHT than the current gas station use. Therefore, no impact would occur at the intersection of Coast Village Road and Olive Mill Road as there would be a reduction in ADT and PHT.

Short-Term Construction Traffic

The project would generate construction-related traffic that would occur over the eighteen month construction period. Demolition, pile driving and site grading are estimated to take approximately two months and building construction is estimated to take approximately sixteen months. The majority of the truck trips will occur during the mass excavation of the site. Mitigations would require that the truck trips occur outside of the peak hour time periods. Temporary construction traffic is generally considered an adverse but not significant impact; however, based on the amount of grading (approximately 9,500 cubic yards of cut and 1,250 cubic yards of fill) associated with the project the amount of export should occur over a short time period of approximately 30 days.

11. b. e) Circulation and Traffic Safety

The existing gas station has four points of entry and exit. There are two driveways on Olive Mill Road and two on Coast Village Road. Two of the driveways are located in close proximity to the corner of Olive Mill Road and Coast Village. A bike line is provided along both streets as are sidewalks, although the bike lane stripping is faded on Coast Village Road. Because of the number of driveways, there is no on street parking adjacent to the project site. Immediately west of the project site the on street parking along Coast Village Road is provided at a 45 degree angle to the sidewalk.

As proposed, both the driveways on Coast Village Road would be eliminated as would the driveway closest to the intersection on Olive Mill Road. The remaining driveway access to the site would be approximately 110 feet north of the Olive Mill Road stop sign. The driveways that would be eliminated would be replaced with a sidewalk and parkway. A bus stop, with a bench would be relocated approximately 15 feet north from its current location on Olive Mill Road. Finally, the bike path stripping would be renewed and provided along both streets. Pedestrian access to the residences and commercial spaces is provided by a central entrance from Coast Village Road and is separated from the vehicular access.

Because the three of four driveways are being eliminated, the Circulation and Traffic Safety would improve and no

circulation or traffic safety impacts of the project have been identified.

11.c Emergency Access

The Fire Department has reviewed the site plan for the proposed project and indicates that emergency vehicle maneuvering areas are adequate and access/distance from fire-fighting equipment to the proposed structures meets standards. Emergency access impacts of the project would not be significant.

11.d. Parking

The proposed project meets the Zoning Ordinance requirement of 37 parking spaces, which includes the required commercial parking, residential parking and guest parking. Additionally, with the elimination of two driveways on Coast Village Road, three new public parking spaces will be created. Therefore, the parking impact would be less than significant.

Transportation – Mitigation

The measures identified below are preliminary. Measures would be refined and augmented as a part of the project ND.

T-1 Construction Traffic. The haul routes for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. Construction-related truck trips 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.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through residential neighborhoods and minimize congestion.

T-2 Construction Parking/Storage/Staging. Construction parking and storage shall be provided as follows:

- a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
- b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
- c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.

Transportation – Residual Impact

Implementation of the identified mitigation measures would reduce potential short-term Transportation impacts to a less than significant level.

12. WATER ENVIRONMENT		NO	YES
Could the project result in:			<i>Level of Significance</i>
a)	Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?		Less than Significant
b)	Exposure of people or property to water related hazards such as flooding?	X	
c)	Discharge into surface waters?		Potentially Significant, Mitigable
d)	Change in the quantity, quality, direction or rate of flow of ground waters?		Less than Significant
e)	Increased storm water drainage?		Less than Significant

Water – Discussion

Issues: Water resources issues include changes in offsite drainage and infiltration/groundwater recharge; storm water runoff and flooding; and water quality.

Impact Evaluation Guidelines: A significant impact would result from:

Water Resources and Drainage

- Substantially changing the amount of surface water in any water body or the quantity of groundwater recharge.
- Substantially changing the drainage pattern or creating a substantially increased amount or rate of surface water runoff that would exceed the capacity of existing or planned drainage and storm water systems.

Flooding

- Locating development within 100-year flood hazard areas; substantially altering the course or flow of flood waters or otherwise exposing people or property to substantial flood hazard

Water Quality

- Substantial discharge of sediment or pollutants into surface water or groundwater, or otherwise degrading water quality, including temperature, dissolved oxygen, or turbidity.

Water Resources – Existing Conditions and Project Impacts

12.a,c,e) Drainage and Surface Runoff Rate and Quality

Drainage: Drainage from the site currently sheet flows to the adjacent streets, south and east of the site. Hydrology calculations, prepared by Flowers & Associates, indicate that the amount of drainage flowing from proposed development would be lower than the pre-project conditions. With the proposed development, the project will contribute a net increase of 1,400 SF of permeable surfaces (landscaping) to this corner of Olive Mill and Coast Village Road. These landscape areas are within the property and the city rights of way. With no net increase in runoff, impacts would be less than significant.

Surface Water Quality: Project demolition and grading activities create the potential for erosion and sedimentation affecting water quality. Surface water quality impacts are therefore considered potentially significant, but mitigable through implementation of erosion control measures. Numerous federal, state and local regulatory programs have been established to minimize impacts to water quality resulting from construction operations. Compliance with applicable regulations and the mitigation requirements provided below will reduce the potential for the proposed project to result in short-term construction-related water quality impact to a less than significant level.

Runoff of pollutants from parking areas or other hardscape could also degrade water quality. Compliance with standard

City requirements would reduce the project's potentially significant long-term water quality impacts to a less than significant level. These requirements include the preparation of an operation and maintenance plan for the use of storm drain surface water pollutant interceptors in the parking areas, using landscape areas around the perimeter, stenciling of storm drain warnings of the direct connection of the drainage system to creeks and the ocean, and implementation of water quality protection best management practices (BMPs).

12.b) Flooding

The project site is not within a Flood Hazard Area as shown on the Federal Insurance Rate Map published by FEMA. No impacts are anticipated related to flooding.

12.d) Groundwater

The project site is currently undergoing a soil and ground water remediation program, administered by ATC Associates, Inc (Exhibit G). Studies of the site over a time period of approximately 15 years indicate that the depth of the ground water is encountered at approximately 44-50 feet below ground surface (bgs). A below grade garage is proposed depending on the method of construction, the approximate maximum depth of grading could be in the range of 20-25 feet. Thus the likelihood of encountering ground water would be low. Groundwater-related impacts would be less than significant.

Water Resources – Required Mitigation

W-1 Construction Erosion/Sedimentation Control Plan. Project grading and construction shall be conducted in accordance with an approved erosion control plan to protect water quality throughout the site preparation, earthwork, and construction process. Prior to the issuance of a demolition or building permit for the proposed project, the applicant or project developer shall prepare an erosion control plan that is consistent with the requirements outlined in the *Procedures for the Control of Runoff into Storm Drains and Watercourses* and the Building and Safety Division *Erosion/Sedimentation Control Policy* (2003). The erosion control/water quality protection plan shall specify how the required water quality protection procedures are to be designed, implemented and maintained over the duration of the development project. A copy of the plan shall be submitted to the Community Development and Public Works Departments for review and approval, and a copy of the approved plan shall be kept at the project site.

At a minimum, the erosion control/water quality protection plan prepared for the proposed project shall address the implementation, installation and/or maintenance of each of the following water resource protection strategies: Paving and Grinding, Sandbag Barriers, Spill Prevention/Control, Solid Waste Management, Storm Drain Inlet Protection, Stabilize Site Entrances and Exits, Illicit Connections and Illegal Discharges, Water Conservation, Stockpile Management, Liquid Wastes, Street Sweeping and Vacuuming, Concrete Waste Management, Sanitary/Septic Waste Management, Vehicle and Equipment Maintenance, Vehicle and Equipment Cleaning, Vehicle and Equipment Fueling.

W-2 Minimization of Storm Water Pollutants of Concern. The applicant shall implement approved plans incorporating long-term storm water best management practices (BMPs) to minimize identified storm water pollutants of concern including automobile oil, grease and metals. The applicant shall submit project plans incorporating long-term BMPs to minimize storm water pollutants of concern to the extent feasible, and obtain approval from Public Works Engineering. The owners association shall maintain approved facilities in working order for the life of the project.

W-3 Storm Drain System Stenciling and Signage. Within the project area, the applicant shall implement stenciling of all storm drain inlets and catch basins, and posting of signs at all public access points along channels and creeks, with language in English and Spanish and graphic icons prohibiting dumping, per approved plans. The applicant shall submit project plans to the satisfaction of Public Works Engineering that identify storm drain inlet locations throughout the project area, and specified wording and design treatment for stenciling of storm drain inlets and signage for public access points that prohibit dumping. The owners association shall maintain ongoing legibility of the stenciling and signage for the life of the project.

W-4 Trash Storage Area Design. Project trash container areas shall incorporate approved long-term structural storm water best management practices (BMPs) to protect water quality. The applicant shall submit project plans to the satisfaction of Public Works Engineering and Solid Waste that incorporate long-term structural best management practices for trash storage areas to protect storm water quality. The owners shall maintain these structural storm water quality protections in working order for the life of the project.

W-5 Groundwater/ Dewatering. Water, when encountered in the excavation, shall be removed using a suitable dewatering system. A stockpile of 3- to 6-inch gabion rock material (approximately 10 to 20 cubic yards) shall be available when excavating near the property line in case a caving side wall or a boiling subgrade condition develops. In such a case, the rock must be placed on the caving excavation or the boiling subgrade until stabilization results.

Water Resources – Residual Impact

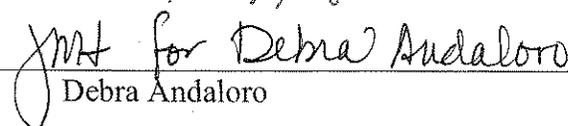
Implementation of the identified mitigation measures would reduce potential short- and long-term water quality impacts to a less than significant level.

MANDATORY FINDINGS OF SIGNIFICANCE.		YES	NO
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X
b)	Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?		X
c)	Does the project have potential impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X
d)	Does the project have potential environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?		X

INITIAL STUDY CONCLUSION

On the basis of this initial evaluation it has been determined that the proposed project's potentially significant environmental impacts can be feasibly reduced to a less than significant level by identified mitigation measures, and a Mitigated Negative Declaration is the appropriate environmental review document.

Case Planner/Initial Study Preparer:  Peter Lawson, Associate Planner

Environmental Analyst:  for Debra Andaloro Date: 3/20/08
 Debra Andaloro

EXHIBITS:

- A. Project Plans**
- B. Applicable General Plan Policies**
- C. View Study**
- D. Architectural Board of Review Minutes dated November 14, 2005**
- E. Planning Commission Minutes dated April 7, 2005 & February 16, 2006**
- F. Arborist's Report, prepared by Bill Spiewak, dated June 1, 2006 & April 4, 2006**
- G. Remediation Quarterly Status Report prepared by ATC Associates, dated November 9, 2006**
- H. Preliminary Acoustical Study, prepared by URS Corporation, dated December, 2006**
- I. Traffic and Circulation Study, prepared by Associated Transportation Engineers, dated June 7, 2007 & September 28, 2006**

LIST OF SOURCES USED IN PREPARATION OF THIS INITIAL STUDY

The following sources used in the preparation of this Initial Study are located at the Community Development Department, Planning Division, 630 Garden Street, Santa Barbara and are available for review upon request.

California Environmental Quality Act (CEQA) & CEQA Guidelines

General Plan Circulation Element

General Plan Conservation Element

General Plan Land Use Element

General Plan Noise Element w/appendices

General Plan Map

General Plan Seismic Safety/Safety Element

General Plan Update 2030: Conditions, Trends and Issues Report

Geology Assessment for the City of Santa Barbara

2004 Housing Element

Institute of Traffic Engineers Parking Generation Manual

Institute of Traffic Engineers Trip Generation Manual

Master Environmental Assessment

Santa Barbara Municipal Code

Special District Map

Uniform Building Code as adopted by City



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

March 13, 2008

CALL TO ORDER:

Chair George C. Myers called the meeting to order at 1:05 P.M.

ROLL CALL:

Present:

Chair George C. Myers

Vice-Chair Stella Larson

Commissioners Bruce Bartlett, Charmaine Jacobs, John Jostes, Addison S. Thompson and Harwood A. White, Jr.

STAFF PRESENT:

Jan Hubbell, Senior Planner

N. Scott Vincent, Assistant City Attorney

Peter Lawson, Associate Planner

Stacey Wilson, Associate Transportation Planner

Chelsey Swanson, Assistant Transportation Planner

Julie Rodriguez, Planning Commission Secretary

I. PRELIMINARY MATTERS:

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

None.

- B. Announcements and appeals.

Ms. Hubbell announced that the 1236 San Andres Street appeal was not upheld by the City Council on Tuesday and that the Planning Commission decision was upheld.

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

Chair Jacobs opened the public hearing at 1:06 P.M. and heard the following speakers:

1. Chris Wilkinson acknowledged appreciation for the work of the Commission and started to discuss the project before the Commission today. Chair Myers stated that Mr. Wilkinson was out of order.
2. Tony Fischer spoke to the Commission with concerns over 'expired' concept comments given to other review boards before being seen by the Planning Commission. Recommended policy change for projects that have not received current comments from the other review boards.

With no one else wishing to speak, Chair Myers closed the hearing at 1:13 P.M

II. CONTINUED ITEM:

ACTUAL TIME: 1:13 P.M.

This following item was previously noticed for January 17, 2008, continued to February 7, 2008, and rescheduled for March 13, 2008.

RECUSALS: To avoid any actual or perceived conflict of interest, the following Commissioners recused themselves from hearing this item:

1. Commissioner Jacobs recused herself due to her husband's firm has representing the client.
2. Commissioner White recused himself due to the applicant being a client of his for an extended period of time.
3. Commissioner Bartlett recused himself due to a longstanding personal and business relationship with the applicant.

Commissioners Jacobs, White, and Bartlett left the dais at 1:13 P.M.

EX PARTE COMMUNICATION: Commissioner Larson disclosed communication with the applicant to clarify building height.

APPLICATION OF JEFF GORRELL ARCHITECT FOR JOHN PRICE, APPLICANT, 1298 COAST VILLAGE ROAD, 009-230-043, C-1 & R-2 ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL (MST2004-00493)

The proposed project involves the demolition of an existing gas station with two repair bays and the construction of a new mixed use building. The new 18,196 square foot mixed use building would be comprised of eight residential condominiums and approximately 5,000 square feet of commercial space, located on the ground floor. All of the residential units would be located on the second and third floors. Five residential units would include two bedrooms, two units would include one bedroom each and one unit would include three bedrooms. Approximately 38 parking spaces are provided, with nine covered parking spaces located at grade level and 29 parking spaces located below grade. Grading would be approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill.

Currently, the 18,196 square-foot lot is split by two zoning designations; the northern portion, totaling approximately 7,150 square feet, is zoned R-2, and the southern portion, totaling about 11,046 square feet, is zoned C-1. The Planning Commission initiated re-zoning the portion of the subject property zoned R-2 (Two Family Residential) to C-1 (Limited Commercial) on April 7, 2005. The entire property is located in the Coastal Overlay (SD-3) Zone, which would not change with this request.

The discretionary applications required for this project are:

1. A recommendation to City Council for Zoning Map Amendment to change the zoning from R-2, Two-Family Residential, to C-1, Commercial Zone District (SBMC §28.92.080.B);
2. A recommendation to the City Council for a Local Coastal Program Amendment to change the zoning to match the Local Coastal Plan designation of General Commerce.
3. A Modification to allow a portion of the building to encroach 7 feet into the required 17 foot northern interior yard setback (SBMC §28.92.110.A.2);
4. A Modification to allow the 10% common open space to be located above the ground floor level (SBMC §28.92.110.A.2);
5. A Modification to allow one second floor covered balcony to encroach 3 feet 6 inches into the 10 foot front yard setback on Coast Village Road (SBMC §28.92.110.A.2);
6. A Modification to allow the emergency stair way to encroach up to 9 feet 2 inches into the 10 foot front yard setback on Olive Mill Road (SBMC §28.92.110.A.2);
7. A Coastal Development Permit (CDP2005-00003) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
8. A Development Plan to allow the construction of 5,000 square feet of nonresidential development (SBMC §28.87.300);
9. A Tentative Subdivision Map for a one-lot subdivision to create eight (8) residential condominium units and one (1) commercial unit (SBMC 27.07 and 27.13);

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

Case Planner: Peter Lawson, Associate Planner

Email: plawson@santabarbaraca.gov

Peter Lawson, Associate Planner, gave the Staff presentation.

Staff answered Planning Commission questions about clarification of the two parcels creating zoning splits on a single parcel; clarification of the two parcels with a single assessor number, plan for the accessory building on the neighboring lot crossing the project

lot line; clarification of Measure E allocations referenced in Staff Report; and clarification of conditions of approval found in the Staff Report. Additional questions were answered about wheel chair accessibility on Coast Village Road and proposed changes to the median; and a review of valet-only parking restrictions.

Jeff Gorell, Lenvik and Minor Architects, gave the applicant presentation, joined by Scott Schell, Associate Traffic Engineers and Sam Maphis, Landscape Architect.

Mr. Gorrell answered Planning Commission questions about plans for solar photo-voltaic panels on the roof; location of trash receptacles; and considerations for terminating sidewalks further south to allow for service vehicles, such as the trash companies.

Chair Myers stated that there are 200 letters received by the Commission and approximately 4 to 1 ratio in favor of the project. Public hearing opened at 2:49 P.M.

The following people spoke in support of the project:

1. Leone Murphy
2. Frank Viera
3. Ernie Sandoval
4. Masoud Emamy
5. Jeff Overeem
6. David Pintard
7. David Reardon
8. Ed Edick
9. Sean Checketts
10. John Lane
11. Hewson Gadsby
12. Jaime Melgoza, could not stay, but expressed support for the project.
13. Brad Foley
14. Linda Uellner
15. Peter Richards could not stay, but expressed support for the project.
16. Brian Richards
17. Susan Subject could not stay, but expressed support for the project.
18. Todd Berlinger
19. Michael Silva
20. Brian Barnwell could not stay, but expressed support for the project.
21. Alex Weathers could not stay, but expressed support for the project.
22. Roy Handleman could not stay, but expressed support for the project.
23. Kevin Goodwin could not stay, but expressed support for the project.
24. Mike Underwood
25. Kathy Odell
26. Mike Viera could not stay, but expressed support for the project.
27. Richard Berti
28. Rob Vance

29. John Bull
30. Scott Perry
31. Darren Wilson

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

1. Derrick Westin, representing Sandy and John Wallace, reminded the Commission that the zone change is discretionary. Due to opposition by the Montecito Association and Salud Carbajal's office, the project should be denied. He asked that the project be submitted to the Montecito Planning Commission given that the majority of the neighboring area is in the County. Encourage a long range plan to be developed for the area. A focused EIR should be prepared and the Negative Declaration is not correct due to the fact that the City standards are being applied, which is not appropriate. Size, bulk, and scale are not appropriate for the neighborhood. Project should be developed to current R-2 zoning. Concerned with the ficus hedge that would separate properties and suggested that it be lowered.
2. Bob Acknefeckie, Environmental Law Attorney, spoke to the water supply analysis and made three points: 1) There have been a number of changes to the original Mitigated Negative Declaration (MND) on water usage numbers and, at a minimum, the (MND) should be recirculated to contain the new information; 2) The revised Negative Mitigated Declaration does not address availability of water; and 3) there is not an analysis of water supplies; provides a fair argument that there needs to be an Environmental Impact Report (EIR). Looking at other projects approved in the Montecito Water District service area is hearsay and does not provide concrete evidence that there is available water.
3. Jeff Farrell, neighbor, would like to retain 'village' character of the neighborhood. A zoning modification would need findings that have not been seen. Would like to see a smaller version of the project that did not violate the zoning and setback ordinances; project requires an EIR.
4. John Wallace, immediate neighbor, submitted pictures, and expressed concern about the modifications requested; specifically, the northern setback causing an impact on privacy. Further, the hedge will not survive the development and replacement with 5 gallon trees is not appropriate. He would like to see a shorter project developed in keeping with a 30'ft proposed limit. The interior courtyard makes the building look larger. Encourages the Commission to make history and preserve the neighborhood character.
5. Lloyd Applegate, Coast Village Road Business Association, feels that development on Coast Village Road needs to be consistent with the future Vision Plan.
6. Jim Kahan, Friends of Outer State Street, submitted a letter and spoke to the Commission about the 30'ft restriction in single family residence zoning areas. The Tentative Map must be consistent with Zoning Laws, the Coastal Plan and the General Plan. The ABR did not state that the project is compatible with the neighborhood.

7. Naomi Kovacs, Executive Director, Citizens Planning Association, expressed concerns about traffic. The project requires a full EIR, not a Mitigated Negative Declaration.
8. Judy Orias, Allied Neighborhood Association, does not believe that Commission can make findings that this is good zoning practice. Concerned with the height; residential zones in the area are under siege; the project is not compatible with the neighborhood. Asked for an EIR to be done.
9. Phoebe Alexiades, speaking for Martha Kay, who opposed the project's height, density and traffic impact in this area. Cited a waterfall that can only be viewed from that corner. This building cannot be compared with the Montecito Inn that has historical significance to the community and was built in the 1920's. The Montecito Inn is the only building with a visible third story from Coast Village Road. Does not see a need for 8 new condos when there are currently 17 vacant new condos in Montecito and 74 condos currently on the market in the South Coast, not including Goleta and Carpinteria. Read a notice from her Montecito Water District bill asking residents to reduce their water consumption by 10%.
10. Michele Michaelson, left Chambers, but was opposed, saying that the project was too large in scale for the neighborhood. Ms. Michaelson returned to Chambers and added that the public view need to be considered, much of it has been lost to walls and hedges over time.
11. Judith Eshkanian, encouraged Mr. Price to stay within the City's zoning limits and build a remodeled gas station.
12. Sally Jordan asked that the Commission grant no modifications. Expressed concern for impeding the view for drivers at the intersection from five streets and potential need for a streetlight that would further impact traffic. Also expressed concern for public safety that would be impacted by the traffic to Olive Mill Road, which is one of two main arteries to the area; would impact access by fire, sheriff, and emergency vehicles.
13. Delfina Mott would support a 2 story building, but not the proposed 3-story project. Development of this project would have 3rd story occupants looking into her residence and vice-versa. Concerned with construction impacts once the project starts.
14. Robert Miller stated that this area was not always a part of the City of Santa Barbara, only later annexed for sewer access; would like consideration for retaining its Montecito character.
15. Jane Van Dyke Deering just relocated to Montecito for the village character. Does not see how Montecito Inn could be compared to the proposed project. Each has a different profile and different backdrops. The Montecito Inn serves as a noise barrier; the proposed project would not. Wants preservation of mountain views.
16. Roxanne Nomurra requests an EIR. She works in neighboring building and would not only lose all views, but would have project imposing on her window.
17. Joe Atwell challenged the consultant's traffic report stating that it was created using data from a San Diego matrix. There are only two gas stations. Removing one would increase traffic. Would like to see a local traffic study done.
18. Martha Maxi Decker could not stay but wants a lower building.

19. Danny Copus expressed concern over significant public view loss. Concerned with traffic increase.
20. Juergen Boehr, neighbor, concerned with size, bulk and scale of the project. Ficus hedge will be impacted by either loss or damage and will impact the neighbor's privacy. The project will cast a large shadow over the gateway to the community. Concerned with construction parking that is not in the City's purview and would impact parking on the County side of Olive Mill Road. Would like to see project reduced and parking on Olive Mill Road made off limits to construction workers.
21. Sally Kinsell echoed the size, bulk and scale concern, but was even more concerned with the traffic impacts and circulation. She recapped existing traffic concerns on Olive Mill Road and suggested that the applicant reconsider the entrance on Coast Village Road.
22. Kathleen Lauriau could not stay but is opposed to the project, stating that there should be a 2-story height limitation for Coast Village Road.
23. Jerre Stetson could not stay but expressed that the building is too big.
24. Bill Palladini, President, Montecito Association, had concerns with the proposed building and believes that there are other options for the property. Appreciates that Mr. Price and Mr. Gorrell attended the meetings and provided information to the Association. Concerned with the impact on Montecito and the surrounding neighborhoods; traffic impacts to Coast Village Road and Olive Mill Road intersection; water usage; and blockage of mountain views. There are other options for developing the site, including a park or leaving it as a gas station. Requests that the Commission not approve project as proposed and suggests a revised project. Would like to see a comprehensive plan for Coast Village Road that would address parking, height and design. Montecito Association would like to participate in that process. Consistent with a letter sent by Supervisor Carbajal's office to Mayor Blum, this project should be reviewed by the Montecito Planning Commission
25. Paul Dinkel believes that we should maintain current regulations.
26. Henry Kinsell could not stay, but felt that the project would increase car density
27. Marco Ferrell, speaking on behalf of Sybil Roberts, spoke for 'Save Coast Village Road'. He submitted a printout of an online petition with 172 signatures against the project, excluding "spam" signatures.
28. Chris Wilkinson could not stay, but opposed current project and negative impacts on his residence.
29. Thomas Bollay, former City of Santa Barbara Historic Landmarks Commissioner, expressed concern for the size of the three stories and the mass, bulk, and scale of the project. Stated that when you no longer have all of your parking below grade and need to put some parking at grade, then the Floor Area Ratio (FAR) explodes. Suggested a redesign to get all the parking below grade to reduce the size, bulk, and scale to create an El Paseo type building.
30. Christina Allison was concerned with the potential impact of traffic gridlock on Coast Village Road and the impact on public safety during an emergency.
31. Doris Kuhns was concerned with the impact on Olive Mill Road with delivery trucks and use of the entry and exit. Very concerned with potential parking issues by construction workers using Olive Mill Road.

32. Jim Westby was most concerned with the preservation of the existing charm of Coast Village Road, the loss of open space, and the use of modifications and rezoning to accommodate the project.
33. Holly Makenna could not stay, but was concerned with more traffic, more congestion, blockage of mountain views, loss of small village feeling, and not holding fast to City regulations.
34. Deborah Branch, Tennis Shop of Montecito, feels that the building is too large and not compatible with the neighborhood. Believes that there should be two gas stations on Coast Village Road.
35. Diane and James Giles could not stay, but expressed concern for the size of the project and the setbacks.
36. Dick Thielscher could not stay, but felt that the project did not meet requirements of Montecito.
37. Michael Self could not stay, but felt that the City should not continue granting zoning changes and modifications.
38. Dennis Ohanian could not stay, but is against the construction project and felt that it would be blight on Coast Village Road.
39. Rob McGee could not stay, but felt that it would bring too much traffic and blocked views.
40. Harold Hattier expressed concern that all Santa Barbara development is increasing in size. He is opposed to this project and feels that it is too big. Would support a gas station on the location.
41. Michael Vance lives on the eastern side of Olive Mill Road and expressed concern about building within a flood zone.
42. A person with the initials WFM could not stay, but left a note opposing the project because it added to the abundance of available commercial and residential units in a poor economy.

Courtney Dietz, Walk Santa Barbara, was still gathering information on the project and could neither support, nor oppose the project, but commented that the project increased pedestrian walkability.

Public comment speaker slips were also submitted by the following persons could not stay and who did not indicate support or opposition on the speaker slip:

1. William Northrup: Project economically inadvisable
2. Barbara Garner: Concerned with traffic flow, poor site lines, and increasing potential for traffic accidents.
3. Kellum de Forest.
4. Linda Macneil

Ms. Hubbell informed the Commission of two phone calls that were received by Staff in support of the project; Amy Ruiz and Meagan Wooton.

With no one else wishing to speak, the public hearing was closed at 5:20 P.M.

Chair Myers called a recess at 5:20 P.M and reconvened at 5:35 P.M.

Chair Myers gave the applicant and his team the opportunity to address public comment:

Scott Schell, ATE, responded to the Commission on some of the public's concerns over the methodology that was used in the traffic analysis. The proposed driveway will be out of the busy intersection. The morning trips will be from residential use.

Doug Fell informed the Commission that the property is miszoned, and the R-2 portion of the property is not consistent with the General Plan and Local Coastal Plan designation of General Commerce. Therefore, the request for rezoning is to be consistent with the General Plan and the Coastal Zoning Plan.

Bill Spiewak, Arborist, stated that the ficus trees are cut back to the edges of the sidewalk and have surprisingly survived. He does not believe that the project will significantly impact the roots of the trees as there will be additional planter area for the trees as part of the landscape plan. He also noted that the ficus trees have been severely cut back at an angle to the property line on the north side and should be trimmed further on the south side to provide balance to the trees. The two Eucalyptus trees will not decline due to tree protection measures that are proposed.

Ms. Hubbell stated that, if the front balcony was uncovered that it would not require a modification. Stated that the traffic engineer hired by the opponents of the project and the project traffic engineer are both in agreement on the traffic analysis related to trip reduction. Spoke to the difficulty or infeasibility of canyonization of Coast Village Road, due to the current, existing built environment that is currently at or beyond the maximum allowable height. Ms. Hubbell stated that a park could not be considered due to City's inability to financially maintain any new park. Also, while the City could not condition the parking on Olive Mill Road, the applicant could be encouraged to work with the County on the parking issue. Staff can include conditions that there would be no construction parking within the residential neighborhood.

Mr. Vincent spoke to the water supply concerns and how Staff analyzes the water supply based on the whole record. Staff has corrected all misinformation on water usage on this project and identified that the overall increase of water would be very small. The Montecito Water District acknowledges that it continues to supply its customers with water, even in a low rain fall year. Further, the District has not rescinded their can and will serve letter. It is appropriate to look at other projects within the District for staff's analysis to determine whether there is an adequate supply.

Staff answered additional Planning Commission questions about researching any agreement that was part of the annexation of Coast Village Road which required new development to be approved by a vote of the people. Staff responded to the request by the 1st District Supervisorial Office to submit the project to the Montecito Planning Commission for

comments. There has been input by Montecito Association on this project on several occasions. Staff stated that review by another agency would set a precedent, and it needs to be considered on a more global basis, since the City borders Montecito on several areas. Further, the Montecito Planning Commission would need to review the project based upon the City's regulations, not the County regulations..

The Commissioners deliberated on requesting a continuance to review all the material received, including information distributed during the course of the hearing, for a future discussion, deliberation, and decision.

Staff asked the Commission to provide direction on what additional information they would expect if the item was continued. Staff agreed to provide the Commission with additional information on flooding, and any agreements associated with the original annexation of Coast Village Road.

Mr. Fell asked that the public comment be closed if a continuance were issued.

Commissioners asked that they not be contacted in support, or opposition, to the project and that all discussion take place publicly in the hearing.

MOTION: Jostes/Larson

Continued the project to March 20, 2008 noting that the public hearing on the project has been closed. The continuance of the meeting will be to consider all of the information provided up to and during the hearing and, at the next meeting, to address the issues posed for the project.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3(Bartlett, Jacobs, White)

III. ADMINISTRATIVE AGENDA

MOTION: Jostes/Larson

Continue the Administrative Agenda to March 20, 2008.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Jacobs, White)

A. Committee and Liaison Reports.

None were given.

- B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.

None were requested.

VII. ADJOURNMENT

Chair Myers adjourned the meeting at 6:03 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

March 20, 2008

CALL TO ORDER:

Chair George C. Myers called the meeting to order at 1:05 P.M.

ROLL CALL:

Present:

Chair George C. Myers
Vice-Chair Stella Larson
Commissioners John Jostes and Addison S. Thompson

Absent:

Commissioners Bruce Bartlett, Charmaine Jacobs, and Harwood A. White, Jr.

STAFF PRESENT:

Jan Hubbell, Senior Planner
N. Scott Vincent, Assistant City Attorney
Rob Dayton, Principal Transportation Planner
Steve Foley, Supervising Transportation Planner
Peter Lawson, Associate Planner
Stacey Wilson, Associate Transportation Planner
Chelsey Swanson, Assistant Transportation Planner
Julie Rodriguez, Planning Commission Secretary

I. PRELIMINARY MATTERS:

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

None.

B. Announcements and appeals.

Ms. Hubbell made that Deborah Huey, Planning Technician, is leaving the City to work for the Montecito Sanitary District.

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

Chair Myers opened the public hearing at 1:06 P.M. and, with no one wishing to speak, the hearing was closed.

II. CONTINUED ITEM:

ACTUAL TIME: 1:06 P.M.

The following item was continued from March 13, 2008.

RECUSALS: To avoid any perceived conflict of interest, the following Commissioners recused themselves from this hearing:

1. Commissioner Jacobs recused herself due to her husband's law firm having represented the applicant in the past on an unrelated matter.
2. Commissioner White recused himself due to the applicant being a client of his for an extended period of time.
3. Commissioner Bartlett recused himself due to his architectural firm having the applicant as a client on a project in another city.

APPLICATION OF JEFF GORRELL ARCHITECT FOR JOHN PRICE, APPLICANT, 1298 COAST VILLAGE ROAD, 009-230-043, C-1 & R-2 ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL (MST2004-00493)

The proposed project involves the demolition of an existing gas station with two repair bays and the construction of a new mixed use building. The new 18,196 square foot mixed use building would be comprised of eight residential condominiums and approximately 5,000 square feet of commercial space, located on the ground floor. All of the residential units would be located on the second and third floors. Five residential units would include two bedrooms, two units would include one bedroom each and one unit would include three bedrooms. Approximately 38 parking spaces are provided, with nine covered parking spaces located at grade level and 29 parking spaces located below grade. Grading would be approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill.

Currently, the 18,196 square-foot lot is split by two zoning designations; the northern portion, totaling approximately 7,150 square feet, is zoned R-2, and the southern portion, totaling about 11,046 square feet, is zoned C-1. The Planning Commission initiated re-zoning the portion of the subject property zoned R-2 (Two Family Residential) to C-1 (Limited Commercial) on April 7, 2005. The entire property is located in the Coastal Overlay (SD-3) Zone, which would not change with this request.

The discretionary applications required for this project are:

1. A recommendation to City Council for Zoning Map Amendment to change the zoning from R-2, Two-Family Residential, to C-1, Commercial Zone District (SBMC §28.92.080.B);

2. A recommendation to the City Council for a Local Coastal Program Amendment to change the zoning to match the Local Coastal Plan designation of General Commerce.
3. A Modification to allow a portion of the building to encroach 7 feet into the required 17 foot northern interior yard setback (SBMC §28.92.110.A.2);
4. A Modification to allow the 10% common open space to be located above the ground floor level (SBMC §28.92.110.A.2);
5. A Modification to allow one second floor covered balcony to encroach 3 feet 6 inches into the 10 foot front yard setback on Coast Village Road (SBMC §28.92.110.A.2);
6. A Modification to allow the emergency stair way to encroach up to 9 feet 2 inches into the 10 foot front yard setback on Olive Mill Road (SBMC §28.92.110.A.2);
7. A Coastal Development Permit (CDP2005-00003) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
8. A Development Plan to allow the construction of 5,000 square feet of nonresidential development (SBMC §28.87.300);
9. A Tentative Subdivision Map for a one-lot subdivision to create eight (8) residential condominium units and one (1) commercial unit (SBMC 27.07 and 27.13);

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

Case Planner: Peter Lawson, Associate Planner
Email: plawson@santabarbaraca.gov

Peter Lawson gave the Staff presentation and responded to the Commission's prior questions by stating that, under the annexation, any new development on Coast Village Road was not subject to the vote of the people; the project is not within the flood plain; and reviewed the Architectural Board of Review comments; and the correct Conditions of Approval.

Staff answered Planning Commission questions about construction worker's parking being left to the contractor to arrange; and the significance of the Montecito Water District March 19, 2008 letter that showed the comparison between local condominium uses as being matched well.

Chair Myers reiterated that a full applicant presentation and full public hearing on March 13, 2008.

Commissioner's comments:

1. One Commissioner asked the applicant if any changes had been made to the project since the last hearing. The applicant confirmed there were no changes made.
2. One Commissioner supported the rezoning and summarized the project activity over the last two years. Supports the project given the General Plan and Zoning considerations making it one of the smallest Floor Area Ratio (FAR) projects seen; project is well-designed; and the benefits and sidewalk improvements improve the relationship to Coast Village Road.
3. One Commissioner feels that the Mitigated Negative Declaration is the appropriate California Environmental Quality Act (CEQA) document for this project.
4. Commissioners reviewed the zoning concerns for the commercial and residential elements and referenced the General Plan as one reason for consistency in approving the zoning as C-1. Did not see a buffer zone on the land use map, indicating that this entire site was intended as C-1 use; feels the project is consistent with the zoning designation. Three Commissioners supported the zoning change. The intent of the C-1 zone is to provide a buffer with residential area.
5. Commissioners reviewed the modifications as necessary and appropriate for the site and found that they were justifiable; front yard setback modification was appropriate as it comes from adding a roof to a second floor balcony; Olive Mill Road modification is necessary for the emergency stairway use; northerly setback modification is consistent with the 17'6" setback and provides modulation. One Commissioner felt that the open space in the center of the second and third floors was what was causing a concern for the neighbors because it contributed to the large appearance; would like the applicant to reconsider.
6. One Commissioner could not find justification for the Olive Mill Road modification and felt that the applicant should restudy pulling the project back on Olive Mill Road.
7. One Commission felt that more justification was needed for the northerly setback modification. Just because it is possible, does not necessarily make it right.
8. The Coastal Development Plan is consistent with the Local Coastal Plan and with principles of sound community planning. One Commissioner could make the findings for the Coastal Development Plan if findings could be made for the other modification.
9. Can support tentative subdivision map.
10. One Commissioner maintained original position that the existing gas station was no longer appropriate for that location.
11. Believes that the underground parking is a benefit to the community, as well as the addition of street parking; a one story building could not support construction of underground parking, therefore making it necessary for a 2-3 story building. Commends the architect for bringing the project to 36', well under the 45' maximum allowed.
12. Would like to see the zoning map addressed;
13. Not sure that the tower element is needed if upper floors are pulled back.

14. The project is well thought, but the mass is larger than necessary and could be pushed back.
15. One Commissioner could not support two of the proposed modifications and believed the Commission should look at continuing the project to allow the applicant to eliminate some of the modifications, or send to the Architectural Board of Review to work out on a design level.
16. Supports the addition of accessibility across the median from corner to corner. Believes that the project will bring more people out on foot.
17. Does not find the emergency stairway protruding an issue.
18. One Commissioner believed in neighborhood interaction and felt that the balcony modification is buffered by the garage that encroaches a foot; supportive of the modification.
19. Most Commissioners commended the Architect for the sensitivity of the project as an entry to the City and the attractive architecture proposed that blends into the character of Montecito.
20. One Commissioner summarized the approach that the Commission takes in reaching its decision.
21. Two Commissioners supported use of form-based codes for Coast Village Road.
22. One Commissioner can support a 10' interior yard setback on northern side; can support 10" common open space above ground floor; two-story balcony modification is a non-issue.
23. Concerned with the encroachment with the emergency stairway; eastern elevation is too massive for this location and does not transition well with the neighborhood. Would favor the study of a four-story element more in the center of the project.
24. Remains concerned with the bus stop and trash pick-up access on Olive Mill Road and the traffic impact to the intersection. Two Commissioners would look to see adjustments made to the project on the emergency stairway and the massing on the eastern elevation of the project.

As Commissioners deliberated, two Commissioners voiced desire to reach a decision today.

Douglas Fell requested that a straw vote separate the first and second floor on the northern property line.

STRAW VOTE: Jostes

Approve a Modification to allow a portion of the building to encroach 7 feet into the required 17 foot northern interior yard setback (SBMC §28.92.110.A.2).

This motion carried by the following vote:

Ayes: 2 Noes: 2 (Jostes, Thompson) Abstain: 0 Absent: 3 (Bartlett, Jacobs, White)

STRAW VOTE: Thompson

Approve a Modification to allow the emergency stair way to encroach up to 9 feet 2 inches into the 10 foot front yard setback on Olive Mill Road (SBMC §28.92.110.A.2);

This motion carried by the following vote:

Ayes: 1 Noes: 3 (Myers, Jostes, Thompson) Abstain: 0 Absent: 3 (Bartlett, Jacobs, White)

MOTION: Thompson/Jostes

Assigned Resolution No. 012-08

Approve the project, making the findings in the Staff Report and Conditions of Approval, with the modifications as determined by the two straw votes to exclude modification #6 for the emergency stair way on Olive Mill Road and return to the Architectural Board of Review for a redesign.

This motion carried by the following vote:

Ayes: 3 Noes: 1 (Myers) Abstain: 0 Absent: 3 (Bartlett, Jacobs, White)

Chair Myers announced the ten calendar day appeal period.

Mr. Fell asked for clarification of the motion by the Commission.

III. ADMINISTRATIVE AGENDA

- A. Committee and Liaison Reports.
- B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.

MOTION: Larson/Thompson

Continue the Administrative Agenda to April 10, 2008 for a complete Commission.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Jacobs, White)

IV. ADJOURNMENT

Chair Myers adjourned the meeting at 1:56 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 012-08

1298 COAST VILLAGE ROAD

**MODIFICATIONS, DEVELOPMENT PLAN, COASTAL DEVELOPMENT PERMIT, TSM,
ZONING MAP AMENDMENT & LOCAL COASTAL PROGRAM AMENDMENT**

MARCH 20, 2008

**APPLICATION OF JEFF GORRELL ARCHITECT FOR JOHN PRICE, APPLICANT, 1298
COAST VILLAGE ROAD, 009-230-043, C-1 & R-2 ZONES, GENERAL PLAN
DESIGNATION: GENERAL COMMERCIAL (MST2004-00493)**

The proposed project involves the demolition of an existing gas station with two repair bays and the construction of a new mixed use building. The new 18,196 square foot mixed use building would be comprised of eight residential condominiums and approximately 5,000 square feet of commercial space, located on the ground floor. All of the residential units would be located on the second and third floors. Five residential units would include two bedrooms, two units would include one bedroom each and one unit would include three bedrooms. Approximately 38 parking spaces are provided, with nine covered parking spaces located at grade level and 29 parking spaces located below grade. Grading would be approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill.

Currently, the 18,196 square-foot lot is split by two zoning designations; the northern portion, totaling approximately 7,150 square feet, is zoned R-2, and the southern portion, totaling about 11,046 square feet, is zoned C-1. The Planning Commission initiated re-zoning the portion of the subject property zoned R-2 (Two Family Residential) to C-1 (Limited Commercial) on April 7, 2005. The entire property is located in the Coastal Overlay (SD-3) Zone, which would not change with this request.

The discretionary applications required for this project are:

1. A recommendation to City Council for Zoning Map Amendment to change the zoning from R-2, Two-Family Residential, to C-1, Commercial Zone District (SBMC §28.92.080.B);
2. A recommendation to the City Council for a Local Coastal Program Amendment to change the zoning to match the Local Coastal Plan designation of General Commerce.
3. A Modification to allow a portion of the building to encroach 7 feet into the required 17 foot northern interior yard setback (SBMC §28.92.110.A.2);
4. A Modification to allow the 10% common open space to be located above the ground floor level (SBMC §28.92.110.A.2);
5. A Modification to allow one second floor covered balcony to encroach 3 feet 6 inches into the 10 foot front yard setback on Coast Village Road (SBMC §28.92.110.A.2);
6. A Modification to allow the emergency stair way to encroach up to 9 feet 2 inches into the 10 foot front yard setback on Olive Mill Road (SBMC §28.92.110.A.2);

7. A Coastal Development Permit (CDP2005-00003) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
8. A Development Plan to allow the construction of 5,000 square feet of nonresidential development (SBMC §28.87.300);
9. A Tentative Subdivision Map for a one-lot subdivision to create eight (8) residential condominium units and one (1) commercial unit (SBMC 27.07 and 27.13);

The Planning Commission will consider approval of the 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, 31 people appeared to speak in favor of the application, 41 people appeared to speak in opposition thereto, and 5 people did not indicate their position, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 27, 2007, and March 4, 2008
2. Site Plans
3. Correspondence received in support:
 - a. Linos Kogevinas, via email
 - b. Lloyd Applegate, via email
 - c. William R. Loomis, Jr., via email
 - d. Cathy Aiello and Betty Austin, via email
 - e. Susan Evans, via email
 - f. George and Leone Murphy, via email
 - g. Thiep Cung, AIA, via email
 - h. Michael Underwood, via email
 - i. Carrie Tighe, via email
 - j. Ameila Carlestone, via email
 - k. Steve Mills, via email
 - l. Ginger Sandoval, via email
 - m. Jim Hamilton, via email
 - n. Jeff Bermant, via email
 - o. David Chambers, via email
 - p. Gary Freedman, via email
 - q. Sven Hagen, Santa Barbara, CA
 - r. Joele Hatchett, Santa Barbara, CA
 - s. Glen and Susan Estabrook, Santa Barbara, CA
 - t. Patrick J. Flood, Santa Barbara, CA
 - u. Sean Checketts, via email
 - v. Ronald R. Macleod, via email
 - w. Darryl and Joyce Prichard, Las Vegas, NV
 - x. Jess E. Pagliassotti, via email

y. Local Supporter, via email
z. N. Hyder, via email
aa. Local Supporter, via email
bb. Steve, Richard, Virleen and Judy Hand, via email
cc. Timothy J. Cotter, via email
dd. Kyle and Deneane, via email
ee. Matt Pence, via email
ff. Brad Frohling, via email
gg. Don G. Van Buren, via email
hh. Michael Mullen, via email
ii. Limon, via email
jj. Arthur H Gaspar, via email
kk. Rdoctors, via email
ll. Steve Glikbarg, via email
mm. Monica Schlagel, via email
nn. Amy Donnell, via email
oo. Darren Wilson, via email
pp. Robert and Mary Vance, via email
qq. Richard Berti, via email
rr. Kprlaw, via email
ss. Nicole Wilson, via email
tt. Arthur and Sniega Ablingis, via email
uu. Chuck Bischof, via email
vv. Tom Prince, via email
ww. Fess del Campo, via email
xx. Kathy J. O'Dell, via email
yy. Sanfords4, via email
zz. Kent and Tina Braniff, via email
aaa. Bob and Linda Uellner, via email
bbb. Teresa L. Savage, via email
ccc. Pamela Scott, via email
ddd. Sandy and Jerry Oshinsky, via email
eee. Jeff Overeem, via email
fff. Jude Johnson, via email
ggg. David Reardon, via email
hhh. George Marino, via email
iii. Bill Parris, via email
jjj. Nigel Buxton, via email
kkk. Kamala K. Parris, via email
lll. Marisa Koke, via email
mmm. Veronica De Coster, via email
nnn. Bill Vaughan, via email
ooo. David Chenoweth, via email
ppp. Nancy, via email

qqq. Stephen Leider, via email
rrr. Hewson and Caroline Gadsby, via email,
sss. Rivera, via email
ttt. Community Supporter, via email
uuu. Wana Dowell, via email
vvv. John Sween, via email
www. Gary M. Caesar, CIC, via email
xxx. Holiday57, via email
yyy. E.R., via email
zzz. Mike Nelson, via email
aaaa. Bob Yost, via email
bbbb. Eddie, via email
cccc. Bill and Karen Ingalls, via email
dddd. Buellner, via email
eeee. A local supporter, via email
ffff. Lawrence and Lisa Martel, via email
gggg. William Gonzales, via email
hhhh. Steve Hyslop, via email
iiii. Deborah and Larry Clark, via email
jjjj. Ingo Koch, via email
kkkk. Charlotte A. Woods, via email
llll. Michael J. Woods, via email
mmmm. Seth Hammond, via email
nnnn. E. Reis, via email
oooo. Fabian, via email
pppp. Tony Rosales, via email
qqqq. Tory17, via email
rrrr. Ruth and John Lane, via email
ssss. Fdalfsr1, via email
tttt. Peter Docttors, via email
uuuu. Jprjmuri, via email
vvvv. Jim Wickman
www. Frank Alfino, Jr., via email
xxxx. Gina Alfino, via email
yyyy. Nancy Ramirez, via email
zzzz. Austin Hamilton, via email
aaaaa. Local supporter, via email
bbbbb. Jerry Shalhoob, via email
ccccc. K. Chackel, via email
dddd. Hope and Glenn Walter, via email
eeee. Steven Carter, via email
ffff. Dave Oettinger, via email
ggggg. Betty Franklin, via email
hhhhh. Brian J. Richards, via email

- iiii. Sususub, via email
- jjjj. Trey Pinner, via email
- kkkk. Dave Gilkeson, via email
- llll. Bfarish, via email
- mmmm. Ralph Fertig, via email
- nnnn. Rick Longpre, via email
- oooo. Susan Evans, via email
- pppp. Questionnaire with 7 signatures in support

4. Correspondence received in opposition to or with concerns:

- a. Jeff Farrell, via email
- b. Martha Decker, via email
- c. Phoebe Alexiades, via email
- d. Doris M. Kuhns, via email
- e. Sara and Henry Kinsell, via email
- f. Bill Guthrie, via email
- g. Jean von Wittenburg, via email
- h. Danny Copus President, Coast Village Business Association
- i. Shelley Badat, via email
- j. Kellam de Forest, via email
- k. Delfina Mott, Santa Barbara, CA
- l. Bill Palladini, President, Montecito Association, Santa Barbara
- m. Barry Mosesman, AIA, Santa Barbara, CA
- n. Judy Orias, Allied Neighborhood Associations, via email
- o. Cliff Roxton, Santa Barbara, CA
- p. Derek Westen, Esq, via email
- q. Sheila Lodge, Citizens Planning Association, via email
- r. Richard E. Johnson, AIA, Santa Barbara
- s. Katherine Starr, Santa Barbara
- t. Salud Carbalal, First District Supervisor, Santa Barbara
- u. Edward and Denise McLaughlin III, Santa Barbara
- v. Nancy Sessner, Santa Barbara
- w. Doris Kuhns, via email
- x. Barbara Thornburgh, Santa Barbara
- y. Angelia Carleton, via email
- z. John and Sandy Wallace, Santa Barbara
- aa. Babek Naficy, San Luis Obispo
- bb. Tom Mosby, General Manager, Montecito Water District
- cc. Michael G. Vance, Santa Barbara
- dd. Roy Laskin, Santa Barbara
- ee. Margo Baker Barbakow, Santa Barbara
- ff. Questionnaire with 184 names in opposition
- gg. Petition with 174 signatures in opposition

5. Correspondence received with undetermined position:
 - a. Ernest Blakey, via email
 - b. Naomi Grant, via email
 - c. Cathy Aiello and Betty Austin, via email
 - d. Dwayne Copus, via facsimile
 - e. Paul and Connie Norton, via facsimile
 - f. Karen Pick, via facsimile
 - g. Carrie Tighe, via email
 - h. Steve and Vicki Mills, via email
 - i. Citizens for Equality, via facsimile

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 together with comments received during the public review process.
2. The Planning Commission finds on the basis of the whole record before it (including the initial study and comments received) that there is no substantial evidence that the project will have a significant effect on the environment.
3. The Planning Commission finds that the Final Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.
4. The Planning Commission finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed project. The Planning Commission hereby adopts the Final Mitigated Negative Declaration for the project.
5. The Planning Commission hereby adopts a mitigation monitoring and reporting program for measures required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
6. The location and custodian of the 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, California.

B Setback Modification (SBMC §28.92.110.A.2)

A modification of yard, lot and floor area regulations where the modification is consistent with the purposes and intent of this Title, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing

development which is affordable to very low-, low-, moderate- or middle-income households.

The Modification to the front yard setback on Coast Village Road and the interior yard setback on the northerly lot line would provide more flexibility in the design of the development, to break up the massing and provide visual corridors to the north of the site. Portions of the overall development are not being fully developed to the required setback lines and additional common open space and private outdoor space beyond what is required is being provided, thus the Modifications would not cause an overdevelopment of the site and would meet the purpose and intent of the Zoning Ordinance.

The Planning Commission cannot make the findings for the front yard setback modification along Olive Mill Road, which is hereby denied.

C. Modification – Common Open Space (SBMC §28.92.110.A.2)

A modification of yard, lot and floor area regulations where the modification is consistent with the purposes and intent of this Title, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development which is affordable to very low-, low-, moderate- or middle-income households.

Approximately 1,000 square feet of the required 1,820 square feet is being provided on the ground level, consistent the Municipal Code. The Modification would allow the remaining portion of the Common Open space to be located on the second floor. As proposed, 1,820 square feet would be located in a court yard setting, with landscaping being considered. Additionally, with two front yard setbacks, the project would have approximately 2,000 square feet of additional open space, with landscaping.

D. Amendments And Changes To Zone Boundary (SBMC §28.92.020)

The change is justified by public necessity convenience, general welfare or good zoning practice.

The intent of the C-1 Limited Commercial 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. Given the adjacent residential zone district to the north and that the subject lot is the easternmost commercial lot of Coast Village Road; this would be an appropriate zone district. Further, the zone change is consistent with the General Plan and Local Coastal Plan designation..

E. Local Coastal Program Amendment

1. The amendment is consistent with the policies of the California Coastal Act.

2. The amendment is consistent with the City of Santa Barbara Local Coastal Plan Map.
3. The amendment is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation, because there will be no access and minimal effects on public recreation.

F. The Tentative Map (SBMC §27.07.100)

With approval of the zone charge, the Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

G. The New Condominium Development (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.
2. The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.
3. The proposed development is consistent with the General Plan of the City of Santa Barbara.
4. The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood.
5. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.
6. The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's design review board, which found the *architecture and site design appropriate*.

H. Coastal Development Permit (SBMC §28.45.009)

1. The project is consistent with the policies of the California Coastal Act.

2. With approval of the Local Coastal Plan Amendment, the project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation, because there will be no effect on the coastal access and minimal effects on public recreation.

I. Development Plan Approval (SBMC §28.87.300)

1. The proposed development complies with all of provisions of the Zoning Ordinance upon approval of the requested Zone Boundary Change;
2. The proposed development is consistent with the principles of sound community planning;
3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk and scale of the development are compatible with the neighborhood;
4. The proposed development will not have an unmitigated adverse impact upon the City and South Coast affordable housing stock;
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources;
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic;
7. Resources are available and any applicable traffic improvements will be in place at the time of project occupancy.

The proposed project includes three Modifications and with approval of those Modifications, the project would be consistent with the Municipal Code. The project would provide a gateway development into the Coast Village area, for both residential and commercial uses. The project would be adding housing to a site that is currently developed with commercial usage only. The overall development was conceptually reviewed by the Architectural Board of Review and considered compatible with the surrounding neighborhood. The water and traffic use would decrease with the proposed development. Therefore, the project can be found consistent with this finding.

II. Said approval is subject to the following conditions:

- A. Approval Contingent Upon Adoption of Zoning and General Plan Map and Local Coastal Program Amendment.** Approval of the subject project is contingent upon City Council approval of the Zoning and General Plan Map and Local Coastal Program Amendment and California Coastal Commission approval of the Local Coastal Program Amendment.

- B. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *"Agreement Relating to Subdivision Map Conditions Imposed on Real Property"*, which shall be 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. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 3. **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. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
 4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, 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 applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Coastal Development 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.
 5. **Approved Development.** The development of the Real Property approved by the Planning Commission on January 17, 2008 is limited to the following project description:

The proposed project involves the demolition of an existing gas station with two repair bays and the construction of a new mixed use building. The new 17,270 square foot mixed use building would be comprised of eight residential

condominiums and approximately 5,000 square feet of commercial space, located on the ground floor. All of the residential units would be located on the second and third floors. Five residential units would include two bedrooms, two units would include one bedroom each and one unit would include three bedrooms. 38 parking spaces are provided, with nine covered parking spaces located at grade level and 29 parking spaces located below grade. Grading would be approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill. And the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

6. **Use Limitations.** Due to potential parking uses other than office and commercial uses, as described under §28.90.100.I Parking Requirements, are not permitted without further environmental and/or Planning Commission review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.
7. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Assigned Residential Parking.** At least one, but no more than two, parking space(s) shall be assigned to each residential unit.
 - d. **Unassigned Parking.** All parking spaces other than those designated for residential purposes shall remain unassigned and available to all occupants and visitors to the site
 - e. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan, including the row of existing Ficus trees along the northern property line.

- f. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - g. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
 - h. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- C. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final/Parcel Map and prior to the issuance of any permits for the project:
- 1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 - 2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map 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:
 - a. All street purposes along Coast Village Road and Olive Mill Road in order to establish a variable width wide public right-of-way for sidewalk purposes.
 - 3. **Can and Will Serve Letters.** Obtain a "can and will serve" letter from Montecito Water District.
 - 4. **Water Rights Assignment Agreement.** The Owner 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 will prepare said agreement for the Owner's signature.
 - 5. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project. If the private covenants required pursuant to Section B.7 above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.

6. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
7. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by 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 (such as automobile oil, grease and metals), or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state. (W-2)
8. **Coast Village Road Public Improvement Plans.** The Owner shall submit C-1 public improvement or building plans for construction of improvements along the property frontage on Coast Village Road. The C-1 plans shall be submitted separately from plans submitted for a Building Permit and shall be reviewed and signed by the City Engineer. As determined by the Public Works Department, the improvements shall include: State Street style decorative brick sidewalk, curbs, gutters, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, underground service utilities (*SBMC* §22.38.125 and §27.08.025), connection to Montecito Water District water main and City sewer main, public drainage improvements with supporting drainage calculations for installation of drainage improvements, supply and install one Coast Village Road style street light, preserve and/or reset survey monuments and contractor stamps, supply, replace the wooden Coast Village Road sign located in the center median and install directional/regulatory traffic control signs as determined by the Transportation Operations Manager, provide storm drain stenciling at existing drop inlet, supply and install new designated street trees and tree grates as determined by the City Arborist, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit. (W-3)
9. **Olive Mill Road Public Improvement Plans.** The Owner shall submit C-1 public improvement or building plans for construction of improvements along the property frontage on Olive Mill Road. The C-1 plans shall be submitted separately from plans submitted for a Building Permit and shall be reviewed and

signed by the City Engineer. As determined by the Public Works Department, the improvements shall include the following: State Street style decorative sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, access ramp(s), crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, underground service utilities (*SBMC*§22.38.125 and §27.08.025), connection to Montecito Water District water main and City sewer main, public drainage improvements with supporting drainage calculations for installation of drainage improvements, supply and install one Coast Village Street light (if not located on Coast Village Road), preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs as determined by the Transportation Operations Manager, storm drain stenciling at drop inlets (if any), supply and install new designated street trees and tree grates as determined by the City Arborist, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit. (W-3)

10. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
 11. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
 12. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures, including the Montecito Water District water main located on Olive Mill Road, must be performed by the Owner or by the person or persons having ownership or control thereof at the developers' expense.
 13. **Relocation of MTD Fixtures.** Relocation of the MTD bus stop, red curb, bench pole and sign on Olive Mill Road, as applicable and as determined by the Public Works Director and MTD.
- D. **Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
 - a. **Landscaping & Development Adjacent to Trees.** Landscaping & development of the driveway adjacent to the Ficus tree(s) shall be compatible with the preservation of the tree(s).

- b. A method for monitoring the mitigation measures.
- c. A list of reporting procedures, including the responsible party, and frequency.
- d. A list of other monitors to be hired, if applicable, and their qualifications.
- e. Submittal of biweekly reports during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department.

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.

2. **Neighborhood Notification Prior to Construction.** At least thirty (30) 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 the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. 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. (N-6)
3. **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 copy of the notice to the Planning Division.
4. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
5. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the dripline of all trees during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division. (BIO-1)
6. **Prepare a Structural Crack Survey and Video Reconnaissance.** At least twenty (20) days prior to the issuance of a demolition permit, Owner shall notify owners and occupants of structures within 100 feet of the project site property lines of the opportunity to participate in a structural crack survey and video

reconnaissance of their property. Prior to the issuance of a demolition permit, Owner shall prepare a structural crack survey and video reconnaissance of the property of those owners or occupants who express a desire to participate in the survey. The purpose of the survey shall be to document the existing condition of neighboring structures within 100 feet of the project site property line and more than 30 years old. After each major phase of project development (demolition, grading, and construction), a follow-up structural crack survey and video reconnaissance of the property of those owners and occupants who have elected to participate in the survey. Prior to issuance of a certificate of occupancy, Owner shall meet with the owners and occupants who have elected to participate in the survey to determine whether any structural damage has occurred due to demolition, grading or construction at the project site. Owner shall be responsible for the cost of repairing any structural damage caused by project demolition, grading, or construction on properties that have elected to participate in the survey.

7. **Corrective Action Plan** - Written evidence of completion of a Corrective Action Plan approved by the California Regional Water Quality Control Board and the Santa Barbara County Fire Department shall be provided prior to issuance of any building permits other than those permits necessary to complete the Corrective Action Plan. (H-1)
 8. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
 9. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Arborist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.
- G. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section C above.
 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, Building Division, Planning Division, the Property Owner Arborist, Project Environmental Coordinator, Contractor and each Subcontractor.

3. **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 stated in the Mitigated Negative Declaration for the project.

4. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and 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 Planning Division 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 Planning Division grants authorization.

5. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides,

fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition A-4, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

6. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
7. **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. (PS-1)
8. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including, at a minimum, an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings, or combustible roof eaves lines unless sprinkler coverage is provided. (PS-1)
9. **Trash Storage Area Design.** Project trash container areas shall incorporate approved long-term structural storm water best management practices (BMPs) to protect water quality. The applicant shall submit project plans to the satisfaction of Public Works Engineering and Solid Waste that incorporate long-term structural best management practices for trash storage areas to protect storm water quality. The owners shall maintain these structural storm water quality protections in working order for the life of the project. (W-4)
10. **Project Directory.** A project directory, (including map and parking directional signs) 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 Sign Committee Approval.
11. **Interior Noise Reduction:** As identified in the Preliminary Acoustical Study, certain residential units (Units 3, 4, and 5) shall require a "windows closed" condition in order to meet the maximum interior 45 dBA Ldn noise level standard. As recommended in the Study, these units shall provide the following:
"The mechanical ventilation and cooling system shall supply a minimum of two air changes per hour to each habitable room, including 20% fresh make-up air obtained directly from the outdoors. The fresh air inlet duct shall be of sound attenuating construction and shall consist of a minimum of ten feet of straight or curved duct or six feet plus one sharp bend."

Note that this mitigation could be removed if a detailed acoustical analysis determines that there is an alternative means for achieving the required interior noise level. (N-2)

12. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
13. **Conditions on Plans/Signatures.** The final Planning Commission 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 above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is 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.

H. **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. (Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met. (PS-3)

2. **Construction-Related Truck Trips.** Construction-related truck trips 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.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways. (T-1)
3. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.
5. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
6. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day	January 1st*
Martin Luther King's Birthday	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 Chief of Building and Safety 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 night 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-7)

7. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to

the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.

- b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits *without extensions* may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager. (T-2)
8. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-1)
 9. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur on-site, using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-2)
 10. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-3)
 11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads. (AQ-4)
 12. **Construction Dust Control – Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. (AQ-5)
 13. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:

- a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - d. Other methods approved in advance by the Air Pollution Control District. (AQ-6)
14. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector. (AQ-7)
15. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
16. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
17. **Groundwater/ Dewatering.** Water, when encountered in the excavation, shall be removed using a suitable dewatering system. A stockpile of 3- to 6-inch gabion rock material (approximately 10 to 20 cubic yards) shall be available when excavating near the property line in case a caving side wall or a boiling subgrade condition develops. In such a case, the rock must be placed on the caving excavation or the boiling subgrade until stabilization results. (W-5)
18. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices:
- a. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized wherever feasible. (AQ-9)
 - b. The engine size of construction equipment shall be the minimum practical size. (AQ-10)
 - c. 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. (AQ-11)
 - d. Construction equipment shall be maintained in tune per the manufacturer's specifications. (AQ-12)

- e. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. (AQ-13)
 - f. Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-14)
 - g. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-15)
 - h. Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-16)
 - i. To the maximum extent feasible, biodiesel shall be used for all construction equipment. (AQ-17)
 - j. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-18)
 - k. **Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dBA at the property boundaries shall be shielded with a barrier that meets a sound transmission class (STC) rating of 25. (N-8)
 - l. **Construction Equipment Sound Control.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without said muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited. (N-9)
 - m. **Construction Noise Barrier.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools. (N-10)
19. **Mitigation Monitoring Compliance Reports.** The PEC shall submit biweekly reports during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP compliance to the Community Development Department.
20. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors and Project Environmental Coordinator's (PEC) name, contractor's and PEC's telephone number(s), 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.

21. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and any related Conditions of Approval.
22. **Tree Protection.** Notes on the grading plan that specify the following:
 - a. No grading shall occur within three feet of the driplines of the existing tree(s).
 - b. A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the tree(s) which (is) (are) required to be protected.
 - c. All excavation within the dripline of the tree(s) shall be done with hand tools.
 - d. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - e. No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
 - f. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 - g. All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
23. **Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Subdivision Map to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
24. **Bird Nesting Protection.** Proposed project activities including tree and vegetation removal shall occur outside the breeding bird season (February 1 – August 15). If project activities cannot be feasibly avoided during the bird nesting season the project proponent shall conduct a survey prior to construction, using a qualified biologist, approved by the City Environmental Analyst, to detect protected nesting native birds in the vegetation and trees being trimmed and within 300 feet of the construction work area. The survey shall be conducted no more than three days before construction is initiated. If an active nest is located, construction within 500 feet of a raptor nest and 300 feet of any other nesting bird, vegetation trimming shall be postponed until the nest is vacated and juveniles have fledged and this has been confirmed by the qualified biologist. (BIO – 2)
25. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24

hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.

26. **Unanticipated Archaeological Resources Contractor Notification.** 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 associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant 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. (CR-1)

- I. **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 damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) 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 in the improvement/building plans, including utility service undergrounding and installation of street trees.

3. **Record Drawings.** Submit Record Drawings identifying “asbuilt” conditions of public improvements to the Public Works Inspector for verification and approval.
 4. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrants with commercial-type hydrants described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.
 5. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
 6. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).
 7. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street trees have been properly pruned and trimmed.
 8. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
 9. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.
- J. **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 the City Council denial of the appeal and approval of 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 COASTAL DEVELOPMENT PERMIT TIME LIMITS:

[Note: Because other approvals are subordinate to the Coastal Development Permit (CDP), the CDP time limits apply to all approvals.]

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per Santa Barbara Municipal Code §28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

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 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. A time extension is granted by the Planning Commission for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to implement and complete the proposed project. No more than one (1) time extension may be granted.

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

This motion was passed and adopted on the 20th day of March, 2008 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 3 NOES: 1 (Myers) ABSTAIN: 0 ABSENT: 3 (Bartlett, Jacobs, White)

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

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

DRAFT

Nancy Merritt
RECEIVED

JUL 03 2008

June 30

CITY CLERK'S OFFICE
SANTA BARBARA CA

Mayor & Council Members
City of Santa Barbara
735 Anacapa St.
Santa Barbara CA 93101

I support John
Price's plan for 1298
Coast Village Road.

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MAYOR & COUNCIL
SANTA BARBARA

Nancy Merritt
300 Port Springs
Santa Barbara
CA 93108

RECEIVED

JUL 09 2008

CITY CLERK'S OFFICE
SANTA BARBARA, CA

July 8, 2008

City Council via the City Clerk's Office
P.O. Box 1990
Santa Barbara, CA 93102-1990

To: City Council members

This letter is concerning the project planned for 1298 Coast Village Road. My wife and I have been Montecito residents for more than twenty years. She was born in Santa Barbara. When I arrived the city was 30,000 with no freeway, no stop signals, no one-way streets. We have seen so many changes.

This project reminds us of certain beautiful buildings such as El Paseo and the Court House. The structure is so handsome, with generous set-backs from both Santa Barbara's Coast Village Road and Montecito's Olive Mill Road. We think it will be the ideal answer. We cannot imagine this corner continuing to plod along as a gas station.

Sincerely,

Hewson and Caroline Gadsby

Hewson Gadsby
Caroline Gadsby

2175 Sycamore Canyon Rd.
Montecito, CA 93108