



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 23, 2008

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Planning Commission Decision For 101 E. Victoria Street

RECOMMENDATION: That Council:

- A. Deny the appeals filed by Trevor Martinson, agent for Mr. and Mrs. Rolf Kowal, and Virginia Rehling, adopt the Mitigated Negative Declaration, and uphold the Planning Commission approval of the Parking Modification, Tentative Subdivision Map, Development Plan and Preliminary Economic Development Designation for the proposed 50-unit commercial condominium development proposed at 101 E. Victoria Street (MST2006-00758), making the findings and subject to the conditions of approval contained in the Council Agenda Report; and
- B. Approve a Final Economic Development Designation for 2,703 square feet of non-residential floor area for the proposed project.

EXECUTIVE SUMMARY:

On July 10, 2008, the Planning Commission approved the 50-unit commercial condominium project with a recommendation that the Council approve the Final Economic Development Designation. Subsequently, two separate appeals of the Planning Commission approval were filed (see Attachment 1). The appeal letter from Virginia Rehling expresses concerns regarding the following issues: neighborhood compatibility; environmental review; Economic Development designation; parking modification; driveway location/loading zone; conversion to residential use; security; and setbacks/landscaping. The appeal letter from Trevor Martinson expresses concerns regarding the driveway location and vehicle exhaust fumes. The applicant has also submitted a letter (see Attachment 2).

The proposed project was reviewed by the City Council on one occasion for a preliminary economic development designation, by the Planning Commission on four occasions and by the Historic Landmarks Commission on three occasions. All issues included in the appeals have been previously discussed in the public hearings and/or staff reports, with additional analysis provided in the Initial Study. It is Staff's position that the Planning Commission appropriately considered all relevant issues pertaining to

the application and made the appropriate findings to approve the proposed project. Therefore, Staff recommends that the Council make the additional findings required to approve the Final Mitigated Negative Declaration and Final Economic Development designation, deny the appeal and uphold the approval of the project.

DISCUSSION:

Project Description

The project site is located at the corner of Anacapa and Victoria Streets. The project consists of a proposal to demolish an existing two-story 11,900 square foot commercial office building and construct a 50-unit commercial condominium development. The proposal includes one-, two and three-story building elements and would have a maximum height of 35 feet. The offices would range in size from approximately 294 to 333 square feet each. The first floor would have 22 units and a common locker room, shower and restroom facility, the second floor would consist of 17 units and a common conference room, and the third floor would consist of 11 units.

Parking would be provided in an underground garage with access from Anacapa Street. The application includes a parking modification request to allow 37 parking spaces for the project instead of the required 50 parking spaces. A total of 45 parking spaces are proposed, with 37 spaces allocated to the proposed development and 8 spaces allocated to the adjacent development at 109 E. Victoria Street. The parking garage would include a parking lift system that enables 6 (of the 37) vehicles to be accommodated within three spaces.

Currently, there are reciprocal easements for vehicular and pedestrian access and parking between the subject parcel and the adjacent parcel (109 E. Victoria St.). As part of the proposed project, new easement agreements between the two parcels would be executed. A new parking and access easement would allow tenants of the adjacent parcel to use eight of the parking spaces within the underground garage. A new trash area and access easement would allow the subject property to use the trash area on the adjacent parcel. A light, air and landscaping easement located on the adjacent parcel would allow the proposed project to construct openings on the property line. In addition, a 10-foot-wide subsurface easement is proposed to allow a portion of the underground parking to encroach into the adjacent parcel.

Also, the 14-foot-high walls associated with that portion of the existing building located near the residential condominiums in Arlington Court would remain. The adjacent parcel (Arlington Court) has an easement to maintain the exterior of the walls that face their property.

The project site is an active Leaking Underground Fuel Tank (LUFT) site which is in the process of being remediated according to a Corrective Action Plan approved by the Santa Barbara County Fire Department, Fire Prevention Division. Additional project details are provided below and in the attached staff reports and Final Mitigated Negative Declaration (see Attachments 4, 5 & 6).

Project History

On May 10, 2007, the Planning Commission held a concept review hearing on the proposed project. All commissioners commented favorably on the design of the project and on allowing the project to use non-residential square footage from the Economic Development category. Some commissioners stated that the parking study was unacceptable and were not in favor of the parking modification. Some commissioners were concerned about the proposed driveway location on Anacapa Street (see Attachment 5, Exhibit E).

On May 6, 2008, the City Council made a preliminary finding that the proposed project meets the definition of an Economic Development Project and granted the project a Preliminary Economic Development Designation for 2,707 square feet of non-residential floor area. (Note: the correct number is now 2,703 square feet.)

On May 22, 2008, the Planning Commission held a public hearing and after much discussion, especially regarding the parking modification, approved the proposed project with the following added conditions: 1) consider providing loading spaces and other parking spaces south of the Anacapa St. driveway; 2) consider a pedestrian bulb-out at the intersection of Victoria and Anacapa Streets; 3) provide Condominium Association contact information to neighbors; and 4) make allowances in construction for 13 additional parking lifts (in addition to the 3 lifts proposed by the applicant), monitor parking demand by independent monitor, subject to review by City staff, and install additional parking lifts as necessary to meet demand.

On May 27, 2008, an appeal of the Planning Commission approval was filed by the adjacent Arlington Court Homeowners Association. The appeal letter expressed concerns regarding the proposed second story conference room and the potential for noise to be generated from the parking lifts.

On June 5, 2008, the Planning Commission voted to reconsider the approval of the proposed project because the Commission had second thoughts about the need for the added condition, which would have required the applicant to prepare the site for the possible installation of 13 additional parking lifts. Chair Myers stated the following reasons for requesting the reconsideration: 1) The data presented by staff and the subsequent questions and deliberation by the Planning Commission resulted in miscommunication and misunderstanding of the data; 2) The Commission did not have the opportunity to deliberate on the unintended consequences of its action when considering the environment and sustainability issues regarding the resources required to dig, construct, and haul the dirt away to accommodate the additional parking lifts, which would most likely never be installed or used; and 3) Considering the high likelihood that the decision would be appealed to the City Council, the Commission wants to make certain that it has fully studied and deliberated the policies, modifications, conditions, and ramifications pertaining to its decision.

On July 10, 2008, the Planning Commission held a public hearing to reconsider the proposed project. The applicant submitted revised drawings that addressed the concerns expressed by Arlington Court Homeowners Association in their appeal regarding the second floor conference room and outdoor patio that was proposed

adjacent to their condominium development. The revised drawings clearly showed that the roof of the conference room would extend only minimally above the existing 14-foot-high wall, as has been previously discussed but not shown accurately. More than half of the outdoor patio area was eliminated from its previous location along the property line and replaced with a green roof. In addition, the restrooms which previously faced the adjacent property were relocated to the interior of the site.

In addition, the applicant submitted a report from the parking lift manufacturer that showed that the noise resulting from the raising of the lift platform would be 56-58 dBA (see Attachment 6, Exhibit E). At this location, the sound level would be less than the City's noise threshold for private outdoor living areas (60 dBA); therefore, it would not have a negative impact on the outdoor living spaces of the neighbors in the vicinity.

After much discussion, the Planning Commission approved the project, eliminated the condition regarding the additional parking lifts and added the following conditions: 1) Parking usage shall be monitored by an independent monitoring service for two years from Certificate of Occupancy and include the effectiveness of the parking lifts. If monitoring reveals insufficient parking to meet demand, owners shall take action to resolve the problem, which will require monitoring to continue until the parking demand imbalance is resolved; 2) Historic Landmarks Commission (HLC) shall consider alternate locations for units 44 and 45 to increase private view opportunities for the adjacent neighbors; 3) HLC shall consider ways to increase in-dirt landscaping opportunities on site; and 4) HLC shall consider ways to increase on-site storage for tenants.

On July 14, 2008, the appeal filed by the Arlington Court Homeowners Association was withdrawn.

On July 21, 2008, two separate appeals of the Planning Commission approval were filed.

Shortly thereafter, staff discovered that a categorical exemption was not appropriate for this site; therefore, a Draft Initial Study/Mitigated Negative Declaration was prepared. (See environmental review section below for further discussion.)

On November 20, 2008, the Planning Commission held an environmental hearing on the Draft Initial Study/ Mitigated Negative Declaration. During public comment, Trevor Martinson expressed concerns regarding the environmental document. The Planning Commission did not provide any comments. Two public comment letters were submitted, one from Trevor Martinson and one from Paula Westbury. Staff has prepared a response to the comments received and prepared the proposed Final Mitigated Negative Declaration (see Attachment 6).

Appeal Issues

Neighborhood compatibility: The appellant states that the size, bulk and scale of the project is too much for the existing neighborhood and will loom over the adjacent residence at 1316 Anacapa Street.

Response: Due to its location, the project is required to receive review and approval by the HLC for consistency with the El Pueblo Viejo District Guidelines. On April 4, 2007, the HLC commented that the size, bulk and scale of the proposal was acceptable and requested only minor changes including more usable open space in the courtyard and more substantial landscaping. Based on the generally positive comments from the HLC, the project appears to be consistent with the El Pueblo Viejo District Guidelines. If approved, the project is required to return to the HLC for preliminary and final approval.

The project site is located in an urban environment in the Downtown neighborhood of the city and is surrounded by both commercial and residential uses. The existing two-story commercial building on the project site is currently built to the northerly property line. The existing residential structure immediately north of the project site (1316 Anacapa St.), which may be an historic resource, is separated from the existing commercial building only by the residence's driveway. The proposed project would substantially increase the distance between the buildings on the two parcels because the driveway ramp to the underground parking garage would be located in the area where there is currently a building. Although the proposed building has two- and three-story elements, these would be located further from the adjacent residence than the existing building. Therefore, the proposed project would have less of an impact on the adjacent residence than does the existing development.

Environmental review: The appellant states that the project should not be categorically exempt from environmental review and that an Initial Study should be prepared because it is located on an active LUFT site. The appellant references communications from the Santa Barbara County Fire Department regarding requirements for a deed restriction or notification and mitigation measures to prevent migration of vapors in the building or parking structure. Additional concerns were expressed regarding proper disposal of contaminated soil during grading and the use of diesel-powered construction equipment.

Response: At the time of the Planning Commission approval, staff determined that the project was exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15332 (In-fill Development Project). Staff has since discovered that a categorical exemption is not appropriate for this site. It was known that the project is located on a LUFT site and it was known that a categorical exemption cannot be used for a project located on a property on the "Cortese List" of active hazardous waste sites (defined under Gov. Code § 65962.5); however, communication from the Environmental Protection Agency (EPA) previously seemed to indicate that LUFT sites are not on the Cortese List. EPA has recently clarified that LUFT sites are on the Cortese List; hence, the project is not categorically exempt and an Initial Study was required to be prepared.

In terms of its effect on the proposed project, the requirement to prepare an Initial Study is a procedural matter only. It does not change the scope of the proposed project nor the land use considerations previously discussed. Because the project has been appealed, it is the City Council that will consider the adoption of the proposed Final Initial Study/Mitigated Negative Declaration.

As stated above, the property is an active LUFT site which is in the process of being remediated according to a Corrective Action Plan approved by the Santa Barbara County Fire Department, Fire Prevention Division. The remediation of the site is ongoing and is near completion. According to the Santa Barbara County Fire Department, the use of the existing commercial office building is not prohibited during remediation activities and the construction and operation of the new project would be allowed to occur concurrently with the remediation activities as well.

At one point, it was thought that the project site might not meet target cleanup goals and that either a deed restriction or notification would be required. More recently, with a reduction in contamination levels as a result of remediation activities, a deed restriction is not required and it is not likely that a deed notification will be required. If deemed necessary by the Santa Barbara County Fire Department, the new building will require a vapor barrier to prevent migration of vapors into the building or parking structure; however, due to the reduction in contamination as a result of remediation activities, this measure is also unlikely.

Any contaminated soil encountered during excavation would be subject to the rules and regulations of the Santa Barbara County Fire Department in regard to proper transport and disposal.

The Initial Study indicates that diesel equipment emission impacts would be less than significant and with the implementation of the identified mitigation measures impacts would be further reduced.

As stated in the Initial Study, potentially significant impacts related to hazards would be mitigated to less than significant with the implementation of the approved Corrective Action Plan under the authority of the Santa Barbara County Fire Department, Fire Prevention Division.

Other potentially significant environmental effects identified in the Final Initial Study/ Mitigated Negative Declaration include impacts related to air quality and water resources. The document includes proposed mitigation measures to mitigate these potentially significant impacts to a less than significant level and these mitigation measures have been incorporated into the recommended conditions of approval for the project. All other issue areas are identified as having either no impact or a less than significant impact. As a result, staff recommends that Council make the findings and adopt the Mitigated Negative Declaration.

Economic Development designation: The appellant states the request for an Economic Development designation should be denied because it has not been demonstrated that the businesses that would occupy the site “do not exist on the South Coast or are present only in a limited manner” or “are currently not available or in a limited supply”.

Response: Both the Planning Commission and the Council commented favorably on allowing the project to use non-residential square footage from the Economic Development category stating that the small commercial condominium development is a unique concept that is needed in the City and on May 6, 2008, the Council was able to

make the findings to grant the proposed project a Preliminary Economic Development Designation.

Parking modification: The appellant contends that approval of the parking modification to allow 37 parking spaces instead of the required 50 parking spaces for the condominium development would cause an increased demand for parking or loading space in the immediate area.

Response: The applicant submitted a Parking Study prepared by Associated Transportation Engineers, dated September 12, 2007 (see Attachment 6, Exhibit F), which concludes that the parking demand for the 50 commercial condominium units would be 37 parking spaces. Because the project would meet the estimated parking demand, it was determined that there would be no impact to parking supplies in the project area.

The parking modification request was a primary focus of discussion at each public hearing for the proposed project. Initially, at the concept hearing, the Planning Commission did not accept the conclusions of the parking demand study and did not support the modification. Upon further review, and with additional analysis provided by staff to the Commission, the parking demand study was accepted and the modification was approved. The additional analysis included information regarding the ITE manual, zone of benefit, Parking and Business Improvement Area, Granada Garage, similar offices in Santa Barbara, unbundled parking, and city policies regarding parking (see Attachments 4 and 5).

The parking modification was approved because it was determined that the parking demand would be met onsite. In addition, as stated previously, the purpose of the July 10, 2008 reconsideration hearing was to further discuss the approval of the parking modification. It is clear from the record that the Planning Commission thoroughly evaluated the request and determined that it was appropriate for this site.

Driveway location/ loading zone/ exhaust fumes: Both appellants contend that the proposed driveway should be located on Victoria Street instead of Anacapa Street due to greater traffic and vehicle speeds on Anacapa Street and that the parking of delivery trucks on Anacapa Street contributes to the traffic and parking problem.

Response: The driveway location was another issue that was discussed extensively at each public hearing. Again, the Planning Commission initially had difficulty agreeing with staff that an Anacapa Street driveway was the superior location. Upon further review and with additional analysis provided by staff to the Commission, the driveway location was approved.

Currently, access to the project site is provided by two driveways, one on Victoria Street and one on Anacapa Street. The proposed project includes the elimination of the driveway on Victoria Street, thereby reducing the potential for any vehicular and pedestrian conflicts on that side of the property. The existing driveway on Anacapa Street would be removed and a new driveway would be installed adjacent to the northern property line. While Victoria Street's average daily traffic volume is approximately one-half that of Anacapa Street, staff determined that the additional

distance from the intersection provided by an Anacapa Street driveway resulted in Anacapa Street being the superior location. Also, if the driveway were to be located on Victoria Street, vehicle queuing impacts to the intersection could occur because the driveway would be approximately 75 feet closer to the intersection than the one proposed on Anacapa Street.

With regard to the parking of delivery trucks, red curb will be maintained on both streets with the exception of that portion approximately 50 feet south of the proposed driveway ramp. As part of the City Transportation staff's ongoing street operations review, enhancements will be made as necessary to curb striping and intersection signal timing.

With regard to vehicle exhaust fumes, the Initial Study evaluated the potential for the project to have long-term air quality impacts and it was determined that long-term emissions resulting from the proposed project would be substantially below significant thresholds adopted the Air Pollution Control District and the city of Santa Barbara. Therefore, no mitigation measures are required.

Conversion to residential use: The appellant contends that some of the units could easily be converted to a residential use because shower facilities are within the development.

Response: A similar concern was expressed by one or more Planning Commissioners; however, ultimately the Commission was confident that the condominium owner's association would monitor the activities onsite so that this would not occur. If a conversion is proposed in the future, it would be subject to review by the Planning Commission.

Security: The appellant states that the development includes a narrow courtyard where homeless people could sleep without being seen from the street. As a result, the owners would need to gate or otherwise secure the property, which could reduce the attractiveness of the open area at the corner of the property.

Response: Staff acknowledges that changes are sometimes needed after approval of a project due to changing circumstances. Any exterior changes to the project would require review and approval by the HLC.

Setbacks and landscaping: The appellant states that the setbacks should be increased along the Anacapa Street frontage in order to provide additional landscaping and that it is unlikely that the trees proposed in front of each window will be planted.

Response: The HLC commented that the landscaping needs to be more substantial. This can be accommodated with the current design and will be addressed further at the HLC when the project returns for preliminary and final approval.

RECOMMENDATION:

Staff recommends that the Council adopt the Final Mitigated Negative Declaration; deny the two appeals, upholding the decision of the Planning Commission and approve the Final Economic Development Designation, making the findings and subject to the revised Conditions of Approval.

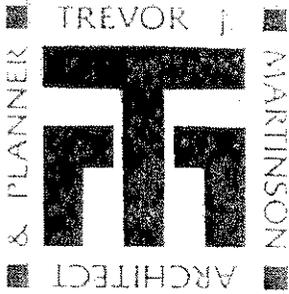
- NOTE:**
- 1) A set of the project plans is on file in the Mayor and Council Office.
 - 2) Copies of Attachment 6 (Final Initial Study/Mitigated Negative Declaration) have been delivered to the City Council and are available for public review in the City Clerk's Office.

- ATTACHMENTS:**
1. Appeal letters, dated 7/21/08
 2. Applicant letter, dated 12/4/08
 3. Revised Findings and Conditions of Approval
 4. July 10, 2008 Planning Commission Staff Report, (without Exhibits A, D and E) and Minutes
 5. May 22, 2008 Planning Commission Staff Report, (without Exhibits A, D and F) and Minutes
 6. Final Initial Study/ Mitigated Negative Declaration

PREPARED BY: Kathleen Kennedy, Associate Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office



1849 Mission Ridge
Santa Barbara
California 93103
(805) 965-2385

RECEIVED

JUL 21 2008

CITY CLERK'S OFFICE
SANTA BARBARA, CA

21 July 2008
City Clerk's Office
735 Anacapa Street
P.O. Box 1990
Santa Barbara, CA
93102-1990

(805) 564-5309

Subject: Appeal
101-E Victoria St.
(MST 2006-00758)

Re: Manning Commission
action 10 July 2008

At the request of Mr. & Mrs Rolf Kowal I am filing this appeal. They are the owners of 1316 Anacapa which is adjacent to the subject property.

My clients have concerns with the approved plans showing Garage Exhaust fumes being directed towards their residence from the subterranean garage. Furthermore, the access to and from the underground parking is directly adjacent to their driveway and represents a ~~and~~ danger to them and their tenants.

Additional concerns will be enumerated in my correspondence with the City when a hearing date has been set.

Sincerely

enclosure: Check 3453 in the amount of \$ 360⁰⁰

RECEIVED

Virginia Rehling
1305 Anacapa Street
Santa Barbara CA 93101

JUL 21 2008
8:45pm
CITY CLERK'S OFFICE
SANTA BARBARA, CA

Re: 101 E. Victoria Street
MST2006-00758

To the Mayor Blum and the City Councilors:

Thank you for the opportunity to bring this project to the City Council. I have been deeply impressed with the conscientious approach that the City Council has taken to the built environment of our city in recent hearings, and I have complete faith that whether or not the Council agrees with me, it will reach its decision with the future of Santa Barbara in its heart.

Technically speaking, this is an appeal of the actions taken by the Planning Commission regarding the above-referenced project on July 10, 2008. Unfortunately the text of the Resolution that the Planning Commission passed is not yet available and so in fairness I assume there will be no objection if I supplement this statement of appeal within a reasonable time after the Planning Commission makes the text of the resolution available.

Grounds for Appeal No. 1

This project doesn't fit with this block of Anacapa Street

This project is in El Pueblo Viejo and I request that the City Council view this proposed project from the Anacapa Street side, in the context of my own home across the street (see Exhibit A attached hereto), and the historic cottage next door to the project at 1316 Anacapa Street (see Exhibit B). I have attached as Exhibit C the architect's drawing of the Anacapa Street elevation which approximates the view from my home. Note that this drawing also includes the outline of the 1316 Anacapa Street cottage, which I have confirmed through city records was built in 1870 and is by far the oldest structure on the block. To dramatize the way this project will loom over 1316 Anacapa Street, I have also attached as Exhibit D the same drawing but with a photo of 1316 Anacapa inserted into the outline drawn by the architect.

Grounds for Appeal No. 2

An initial study must be performed in accordance with CEQA.

This site is an active toxic site¹ with cleanup in progress pursuant to a corrective action plan² and addendum thereto.³ I incorporate by reference into my appeal the corrective action plan and addendum.

In Attachment 1 to the corrective action plan addendum, the Santa Barbara County Fire Department has mandated that "remediation shall continue until a deed notification and/or deed restriction is not needed."

The most recent site assessment report containing maps of the underground contamination is dated April 24, 2007.⁴ Less detailed (but more recent quarterly reports on the cleanup progress are dated July 2, 2008⁵ and July 10, 2008.⁶

I believe the contamination of this site merits an initial study before approval of this project. Members of the Planning Commission stated as a reason for reversing their requirement of a deeper garage their concern about the marginal additional environmental impact. However, the City has deemed that this project is exempt from all environmental review pursuant to the categorical exception for in-fill projects.

¹ Voluminous documents relating to this site may be found at:
http://geotracker.swrcb.ca.gov/profile_report.asp?global_id=T0608344098 (click on "sitemaps/documents").

² The Corrective Action Plan may be downloaded at:
http://geotracker.swrcb.ca.gov/esi/uploads/geo_report/1835162103/T0608344098.PDF

³ The Addendum to the Corrective Action plan may be downloaded at:
http://geotracker.swrcb.ca.gov/esi/uploads/geo_report/7496870279/T0608344098.PDF

⁴ See http://geotracker.swrcb.ca.gov/esi/uploads/geo_report/5312866032/T0608344098.PDF

⁵ See http://geotracker.swrcb.ca.gov/esi/uploads/geo_report/4520676136/T0608344098.PDF

⁶ See http://geotracker.swrcb.ca.gov/esi/uploads/geo_report/2112473011/T0608344098.PDF

However, the categorical exemption cited, 14 Cal. Code Regs. § 15332 does not apply, and if they City does not require an initial study for this project it will have failed to proceed in a manner required by law. As the Court of Appeal explained in *Communities for a Better Environment v. California Resource Agency*, 103 Cal. App. 4th 98 (2002), this exemption is strictly limited to projects that do not require variances or modifications from applicable zoning rules and regulations. The court found that this exemption is not overly broad only because the exemption applies only to projects that meet the “comprehensive environmentally protective conditions” listed in section 15332, including the requirement that the project as proposed must comply with “all applicable zoning designations and regulations”

In the city’s view, this categorical exemption applies to projects needing variances or modifications, unless the city refuses to grant the requested modification.

But this interpretation is illogical because no project that is denied the requested modifications can be built. It cannot be the meaning of the “consistent with all applicable zoning” requirement that it only requires an initial study for those projects that can’t be built.

Further, due to the uncertainty surrounding the proposed excavation of a site in which contaminated groundwater is as little as 57 feet below the surface, this project is also not exempt, because under section 15300.2c, a project otherwise is not exempt when there is a reasonable possibility that it could cause environmental harm

Grounds for Appeal No. 3

This proposed project does not qualify for the square footage awarded as “Economic Development Project” under Measure E.

SBMC 28.87.300(B)(3) provides a bank of additional square footage that may be awarded to a project if it is deemed and “Economic Development Project.” Only a handful of projects have been deemed to qualify and thus nearly 400,000 square feet of commercial square footage remains to be awarded pursuant to the ordinance. See Exhibit E attached hereto. The ordinance requires two steps: first the project must promote economic growth. Second:

An Economic Development Project should also accomplish one or more of the following:

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

SBMC 28.87.300(B)(3)

Since almost any building conceivable promotes economic growth in some way, the important part of the analysis is the second part, and I believe the City has neglected to analyze properly this project under the second part. When the City Council granted its preliminary approval of the designation, it did not analyze the project under the second part. Neither did the Planning Commission.

The owners have admitted this project ^{Does not} ~~do~~ meet these criteria, by asserting that the units will be marketed to and purchased by Santa Barbara business people. No claim has been made that this project will bring a new industry or business to town, or that the tenants/owners in the building will provide products or services "not available or in limited supply either locally or regionally".

I submit that if this relaxed standard for Economic Development Square footage is allowed to stand, the floodgates will truly be opened for the remaining 400,000 square feet in this bank.

Grounds for Appeal No. 4

The parking requirement should not be waived

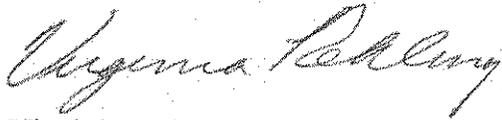
SBMC § 28.92.110 provides that the Planning Commission may grant a modification of the parking requirement only when so doing "will not cause an increase in the demand for parking space or loading space in the immediate

area." I respectfully submit that the Planning Commission erred in finding that this project, with 37 parking spaces for 50 units, will not cause an increased demand for parking or loading space in the immediate area.

Grounds for Appeal No. 5
(See Exhibit F)

I hereby incorporate by reference as grounds for appeal the document attached as Exhibit F, my May 21, 2008 letter to the Planning Commission.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Virginia Rehling".

Virginia Rehling

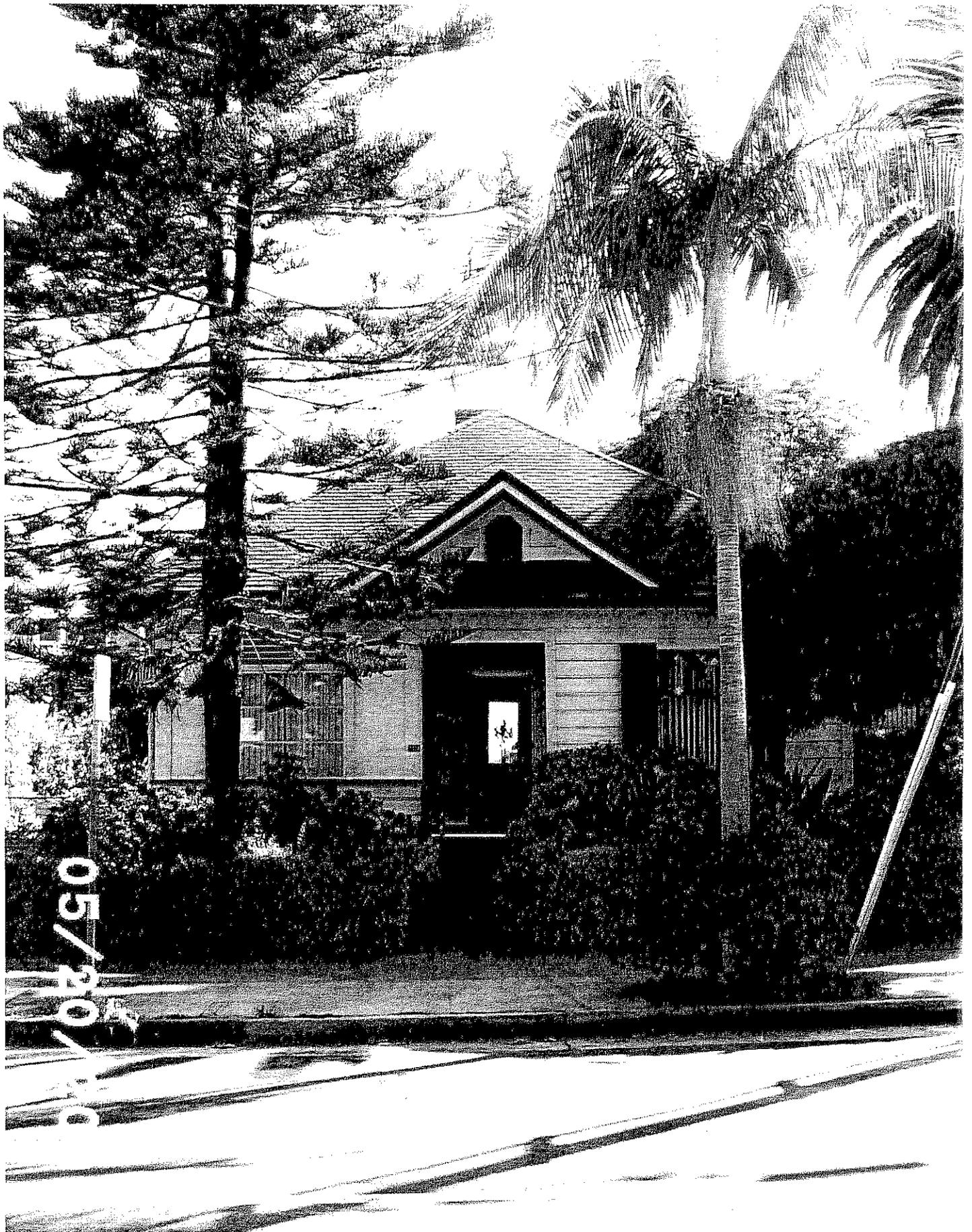
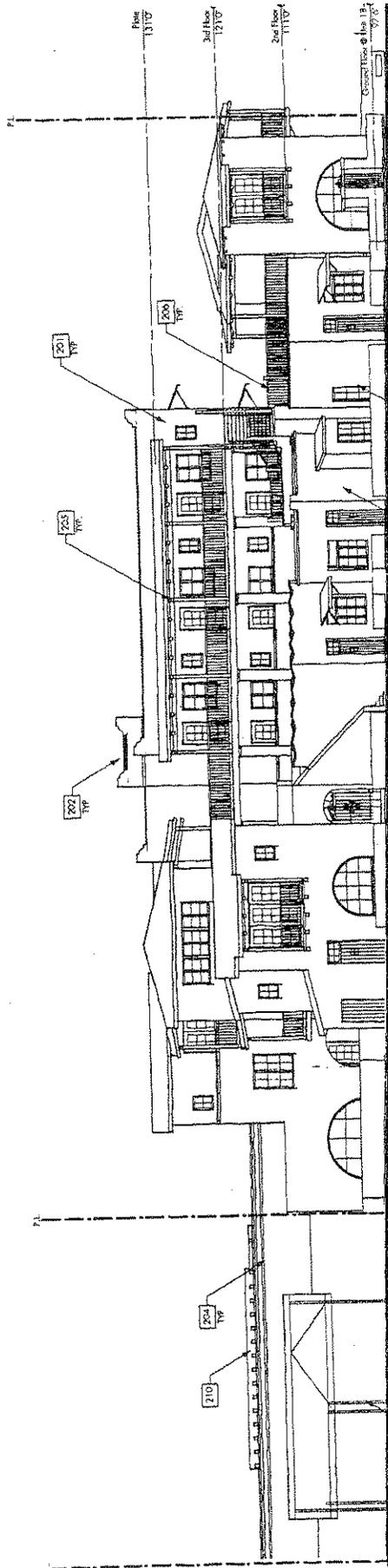


EXHIBIT A

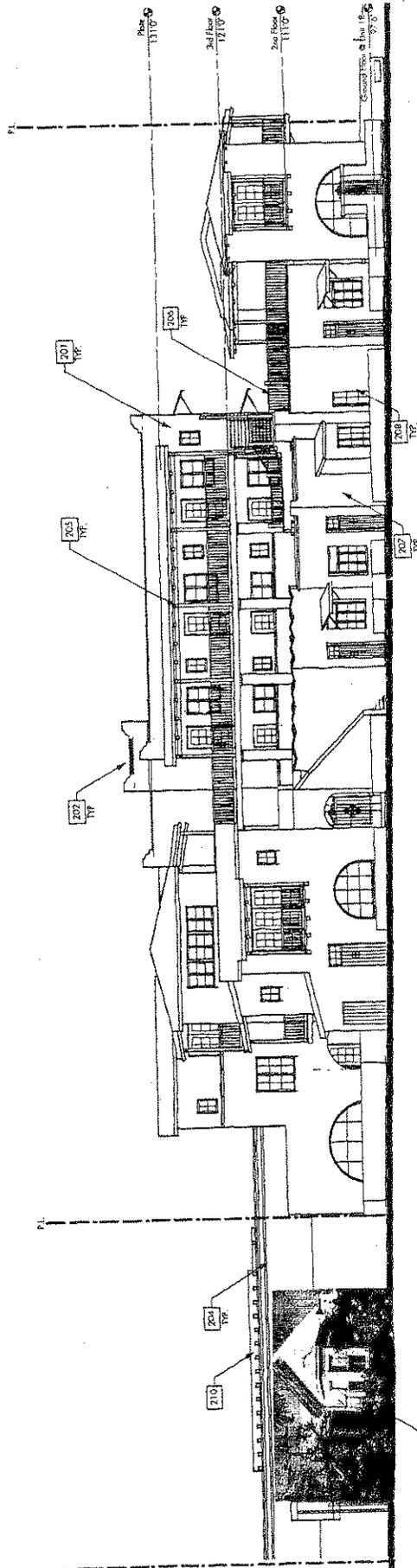


EXHIBIT B



West Elevation (Anacapa St.)

Existing Building South Entry
Reference foreground



West Elevation (Anacapa St.)

Scale: 1" = 10' H

ATTACHMENT 3

PROJECTS WITH PRELIMINARY OR FINAL
ECONOMIC DEVELOPMENT DESIGNATIONS

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Gateway Project (Miravant) 6100 Hollister Avenue MST97-00715		80,000	Approved 5/28/2000
Architectural Millworks 815 Quinientos Street MST97-00320		15,000	C of O 1/20/2004
Penfield and Smith 111 E Victoria St MST2002-00243		7,905	BP 2/11/2005
Software.com 630-634 Anacapa Street MST97-00520	26,493		Withdrawn
Alliance Manufacturing Software 1035 Chapala Street MST98-00051	30,257		Withdrawn
Fielding Institute 4151 Foothill Road MST2001-00840	22,499		Expired 4/23/2005
Airport Mobile Structure 500 Fowler Rd MST2002-00265		720	Approved 6/20/02
Cottage Hospital 320 W Pueblo St MST2003-00152		182,541	Under Construction
Granada Theatre 1216 State St MST2004-00005		13,360	Approved 3/23/04
SUBTOTALS	0*	299,526	SUBTOTALS
ALLOCATED TO DATE: 299,526 SQFT*			
REMAINING UNALLOCATED: 398,484 SQFT			

04-30-08

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

Virginia Rehling
1305 Anacapa Street
Santa Barbara CA 93101
May 21, 2008

To: Santa Barbara Planning Commission

Re: 101 E. Victoria Street
MST2006-00758

Dear Planning Commissioners,

I believe that this proposed project should be rejected or revised. I hope the following comments will be helpful in your consideration of this application.

**THE SEVERE ENVIRONMENTAL CONTAMINATION OF THIS
SITE REQUIRES EVALUATION NOW, BEFORE
PLANNING COMMISSION APPROVAL**

- Thousands of pages of documentation relating to the environmental contamination of this site are collected at http://geotracker.swrcb.ca.gov/reports/luft.asp?global_id=T0608344098. In particular, the work plans, site assessment reports, and corrective action plans can be found at http://geotracker.swrcb.ca.gov/reports/electronic_submittals.asp?global_id=T0608344098&sub_type=GEO_REPORT.
- On October 4, 2006, Thomas M. Rejzek of the Santa Barbara County Fire Department wrote a letter indicating that 101 E. Victoria Street was potentially subject to a "deed notification and/or deed restriction" due to the environmental contamination of the property, because even after the planned cleanup activities, including Soil Vapor Extraction, "the site would likely not be cleaned up to target cleanup goals." Mr. Rejzek further wrote that the contamination extends into "the City of Santa

Barbara's right-of-way." I have attached a copy of Mr. Rejzek's October 4, 2006 letter.

- Mr. Rejzek also indicated in his October 4, 2006 letter that the owner of 101 E. Victoria had been made of aware of the likelihood that the property could be encumbered with "a deed notification or deed restriction," and "the owner of the property has stated that this is not acceptable." According to Mr. Rejzek, because the contamination extends into the City's right-of-way, if the cleanup effort fails to adequately remove the contamination, "agreement from the City to place a deed notification or deed restriction on the property" will be required.
- As a result of this problem, Mr. Rejzek ordered that "remediation shall continue until a deed notification and/or deed restriction is not needed."
- On December 22, 2006, the present application # MST2006-000758 was filed by the present owners.¹
- I have attached samples of the numerous maps posted on the Fire Department web site, indicating the location and extent of the soil and groundwater contamination at the site.
- I have also attached a letter written on January 18, 2008,² from Mr. Rejzek of the County Fire Department to Kathleen Kennedy of the Planning Department, regarding what will be required in order to build an underground garage at this site. Mr. Rejzek stated that "mitigation measures *shall be included in the building design* to prevent migration of vapors into the building or parking structure." (my emphasis).

¹ As used in this letter "the owners" includes representatives of the owners who have communicated with city planners and city commissions on behalf of the owners.

² This letter is incorrectly dated January 18, 2007. It was apparently actually sent on January 18, 2008.

- The city environmental analyst has determined that the owners do not have to do even an initial study for this site.
- Mr. Rejzek also stated in his January 18, 2008, letter to Ms. Kennedy that "hazardous waste levels of soluble lead were detected at the site during the site investigation" and "this material must be handled appropriately and disposed of properly during grading operations."
- Last week, on May 16, 2008, the Fire Department sent a letter requesting immediate action on 1,2-dichloroethane (EDC) contamination detected during routine testing. I have attached a copy of the letter dated May 16, 2008.
- Because the Planning staff has not required the owners to submit an initial environmental report, the environmental risk and potential environmental impact from this project have not properly been considered. I believe it would be reckless to approve this proposal now, with the mere proviso that the Planning Commission's approval is subject to the toxic waste cleanup being completed. The County Fire Department documents cast doubt on whether that will even be possible. The Fire Department has ordered that "remediation shall continue until a deed notification and/or deed restriction is not needed." In this situation, at the very least an initial study is warranted.
- The Planning Commission therefore should overrule the staff's determination that no environmental study at all is needed for this application. It should request an initial study to obtain actual facts indicating whether the staff's *assumption* that it is safe to proceed is actually warranted, *before* granting approval to this project.
- In particular, since it has been mandated that "mitigation measures shall be included in the building design," those

design elements are clearly within the purview of the Planning Commission and should be evaluated as part of the approval process.

- Furthermore, the environmental documents relating to the toxic waste hazard indicate that this site has been polluting the aquifer under the site as well as the soil. The process of excavating the deep foundation for the underground garage could potentially release a mass of toxins into the aquifer. In light of these troubling environmental documents, at the very least the risk should be evaluated pre-approval, rather than just making the approval conditional and hoping it will turn out alright.
- I do not know if the environmental analyst was even aware of the October 4, 2006, January 18, 2008 and May 18, 2008 letters when the analyst decided that the project should be "exempt from further environmental review." If the environmental analyst was not aware of this information, it is possible that the analyst would reach a different conclusion upon review of these letters as well as the materials available on the above-listed web site.
- It may turn out that the project does not require a full environmental impact report (EIR), but I do believe, in light of these letters and other documents, that no environmental analyst could reasonably conclude that the risk of significant air quality impacts or significant impacts on water quality from this project can be assumed away *on faith alone*, with no further investigation whatsoever required, not even an initial study.
- If a developer can come to Santa Barbara and purchase a property with environmental problems this severe, and then gain approval for a dense development on the site (with an underground garage to boot), all without even having to do an initial study, I believe that developer could be forgiven for bragging about that accomplishment.

- I realize it is not the role of the Planning Commission to second guess the investment decisions of developers, but assuming that the owners intend to fully disclose the extent of the ongoing contamination of the property to prospective unit owners and tenants, I personally wonder whether these units will be as marketable as the developers claim.
- Even apart from the environmental contamination, the owners should still not be entitled to the exemption from all environmental review. As discussed in the staff report, an exemption from all environmental review is only proper if a proposed project is in compliance with "all applicable general plan policies as well as with applicable zoning designation and regulations." That is not true here, as I will discuss regarding the parking requirements.
- However, the staff report concludes that since the staff recommends that the parking waiver should be granted, the project therefore *does* comply with all applicable regulations and is exempt from submitting an initial report. Isn't the parking waiver decision for the Commission to make, not the staff? The staff puts the Commission in the difficult position of being handed the parking waiver as a *fait accompli*, because if the Commission rejects the staff's recommendation to approve the waiver, an environmental review will be triggered. (Of course environmental review is warranted for this project regardless, for the reasons just discussed regarding the serious contamination of this site).
- There is also a circular logic in the staff's analysis. Under the ordinance, if a project needs a variance, it is not exempt from environmental review. But now along comes the staff to assert that since in their opinion the variance should be granted, no study is required after all. This seems to thwart the purpose of the ordinance that requires environmental review for projects needing variances or exemptions from regulations.

- The lack of formal environmental standards for this project represents a lost opportunity to safeguard the City's environment in other ways, if the project is approved. For example, the excavation of the underground garage will apparently require the removal of many tons of toxic dirt. That effort will require a great many trucks to be loaded with the dirt and driven through the city. Shouldn't the plan for that be considered now, instead of just delegated to the transportation department for post-approval supervision? Shouldn't these truck trips be considered as a factor in whether the project should be approved? Since the staff has recommended exempting the project from all environmental review, neither the Planning Commission nor the public have data with which to make an informed decision.
- Also, given the close proximity of our homes to the site, could these trucks, and all construction equipment at the site such as backhoes, etc., be required to be newer, minimum diesel exhaust vehicles, which would subject us to less pollution during construction?
- Finally, while the owners have indicated that the project "has been designed to attain a LEED Silver rating", why not obtain a *commitment* to obtain the LEED certification, as a condition of approval of the project? Alternatively, the Commission should at least obtain further documentation from the owners so it can evaluate this claim.

THE SIZE, BULK & SCALE ARE TOO MUCH FOR THIS BLOCK

- Several years ago, Penfield & Smith was able to gain approval for the large development at 109-111 East Victoria Street. I believe that the size of the resulting building conflicts with the spirit of the El Pueblo Viejo district and has not been a positive addition to Santa Barbara. Penfield & Smith was able to build that building by obtaining the same types of exemptions and bonuses that the 101 E. Victoria owners are asking for now, such as relief from the parking requirement and the award of additional square footage as an Economic Development Project. The 101 E. Victoria owners have pointed to the Penfield & Smith building as a model for how the process should work for their project. And the 101 E. Victoria owners are using some of the same arguments that worked for Penfield & Smith, to the detriment of El Pueblo Viejo and Santa Barbara.
- Anacapa Street is residential North of this block. A drive South down Anacapa from Mission is a parade of beautiful homes, followed by a school, park and church. The two blocks between E. Sola and E. Victoria are transitional, with a mix of homes and low-rise commercial and retail.
- This project will make that transition abrupt. A lovely historic cottage (built in 1872 according to the owner of that property) abuts the proposed development, as do the beautiful condominiums nestled into Arlington Court. Directly across the street from the proposed development is my own small home at 1305 Anacapa Street. This project does not fit on this half-residential block. I do not understand how a person could stand on Anacapa Street, look at my home, and look at the home next door to this project, and then conclude that this project is compatible in "size, bulk and scale."
- Although it is not as tall as several projects designed by the same architect, this project is actually 41 feet tall at the highest point, the elevator tower. And even at 34 feet, the third story

proper is still incompatible with the cottages adjacent and across the street. The owners should at least be required to provide shadow diagrams to determine the shadows that will be cast upon neighboring residences, and if they have privately submitted such diagrams they should be made available to the public for consideration prior to any Planning Commission decision.

THE PROJECT PROVIDES INADEQUATE PARKING AND THAT SHOULD NOT BE EXCUSED BY THE PLANNING COMMISSION

- This proposal is for a 3-story building containing 50 offices, which will be sold to investors as condominiums, to be occupied by the investors themselves, or leased by the investors to tenants.
- The owners only intend to provide 37 parking spaces for the 50 condominiums. They need permission from the Planning Commission to do this because under the rules, 50 spaces are required. Additionally, at least three existing parking spaces on Anacapa Street will be eliminated. (The garage will have 45 spaces but 8 are permanently reserved for the use of Penfield & Smith, leaving a net of 35 spaces).
- The next block down South down Anacapa Street from this project is within the Central Business District, and for good reason, it is purely commercial. If this project were located on *that* block it would be allowed to have only 37 parking spaces. But it's not. It's located on my block, which at least half residential, and therefore properly subject to a stricter parking requirement.
- The owners have argued that since this project is *close* to the other zone it should not be held to the stricter standard for the zone it is actually in. But Anacapa is purely residential *until* this block, and then even this block is still *half* residential. That is

why there is a stricter parking requirement on this block, and why the parking requirement should not be waived to allow a building this size to be built on this block without providing the required parking.

- I believe that the line enclosing the Central Business District was not drawn on East Victoria Street arbitrarily or randomly. It was not an accident; it is not "just a line." The adjacent block is in the Central Business District and is 0% residences. My block is 50% residences. It was a reasonable decision to draw the line where it is, and if there is a zoning proposal in the future to extend the Central Business District to include these transitional blocks between East Victoria and East Sola, I believe such a change would be vigorously opposed by the many residents of these two blocks.
- The owners also argue that they should not have to provide the required parking because this block is nearby the new Granada garage. However, with 50 units having only 37 parking spaces, and many of those 50 units having more than one employee and/or a constant stream of clients, customers, and other visitors, I believe this building will cause additional traffic circling these blocks, looking for a free space before resorting to the garage if unsuccessful. Furthermore, the garage was built by the public, and what the owners request is tantamount to being given 13 of the Granada garage spaces as gift.
- As the owners have predicted, some of these offices will not be 9-5 operations. So unlike a traditional office building, any parking, traffic or noise problems will extend to all hours.
- The owners hired a consultant to submit a parking study. The parking consultant submitted a study concluding that 37 spaces are sufficient for this 50 unit building. The planning staff has accepted that conclusion. However, the consultant's report indicates that it applied the standard for *general office space* in its analysis. I believe that is not the correct standard for this

project. As the owners have asserted, their project is unlike a typical office project. These tiny offices will be more densely populated and more intensively used than the equivalent square footage in a general office building. Many of the units will operate as *de facto* retail or service establishments with visits from clients and customers, causing even more divergence from the "general office" category. The Planning Commission should request that the applicant's consultant, or the staff, provide a more appropriate benchmark be used for this project, and the Commission should also apply a common-sense test to this project. 37 spaces for 50 units in this project seems wrong, because it is.

- The Planning Commission should decline the owners' request to waive the parking requirement, and it should request that the owners submit a design in which the square footage of the project matches the parking. Instead of being 50 units, a revised project might contain, for example, 37 units. Wouldn't 37 units for 37 parking spaces be better?
- What the owners have asked for is to "double-dip" – they request nearly a 50% increase in the allowable size of the project, from 11,900 to 17,607 square feet, but they don't want to provide the additional parking required for the additional square footage. What is the city getting in return? If the Commission is inclined to grant both the additional square footage *and* the parking waiver for that increment, it would be more fair to the public, who paid for the Granada garage, to require a buy-in equal to the per-space cost of the garage. However, nothing like that has been offered. The owners' insist, and the staff agrees, that it is appropriate to award the extra space, free of the parking requirement, without any compensation to the city in return. That would constitute a subsidy to these owners, borne by the public who built the garage, and especially by the neighbors of this property who will be personally impacted by the inadequate parking provided by the owners of this project.

**THE GARAGE ENTRANCE AND LOADING ZONE
SHOULD BE MOVED TO EAST VICTORIA STREET
AS PREVIOUSLY SUGGESTED BY MEMBERS
OF THE COMMISSION**

- Members of the Planning Commission recommended that the garage entrance and truck loading area should be moved to the East Victoria Street side of the property, away from the residences and traffic on Anacapa Street. However, the Planning Commission staff now agrees with the owners that the garage entrance/exit and loading area can be on Anacapa Street. Not only will this impact the Anacapa Street residences directly, but the comings-and-goings from the garage, along with a stream of deliveries on Anacapa Street, will be dangerous and cause traffic problems for everyone who travels on Anacapa Street.
- There is far more traffic flowing South on Anacapa Street than flowing West on East Victoria. On May 19, 2008 my son and I compared the traffic coming South down Anacapa Street with the traffic coming West on East Victoria, from 5:00 p.m. to 6:00 p.m. During that one-hour, 658 cars came down Anacapa Street, while only 182 cars came West on East Victoria.
- On the morning of May 20, we repeated the count from 8:00 a.m. to 8:50 a.m. During that 50-minute period, 535 cars came down Anacapa Street, while only 82 cars came West on East Victoria.
- In addition to the far greater *number* of cars traveling on Anacapa Street, the traffic coming down Anacapa Street appears to move at significantly *higher speeds* than the traffic heading West on East Victoria, compounding the increased risk of the driveway on Anacapa.

- As previously discussed regarding the inadequate parking issue, the in-and-out from the garage, along with the parking and double-parking of delivery vehicles, will be dangerous as cars speeding down Anacapa encounter these new obstacles. These significant new traffic problems on Anacapa Street would not occur if the entrance and loading zone were on East Victoria.
- When the Granada garage opened, it was discovered that Anacapa Street is more sensitive than anyone realized to increases in traffic load and to sudden slowdowns at garage entrances. The Commission should apply that lesson to this proposal.
- An aggravating factor of having the garage on Anacapa Street is that the 8 spaces reserved for Penfield & Smith are expected to be used by their survey trucks, not passenger cars. That will make the problems I have described even worse. The trucks will come and go at odd hours due to their extensive use. This will extend the hours of garage use, but will not free up any spaces during the middle of the day because Penfield & Smith's spaces will have to be reserved, or their 8 space quota would be meaningless.
- There are no residences on that block of East Victoria. Putting the garage entrance and loading zone there will reduce the impact the building will otherwise have on the homes on Anacapa Street. The entrance would be closer to the corner, but that could be addressed by making use of the easement already obtained from 109 E. Victoria. And at any rate, this factor is vastly outweighed by the reduced number of cars on East Victoria, and by the reduced speed of that traffic. If the exit from the garage onto East Victoria were made right-turn-only, it could be even safer.
- Moving the garage entrance to East Victoria would also eliminate the nuisance to residences that will be created if an

exit buzzer or alarm is installed at the garage exit. Underground garages were until recently rare in Santa Barbara, but now they are proliferating. Many residents do not realize that underground garages are often set up to trigger a loud buzzing or ringing warning alarm to herald the appearance of each exiting car. If the entrance is not moved to East Victoria, this noise would be extremely disturbing to the residences on Anacapa Street, especially at night when the neighborhood becomes very quiet.

**THIS PROPOSAL DOES NOT QUALIFY FOR
A COMMUNITY DEVELOPMENT DESIGNATION
UNDER THE PLAIN LANGUAGE OF THE ORDINANCE**

- Because a liberal amount of Economic Development square footage remains available for allocation under the Economic Development exception to Measure E, the owners have put forth an interpretation of the exception that conflicts with the plain language of the ordinance, and unfortunately, the City Council recently accepted that misinterpretation in giving tentative approval to the owners' request for tentative designation as an Economic Development Project. I believe the Planning Commission should review the plain language of the exception and carefully consider how it is that this project is eligible.
- The exception to Measure E for Economic Development Projects is explicitly limited to developments that will provide space for businesses or industries "in sectors which currently do not exist on the South Coast or are present only in a limited manner," or which "provide products or services which are currently not available or are in limited supply either locally or regionally."³ The owners have not addressed these

³ There is also a third way for a project to qualify that is inapplicable here: a building that provides "new recreational, educational, or cultural opportunities for City residents and visitors."

requirements at all. Instead of supplying evidence about the businesses or industries the project will house, as required by the ordinance, the owners simply assert that their *building* is unique and will fill an “unmet need” for small offices. That is irrelevant. The ordinance requires that the *occupants* be businesses fitting the above criteria. Thus, to qualify as an Economic Development Project under the plain language of the ordinance, the owners must show, and the Planning Commission and City Council must find, that the building will provide space for businesses or industries that provide products or services “which are currently not available or in limited supply” or which operate “in sectors which currently do not exist on the South Coast or are present only in a limited manner.” The owners’ assertion that *their building* is a unique product or service is completely unresponsive to the requirements of the ordinance.

- Unfortunately, this misapplication of the ordinance appears to have gained currency on both the City Council and the Planning Commission. If the prevailing interpretation of the ordinance were to be challenged in court, however, I believe the plain language would be held to override this strained interpretation. The focus of the Economic Development Project exception is on the businesses and industries that will occupy the proposed premises. Whether or not the building itself is unique or expects to lease out (or sell out) is not a relevant consideration.
- For example, a proper use of the Economic Development Project designation would be for a building designed to bring a new industry to Santa Barbara. In such a case, the approval of the project should include appropriate conditions to spell out the understanding as to the business or industry which the proposed building will support.
- Here, the owners have made no claims about what businesses or industries will occupy these units, other than the obvious fact that they will be small businesses. No claim has been made

that small businesses “currently do not exist on the South Coast or are present only in a limited manner.” No argument has been made that the owners and tenants occupying these 50 units will be providing products or services “which are currently not available or in limited supply.” In fact, the owners have asserted that they anticipate that all or nearly all the units will be occupied by local residents; this conflicts with the notion of attracting new businesses or industries to the area.

- Furthermore, given this property’s location two blocks from the courthouse, I believe it is safe to predict that many of the units will be purchased or rented by lawyers. And as far as I know, no one is claiming that lawyers “do not exist on the South Coast or are present only in a limited manner,” or that lawyers “are currently not available or in limited supply.” Economic Development Projects as defined by the ordinance are restricted to projects that will house particular classes of businesses or industries. A simple claim that one’s *building* is unique or fills a niche demand for small offices does not address that requirement at all.
- The Planning Commission should deny the requested designation as an Economic Development project unless and until the owners comply with the ordinance by demonstrating how this project will house businesses that “do not exist on the South Coast or are present only in a limited manner,” or that “are currently not available or in limited supply.”

**REGARDLESS OF ANY BYLAW TO THE CONTRARY,
THIS PROJECT APPEARS TO INVITE RESIDENTIAL USE**

- 50 offices is extremely dense for a building this size. As a result the offices will be quite small (294 to 333 square feet each). Some of the units will certainly be purchased by businesses for their own use, but the Planning Commission should consider that a significant number of the units will likely

be purchased for investment purposes, by investors who will then need to rent to tenants. The current owners of the property will be out of the picture once the units are sold. The Planning Commission should consider the complications that will result when unit owners compete with each other to rent out their units.

- A tenant wishing to use a unit as live/work space may be willing to pay more than a tenant who just wants an office for less intensive use. Since investor/owners will of course seek to make the best possible return, if the building makes it easy for tenants to live there (regardless of the fact that is not technically allowed), these units will be more marketable to investors because investors will anticipate enhanced rentability of the units.
- This proposed project dedicates a remarkably large space to a shower and locker facility, approximately 1500 square feet. It is wise to encourage bicycling, but given the actual incidence of bicycle commuting in Santa Barbara, I believe the extensive shower facilities serve the additional purpose of making it possible for tenants to live in the units, notwithstanding the rules against that. The design, location and size of the complex will make that policing that prohibition impossible as a practical matter. In practice, it will just not be feasible to prevent or detect tenants living in the units, especially since the investor/owners will have an incentive to look the other way.
- In addition to tenants who may effectively live in the building, the structure of this project also invites owners and tenants to view their units as pied-a-terres, for occasional or not-so-occasional overnight use, by themselves or by out-of-town guests. Again, the large shower-and-lockers area facilitates this use of the property.

**BECAUSE OF LOCAL PROBLEMS WITH
HOMELESSNESS AND CRIME, THE ATTRACTIVE,
OPEN CORNER ENTRANCE IN THE PROPOSED DESIGN IS
LIKELY TO BE CONVERTED TO A SECURE GATE OR DOOR**

- Living across the street from this project, I have had problems with people sleeping within my front garden, shielded by the hedge. The proposed design has a narrow "courtyard" that seems more like a maze of narrow spaces between the units. These spaces would provide numerous places to sleep overnight without being seen from the street. If this complex will have various open entrances around it, there will be no way to prevent camping by homeless people at night, other than by hiring security. But if the complex is enclosed to prevent this activity, then the attractive open entrance on the corner of East Victoria and Anacapa is doomed to evolve into something more secure but far less attractive. It is truly unfortunate that the problem of homelessness is one that must now be considered in building design, but I believe that is a reality that should be acknowledged in this instance.
- Similarly, Santa Barbara is blessed with a moderate crime rate, but if the complex is to be accessible via various paseos, with unit entrances that are accessible from within the interior "courtyard" area, but not visible from the street, this may invite burglary and other property crimes. This too may be a factor in turning the attractive open entrance into a locked checkpoint.
- And if the building must control access, this will probably also mean that the underground garage must be secured. If that is accomplished with a roll-up or other secure gate, this may add to the nighttime noise issue for the neighboring residences, at least if the entrance to the garage remains on Anacapa.

**THIS DESIGN PROVIDES NO SETBACK
AND INSUFFICIENT LANDSCAPING
ON ANACAPA STREET**

- While it is true that no setback is required for first floor units, in an application such as this one, where the owners are asking for significant additional square footage and parking concessions from the city, it would be appropriate to request a setback to allow more landscaping on Anacapa Street in return for what is being given away.

- I believe that despite the assurances in the plan documents, the postage-stamp sized landscaping elements on Anacapa Street will probably not be implemented as envisioned. In the current design there is a tree directly in front of the every window on Anacapa Street, filling in the angled space between each unit. To block the view of Anacapa Street from all the windows for these units would adversely impact their marketability. Therefore I believe that if this project is built, the inevitable result will be that anyone coming down Anacapa Street will be faced with building-and-windows right up to the sidewalk, with at best a low bush or planter each tiny space between the angled windows.

Thank you for your consideration of my concerns about this project. I sincerely hope the Planning Commission will at least request further study of the problems with this proposal, which seems to have changed so little since the unfavorable comments received at the only concept review a year ago.

Sincerely,

VIRGINIA REHLING

enclosures



Fire Department

"Serving the community since 1926"

4410 Cathedral Oaks Road
Santa Barbara, California 93110-1042
(805) 681-5500 FAX (805) 681-5563

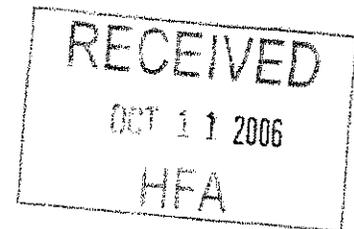
John M. Scherrei
Fire Chief

October 4, 2006

Mr. Daniel Carrier
Chevron Environmental Management Company
P. O. Box 2292
145 South State College Boulevard
Brea, CA 92822-2292

Dear Mr. Carrier:

SUBJECT: Former Chevron Station No. 20-6699
101 E. Victoria Street, Santa Barbara, California
LUFT Site #90099



The Santa Barbara County Fire Department, Fire Prevention Division (FPD), Leaking Underground Fuel Tank (LUFT) Program, has reviewed the following documents prepared by your consultant, Holguin, Fahan & Associates: *Site Assessment Report (Report)*, dated July 20, 2006 and *Corrective Action Plan (CAP)*, dated July 21, 2006. The *Report* summarized the drilling and sampling of three soil borings (B-9 through B-11) and the installation of one nested vadose zone well (V-1A/B). Based upon site assessment activities, the *CAP* proposed to use vapor extraction to treat the vadose zone contamination and natural attenuation to treat the groundwater contamination. After careful review, FPD has the following comments and directives:

- (1) The *Report* suggests that because the Total Petroleum Hydrocarbons as gasoline (TPHg) contamination found in soil in offsite boring B-9 (5,560 mg/kg) is greater than that for onsite well MW-8 (2,700 mg/kg), the contamination in B-9 is potentially related to a former service station southeast of the site. However, boring B-9 is located approximately 10 feet from the former tanks and the concentration of TPHg in that boring is less than the TPHg concentration found in onsite boring V-1 (7,900 mg/kg). FPD requires the submittal of a workplan by **November 3, 2006** for the delineation of soil contamination southeast and southwest of B-9.
- (2) FPD approves the proposed cleanup levels for soil and groundwater.
- (3) FPD approves the use of Soil Vapor Extraction to remediate the contaminants in the vadose zone at the site vicinity. However, as shown in Figure 12, the projected radius of influence in the two proposed vapor extraction wells will not effectively remediate the known plume, let alone the undelineated offsite contamination. FPD requires additional wells be proposed that will effectively remediate both the onsite and offsite contamination based upon the known contamination at this time. Please submit a revised map to FPD by **October 20, 2006**.

Additional wells may need to be added to the system once the offsite contamination has been fully assessed.

- (4) Begin permitting of the vapor extraction system with the appropriate agencies immediately.
- (5) Because the extent of offsite contamination has not been delineated, the treatment system shall be scalable to include additional extraction wells, as needed.
- (6) HFA has proposed to operate the treatment system for three months. FPD does not concur with operating the treatment system for an arbitrary amount of time. FPD will require confirmation soil samples prior to the shutdown of the treatment system. Based upon the results, additional wells may be required to target areas not affected by the system.
- (7) The CAP suggested that while the potential risk at the site would be reduced during remediation, the site would likely not be cleaned up to the target cleanup goals. This would likely result in either a deed notification or deed restriction. The owner of the property has stated that this is not acceptable. Additionally, as contamination is present within the City of Santa Barbara's right-of-way, cleanup to less than the target goals would require agreement from the City to place a deed notification or deed restriction on their property. Therefore, remediation shall continue until a deed notification and/or deed restriction is not needed.
- (8) FPD does not approve the use of natural attenuation for the remediation of groundwater. The station was closed in 1955. Fifty one years later, contaminants in groundwater are as follows: TPHg is four time its action level; benzene is 29 times its Maximum Contaminant Level (MCL); and EDC is 32 times its MCL. Therefore, active remediation at this site is required. Submit a Corrective Action Plan to FPD by November 3, 2006 for the active remediation of groundwater.

If you have any questions regarding the aforementioned, please do not hesitate to call me at 805-686-8176. Correspondence relating to this matter should be addressed to FPD at 195 West Highway 249, Suite 102, Buellton, CA 93427 or via facsimile at 805-686-8183.

Sincerely,



Thomas M. Rejzek
Professional Geologist #6461
Certified Hydrogeologist #601
SMU/LUFT Program

pc: Todd McFarland, HFA ✓
Mark Matranga, UST Cleanup Fund
John Mijares, RWQCB
Eric Schott, 101 East Victoria Partnership
Steve Campbell, CampbellGeo
Stephen Macintosh, City of Santa Barbara

09-06 90099.doc

EXHIBIT F



Fire Department

"Serving the community since 1926"

4410 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX (805) 681-5563

John M. Scherrei
Fire Chief

January 18, 2007

Ms. Kathleen Kennedy
City of Santa Barbara Planning Department
630 Garden Street
Santa Barbara, CA 93101

Dear Ms. Kennedy:

SUBJECT: Former Chevron Station No. 20-6699
101 E. Victoria Street, Santa Barbara, California
LUFT Site #90099

The Santa Barbara County Fire Department, Fire Prevention Division (FPD), Leaking Underground Fuel Tank (LUFT) Program has reviewed the DART Routing Form dated December 19, 2007 for the above referenced site. It is FPD's understanding that the demolition of the existing building and the construction of a three story office complex with underground parking is proposed for the site. FPD has the following comments regarding this project:

- The site is an active LUFT site with ongoing soil and groundwater remediation.
- Hazardous waste levels of soluble lead were detected at the site during the site investigation. This material must be handled appropriately and disposed of properly during grading operations. In addition, it is possible that during site grading operations, unknown soil contamination may be encountered. Therefore, FPD requires a soils management plan for the site. If soil exhibiting any field indications of contamination is encountered during any phase of redevelopment, then work shall be stopped immediately and FPD notified.
- If the soil vapor extraction system has not completed soil remediation at the site prior to the beginning of construction activities, then the soil vapor extraction system shall be reinstalled as soon as possible (either during or after the completion of construction activities).
- Groundwater under the site is contaminated with several volatile organic compounds. Should groundwater remediation not be complete before the beginning of construction activities, then the groundwater monitoring wells within the building footprint shall be properly abandoned and then reinstalled as soon as possible (either during or after the completion of construction activities) under FPD permit.
- Due to the presence of volatile organic compounds in the soil vapor and groundwater at the site, mitigation measures shall be included in the building design to prevent migration of these vapors into the building or parking structure in accordance with the Department of

101 E. Victoria Street Letter
Page 2 of 2
January 18, 2007

Toxic Substance Control's Guidance for Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (12/5/2004, revised 2/7/2005).

If you have any questions regarding the aforementioned, please do not hesitate to call me at 805-686-8176. Correspondence relating to this matter should be addressed to FPD at 195 West Highway 246, Buellton, CA 93427 or via facsimile at 805-686-8183.

Sincerely,



Thomas M. Rejzek
Professional Geologist #6461
Certified Hydrogeologist #601
SMU/LUFT Program

pc: Mr. Todd McFarland, HFA
Mr. John Frary, Chevron
Mr. Mark Matranga, UST Cleanup Fund
Mr. John Mijares, RWQCB
101 E. Victoria Street, LP

01-08 90099.doc

EXHIBIT F



Fire Department

"Serving the community since 1926"

4410 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX (805) 681-5563

John M. Scherrei
Fire Chief

May 16, 2008

Mr. Ben Terry
Chevron Environmental Management Company
P. O. Box 1069
San Luis Obispo, CA 93406

Dear Mr. Terry:

SUBJECT: Former Chevron Station No. 20-6699
101 E. Victoria Street, Santa Barbara, California
LUFT Site #90099

The Santa Barbara County Fire Department, Fire Prevention Division (FPD) Leaking Underground Fuel Tank (LUFT) Program has reviewed the site file for the above referenced site. Groundwater data indicates that 1,2-dichloroethane (EDC) has been present in groundwater samples and may be present in the soil vapor extracted from the site. By May 30, 2008, influent and effluent vapor samples shall be collected from the vapor extraction system and analyzed for EDC. Please report these results to FPD immediately upon receipt.

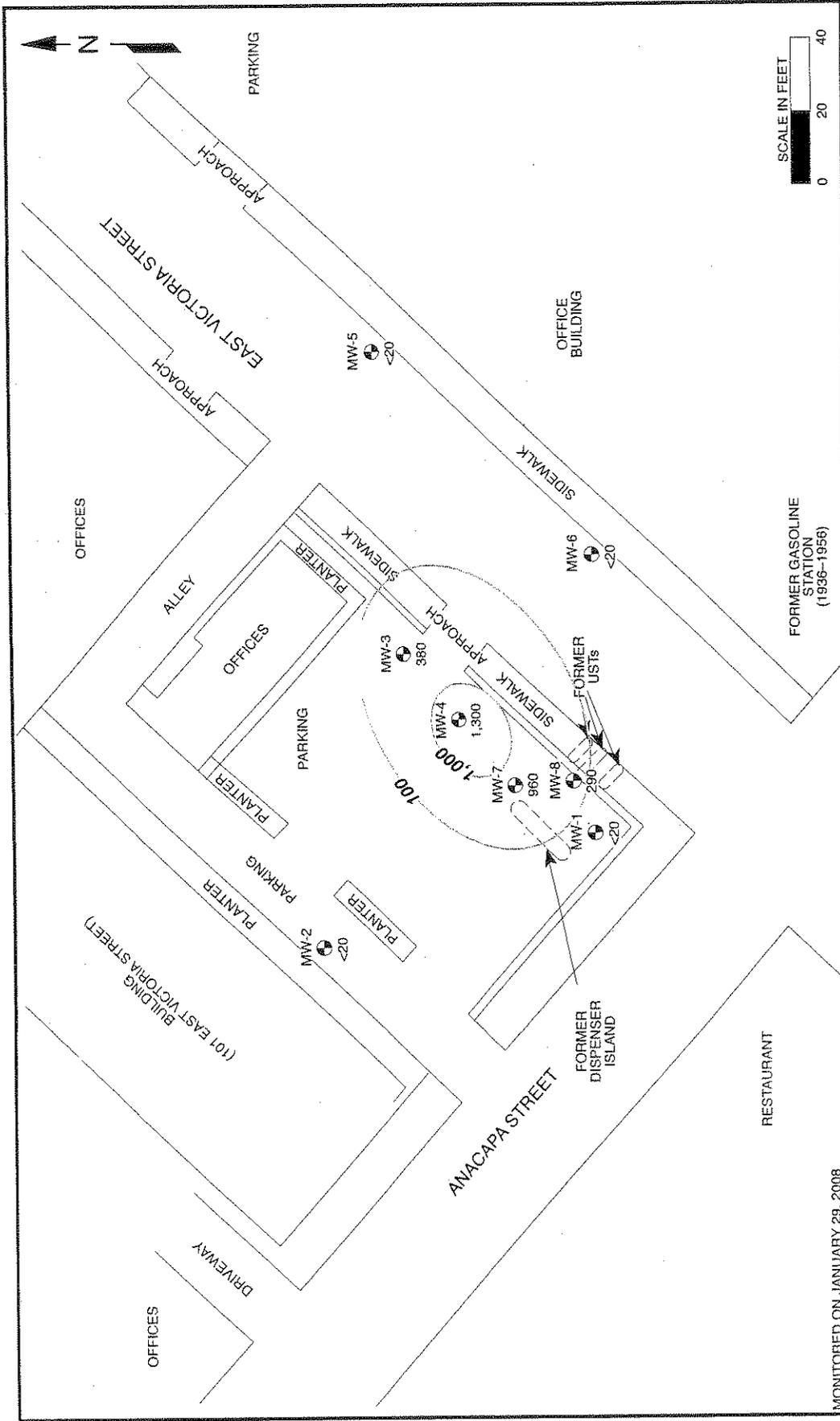
If you have any questions regarding the aforementioned, please do not hesitate to call me at (805) 686-8176. Written correspondence relating to this matter should be sent to FPD at 195 West Highway 246, Buellton, CA 93427 or via facsimile to (805) 686-8183.

Sincerely,

Thomas M. Rejzek
Professional Geologist #6461
Certified Hydrogeologist #601
SMU/LUFT Program

pc: Mr. Todd McFarland, HFA
Mr. Mark Matranga, UST Cleanup Fund
Mr. John Mijares, RWQCB
101 E. Victoria Street, LP

05-08 90099.doc



MONITORED ON JANUARY 29, 2008

LEGEND

- GROUNDWATER MONITORING WELL
- TPH AS GASOLINE CONCENTRATION IN GROUNDWATER (µg/l)
- CONTOUR OF TPH AS GASOLINE CONCENTRATIONS IN GROUNDWATER (µg/l)

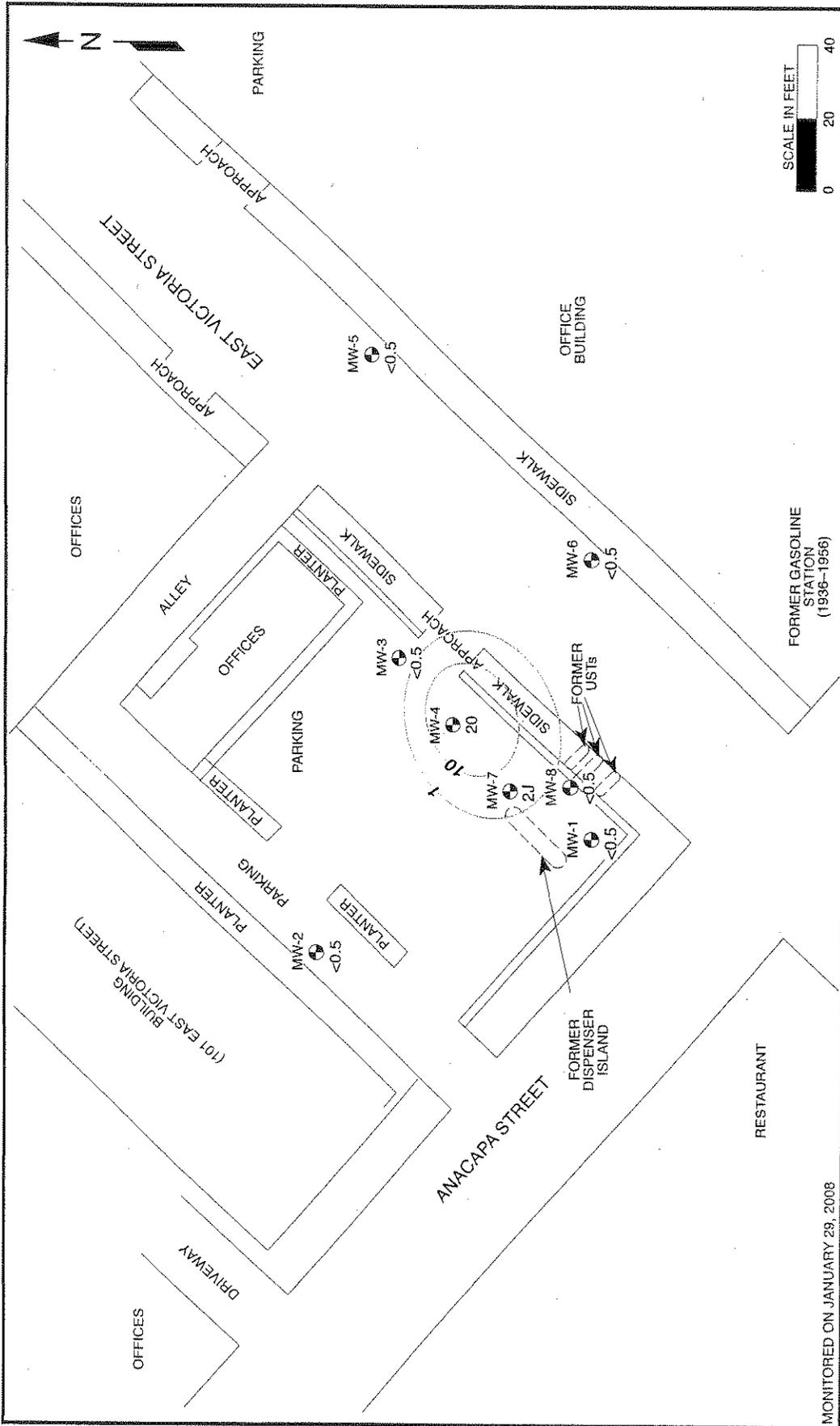
CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY

FORMER SERVICE STATION #20-6699
 101 EAST VICTORIA STREET
 SANTA BARBARA, CALIFORNIA
 FIGURE 3 - TPH AS GASOLINE CONCENTRATIONS
 IN GROUNDWATER FOR FIRST QUARTER 2008

HOLGUIN, FAHAN & ASSOCIATES, INC.

REVISION DATE: FEBRUARY 27, 2008: TQ

EXHIBIT F

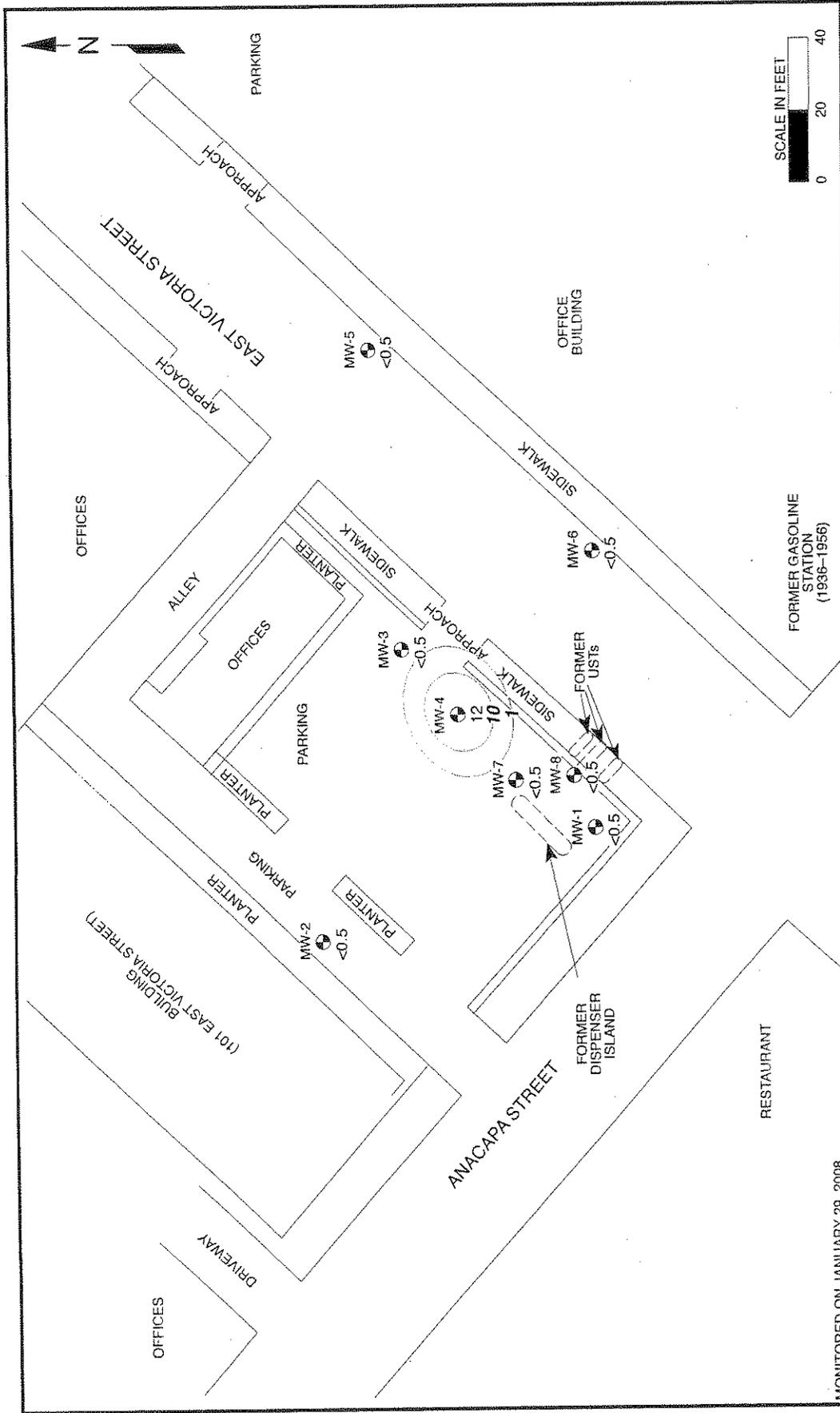


MONITORED ON JANUARY 29, 2008

CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY	
<p>FORMER SERVICE STATION #20-6699 101 EAST VICTORIA STREET SANTA BARBARA, CALIFORNIA</p> <p>FIGURE 4 - BENZENE CONCENTRATIONS IN GROUNDWATER FOR FIRST QUARTER 2008</p> <p>HOLGUIN, FAHAN & ASSOCIATES, INC.</p>	<p>LEGEND</p> <ul style="list-style-type: none"> ● GROUNDWATER MONITORING WELL # BENZENE CONCENTRATION IN GROUNDWATER (µg/l) 1..... CONTOUR OF BENZENE CONCENTRATIONS IN GROUNDWATER (µg/l)

REVISION DATE: FEBRUARY 27, 2008: TQ

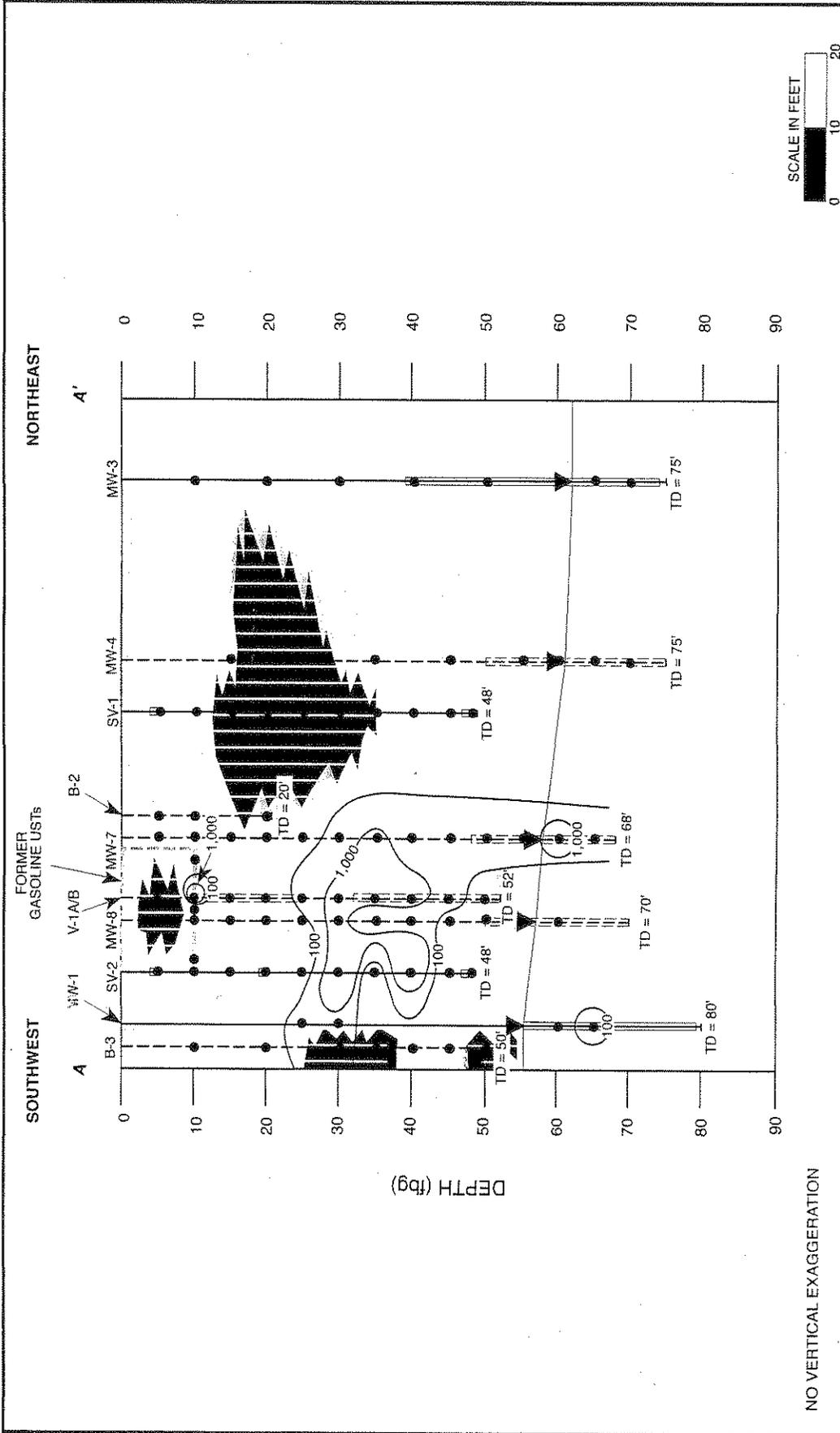
EXHIBIT F



MONITORED ON JANUARY 29, 2008		CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY	
LEGEND		FORMER SERVICE STATION #20-6699 101 EAST VICTORIA STREET SANTA BARBARA, CALIFORNIA FIGURE 5 - EDC CONCENTRATIONS IN GROUNDWATER FOR FIRST QUARTER 2008	
	GROUNDWATER MONITORING WELL	HOLGUIN, FAHAN & ASSOCIATES, INC.	
#	EDC CONCENTRATION IN GROUNDWATER (µg/l)		
-1	CONTOUR OF EDC CONCENTRATIONS IN GROUNDWATER (µg/l)		

REVISION DATE: FEBRUARY 27, 2008; TO

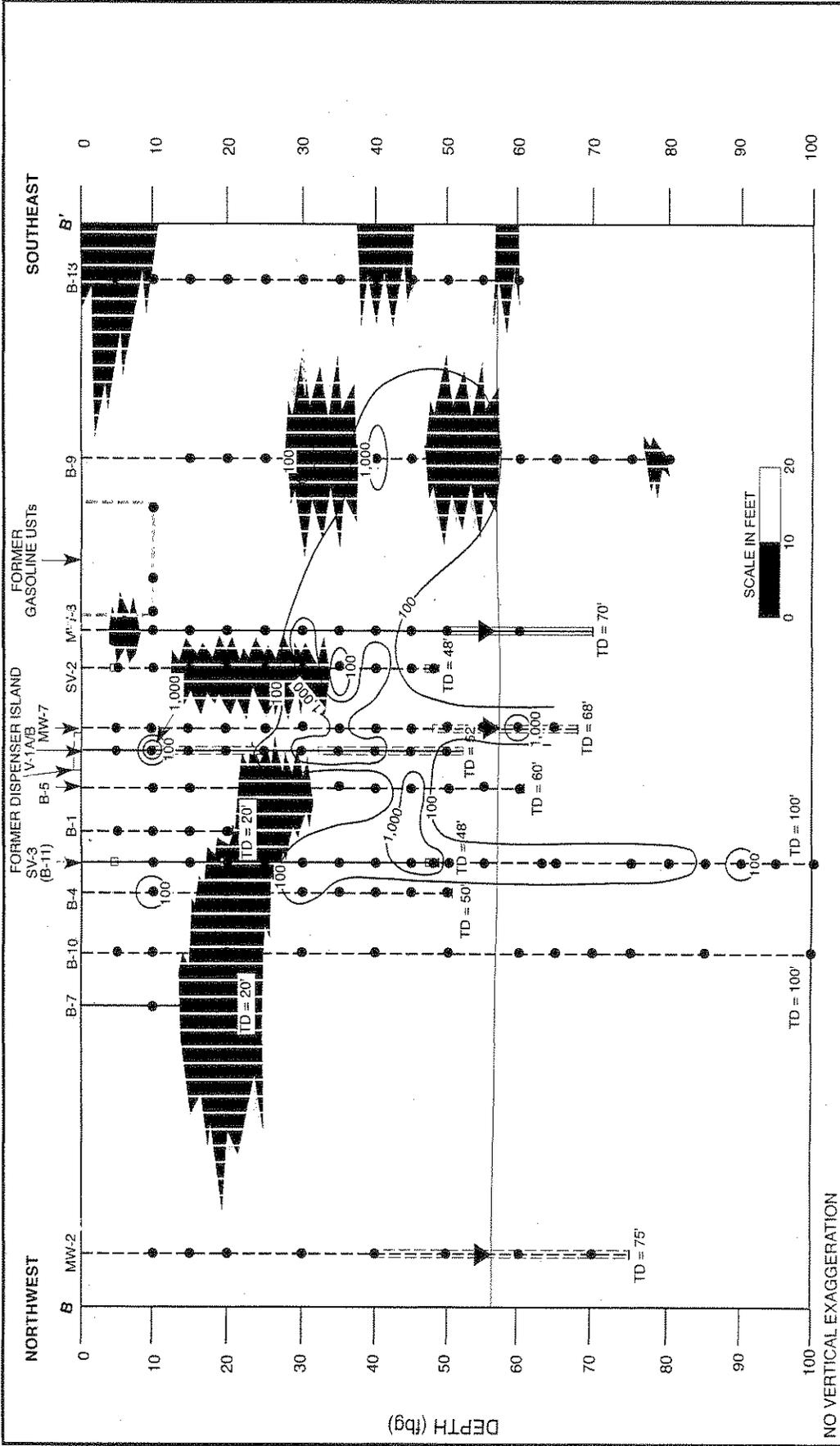
EXHIBIT F



<p>LEGEND</p> <ul style="list-style-type: none"> MW-1 ← BORING/MONITORING WELL DESIGNATION ← BORING/MONITORING WELL (DASHED WHERE PROJECTED) ← PERFORATED WELL INTERVAL ← SOIL SAMPLE LOCATION ← DEPTH TO GROUNDWATER (MEASURED ON 2/13/06) ← DEPTH OF MONITORING WELL ← TOTAL BORING DEPTH 	<p>CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY</p> <p>FORMER SERVICE STATION #20-6699 101 EAST VICTORIA STREET SANTA BARBARA, CALIFORNIA</p> <p>FIGURE 9 - GEOLOGIC CROSS-SECTION A-A'</p> <p>HOLGUIN, FAHAN & ASSOCIATES, INC.</p>
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REVISION DATE: JULY 21, 2006: AMH

EXHIBIT F



CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY	
FORMER SERVICE STATION #20-6699 101 EAST VICTORIA STREET SANTA BARBARA, CALIFORNIA FIGURE 10 - GEOLOGIC CROSS-SECTION B-B'	
HOLGUIN, FAHAN & ASSOCIATES, INC.	
LEGEND MW-1 ← BORING/MONITORING WELL DESIGNATION. MW-1 ← BORING/MONITORING WELL (DASHED WHERE PROJECTED) ← PERFORATED WELL INTERVAL ← SOIL SAMPLE LOCATION ← DEPTH TO GROUNDWATER (MEASURED ON 2/13/06) TD = X' ← TOTAL BORING DEPTH	█ CLAY, CLAYEY SILT, SILTY CLAY, SANDY CLAY, CLAYEY SAND ▨ SILT, SANDY SILT ▩ SAND, SILTY SAND, GRAVELLY SAND, SANDSTONE COBBLES 100' CONTOUR OF TPH AS GASOLINE/EFH CONCENTRATIONS ABOVE FPD INVESTIGATION LEVELS (mg/kg)
REVISION DATE: APRIL 17, 2007: CAG	



December 4, 2008

Mayor Blum and Members of the City Council
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

RE: Measure E Allocation Request and Appeal Hearing
101 E. Victoria Street, APN: 029-071-013

Dear Mayor Blum and Members of the City Council:

Our office represents 101 East, LLC, applicants for a condominium office project on Victoria Street. 101 East, LLC proposes to replace the existing building at 101 E. Victoria, on the corner of Victoria and Anacapa Streets (APN: 029-071-013), with individual office condominiums. The condominiums will be approximately 300 sf each, and are intended to allow sole proprietors and very small businesses the opportunity to purchase their own office space. Parking for the project will be provided via a new underground parking garage on the property.

Our application includes a Development Plan request for square footage under Measure E. Measure E defines an Economic Development Project as one which "will enhance the standard of living for City and South Coast residents and will strengthen the local or regional economy by either creating new permanent employment opportunities or enhancing the City's revenue base." An Economic Development Project should also accomplish one of three goals contained in the Zoning Ordinance.

The proposed project meets both of these standards. In addition to increasing the City's revenue base, the project would accomplish goal (c) which is to "provide products or services which are currently not available or are in limited supply either locally or regionally." We know of no other condominium office space in the City or the region that allows sole practitioners or very small businesses the opportunity to purchase their own office space. There is a tremendous unmet need in the commercial market for such facilities. Approving this project as an Economic Development Project would fill that void and, further, would allow many of the future owners to relocate their offices from their homes into the downtown area, where, in addition to conducting their businesses, they are likely to go out for lunch and run their errands. As a result, this project will provide economic benefit to the small business owners looking for their own space in the downtown area, to the existing downtown merchants that will benefit from having these business owners downtown, and to the City by way of increased sales tax.

Additionally, your Planning Commission approved this project on July 10, 2008. During this hearing we received favorable comments on our request for Measure E square footage under the Economic Development Project category.

Measure E Allocation Request

The existing office building on the property is 11,900 sf and the proposed project would include 17,603 sf of office space. In addition to applying the 3,000 sf allocated to the property under the Small Addition provision of Measure E, we are requesting an additional allocation of 2,703 square feet under the Economic Development Project provision of Measure E.

Project Details

The existing 11,900 sf commercial office space will be demolished and replaced with 50 commercial condominiums totaling 17,603 sf. The units are configured in clusters to create a village atmosphere with paseos and courtyards which will allow for landscape opportunities throughout the site.

The project height will vary throughout the project, with a maximum height of three stories. The proposed project includes 22 units on the first floor, 17 units on the second floor and 11 units on the third floor. Each unit is approximately 300 sf in size. The first floor will also house locker/restroom facilities and a community conference room will be located on the second floor.

The office condominiums are intended to serve sole proprietors and very small businesses looking for the opportunity to own their own office space downtown. While we believe that the size of the units will discourage uses outside of this category, we are happy to incorporate language in the project CC&Rs that prohibits medical office or retail use.

The project will be providing bicycle parking as well as a locker room with showers to facilitate the use of alternative transportation for the building occupants.

An underground parking garage will provide 45 parking spaces, eight of which will be reserved for the property owner at 109 E. Victoria based on an existing easement agreement. Upon project approval, the existing easement will be revised to allow tenants at 109 E. Victoria access to the underground parking garage as detailed in the Memorandum of Understanding between 101 East, LLC and the adjacent property owner included as part of this submittal. Also included in the Memorandum of Understanding are the details of how other existing easements will be revised and new easements will be created to allow openings along the property line, a portion of the parking garage to encroach into the 109 E. Victoria property, and a landscape easement between the two properties.

Replacing the existing at-grade parking with an underground parking garage, combined with the proposed landscape easement provides the opportunity for greatly enhanced landscaping on this key, corner property. Site landscaping will go from just over 5% of the site to approximately 20% of the site as part of the proposed project.

This project was reviewed by HLC on February 21st, March 7th and April 4th of last year. Overall, we received favorable comments on the architecture and the size, bulk and scale of the project.

Sustainability

101 East, LLC will be a model project for sustainable development and has been designed to achieve a LEED[®] Silver Rating. Some of the sustainable aspects include:

- Bicycle storage and locker rooms for non-auto commuters
- Alternative fuel refueling stations for plug-in hybrids, electric bikes and segways.
- Stormwater treatment and rainwater retention for landscaping
- 2,223 square feet of "green" roofs to reduce heat islands
- 4 KW photovoltaic system
- Dual flush toilets, waterless urinals and water-efficient landscaping
- Construction waste management plan to divert 75% of construction waste

Appeals

Two appeals have been filed on the Planning Commission's July 10th approval of this project. We know staff will address the appellant's concerns in their staff report, but we would like to address the two major concerns here as well:

Ongoing Soil Remediation:

At this point the site is essentially remediated, but monitoring will continue by way of soil and ground water sampling for approximately one more year to ensure that this is indeed the case. Such protection procedures are quite common and the Fire Department has allowed continued occupation of the existing building during the remediation process.

It is important to note that our consultants have been and will continue to work closely with the Fire Department on all aspects of the remediation and a monitoring plan is being crafted for Fire Department review and approval.

Parking Modification:

As we've presented in previous hearings and letters, this project has been designed with a goal of achieving a Silver LEED[®] Certification, and the concept of sustainability is very important to our clients. We feel strongly that if our City is going to move towards sustainability we need to work on not centering projects around the use of the automobile. In this instance, we would meet our parking demand as presented by Scott Schell of Associated Transportation Engineers (ATE), and verified by City Transportation staff. We are simply asking for a parking modification so that the project does not end up over-parked solely to comply with the Zoning Ordinance.

Our parking demand study was prepared based on the Institute of Transportation Engineers (ITE) manual, a manual used in virtually all traffic and parking calculations in the City and in surrounding jurisdictions. The ITE manual states that the five basic office uses (General Office, Corporate Headquarters, Single-Tenant Office, Office Park and Research and Development) have virtually no difference in parking demand. Within these uses, General Office Building is described as a building housing multiple tenants, which we feel is an appropriate definition of our proposed building.

In addition to meeting our actual parking demand as calculated by ATE, there are several additional reasons why we believe the proposed 37 parking spaces would adequately serve the proposed project:

- The project is located just outside the Central Business District (CBD) zone, whose boundary is just across the street from the project on Victoria. The CBD reduces the parking demand from 1 space per 250 sf. to 1 space per 500 sf. The recently constructed Penfield and Smith Building, which is a few doors down and on the same side of Victoria as this project site, was granted a parking modification based on its proximity to the CBD. If the CBD reduction were to be applied to this project as it was to the P&S project, the 101 East project would only be required to provide 25 parking spaces. Our understanding is that the parking situation at the Penfield and Smith Building has been working well for the users and the neighbors.
- The Zone of Benefit has not been adjusted to account for the new Granada Garage. An increase in the Zone of Benefit would likely result in the project fully meeting its parking requirement per the Zoning Ordinance. While Staff has clarified that the zone won't technically be adjusted in this area, we believe that, due to its close proximity, the reality is that the Granada Garage will benefit this site.

- The proposed project is not likely to be fully occupied all day. These will be individual offices owned by sole practitioners looking for some office or meeting space in the downtown area. Our experience with similar buildings (such as the Fithian Building) suggests that occupancy of the project will likely be staggered throughout the day, and thus it is very unlikely that all of the offices will be occupied at any given time.
- The project will be providing bicycle parking as well as a locker room with showers to facilitate the use of alternative transportation for the building occupants.

Given all of this information, we continue to feel strongly that the 37 spaces we are proposing for the project will fully satisfy the parking demand. We encourage you to vote that projects should not be overparked, particularly in the downtown area, so as to encourage and incentivize the use of alternative transportation.

We see this project as very beneficial to the City in many ways, and hope you concur in this assessment. Should you have any questions as you review this proposal, please do not hesitate to contact me. We look forward to working with you towards the successful completion of this project.

Sincerely,



Eva A. Turenchalk, AICP
Land Use Planner/LEED® Accredited Professional

REVISED FINDINGS

101 E. VICTORIA STREET
 MODIFICATION, TENTATIVE SUBDIVISION MAP, DEVELOPMENT PLAN APPROVAL
 AND FINAL ECONOMIC DEVELOPMENT DESIGNATION
 DECEMBER 23, 2008

A. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION

1. The City Council has considered the proposed Final Mitigated Negative Declaration together with comments received during the public review period process.
2. The City Council 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 City Council finds that the Final Mitigated Negative Declaration reflects the City Council's independent judgment and analysis.
4. The City Council finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed project. The City Council hereby adopts the Final Mitigated Negative Declaration for the project.
5. The City Council 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 materials 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. PARKING MODIFICATION (SBMC§28.90.100)

The modification to allow less than the required number of parking spaces will not be inconsistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area because the project meets the estimated parking demand.

C. TENTATIVE SUBDIVISION MAP (SBMC§27.07.100)

With the approval of the parking modification, 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 and the proposed commercial 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.

D. DEVELOPMENT PLAN APPROVAL (SBMC§28.87.300)

1. The proposed development complies with all of provisions of the Zoning Ordinance. *With the approval of the parking modification, the proposed project would comply with all requirements of the C-2, Commercial zone including number of stories and building height.*

2. The proposed development is consistent with the principles of sound community planning. *The project is an infill commercial project proposed in an area where commercial developments are allowed.*
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. *The proposed design has been reviewed by the City's design review board, which found the architecture and site design appropriate.*
4. The proposed development will not have a significant unmitigated adverse impact upon the City and South Coast affordable housing stock. *As a commercial project, it is not expected to have an adverse affect on the affordable housing stock.*
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources. *All required utilities and public services are available to adequately serve the project.*
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic. *A traffic trip generation analysis was prepared for the proposed project and it was determined that that the proposed project would approximately generate an additional 15 AM peak hour trips, 15 PM peak hour trips and 112 average daily trips over the existing development. When the vehicle trips generated by this project are distributed to the adjacent street network, it is not expected to exceed the City's standard threshold that would result in traffic impacts to the nearby intersections.*
7. Resources are available and any applicable traffic improvements will be in place at the time of project occupancy. *No traffic improvements are required for the proposed project.*

E. ECONOMIC DEVELOPMENT DESIGNATION (SBMC§28.87.300)

The proposed development qualifies as an Economic Development Project because it will enhance the standard of living* for City and South Coast residents and strengthen the local or regional economy by either creating new permanent employment opportunities or enhancing the City's revenue base. It will also accomplish one or more of the following: support diversity and balance in the local or regional economy by establishing or expanding businesses or industries in sectors which currently do not exist on the South Coast or are present only in a limited manner; provide new recreational, educational, or cultural opportunities for City residents and visitors; or provide products or services which are currently not available or are in limited supply either locally or regionally.

*Standard of living is defined as wages, employment, environment, resources, public safety, housing, schools, parks and recreation, social and human services, and cultural arts.

REVISED CONDITIONS OF APPROVAL

101 E. VICTORIA STREET
MODIFICATION, TENTATIVE SUBDIVISION MAP, DEVELOPMENT PLAN APPROVAL
AND FINAL ECONOMIC DEVELOPMENT DESIGNATION
DECEMBER 23, 2008

In consideration of the project approval granted by the City Council and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **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. **Approved Development.** The development of the Real Property approved by the City Council on December 23, 2008 is limited to fifty (50) commercial condominium units (17,603 square feet (net) of non-residential floor area) and the improvements shown on the Tentative Subdivision Map and project plans signed by the Mayor on said date and on file at the City of Santa Barbara.
 2. **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.
 3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. 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 HLC, the owner is responsible for its immediate replacement.
 5. **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 Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

6. **Use Limitations.** Due to potential traffic and parking impacts, uses other than general office (such as medical/dental office, restaurant, bar/night club, or retail uses) 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. **Garage Parking.** A covenant that includes a requirement that all parking spaces be kept open and available for the parking of vehicles in the manner for which the parking spaces were designed and permitted. No more than eight parking spaces shall be assigned to 109 E. Victoria Street (APN 029-071-012). The remainder of the parking spaces shall remain unassigned and available to all users of the site. A sign shall be installed near the parking lot entrance that indicates when the lot is full.
 - c. **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.
 - d. **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.
 - e. **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.

- f. **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.
 - g. **Bus Passes.** All Owners and/or employers shall purchase Metropolitan Transit District (MTD) bus passes or the equivalent for their employees. These passes shall be provided free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to new employees when they are hired.
 - h. **Contact Information.** The Condominium Association shall provide contact information to the surrounding neighbors upon request. The contact person shall have authority to address neighbor complaints regarding the operation of the project and its occupants.
8. **Parking Monitoring.** Parking usage shall be monitored by an independent monitoring service for two years following issuance of the Certificate of Occupancy. Said monitoring reports shall be submitted to the Community Development and Public Works Departments annually. The monitoring shall include the effective use of the parking lifts. If monitoring reveals insufficient parking to meet demand, Owners shall take action to resolve the problem through payment for off-site parking or other means, in consultation with the above-named departments. Monitoring shall continue until the parking demand imbalance is resolved, even if it requires more than the two-year initial monitoring period to reach resolution.
- B. **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 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: An Easement for All Street Purposes at the intersection of Victoria and Anacapa Streets in order to establish a minimum of a four-foot wide public right-of-way clearance at the back of proposed access ramp.
 - 3. **Private Easements.** The Owner shall submit copies of the executed easement documents (Parking and Access Easements; Light, Air and Landscaping Easements; and Trash Area and Access Easements). The executed easement documents shall be recorded at the same time as the Final Map or prior to the issuance of any building or grading permit.

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. **Anacapa Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Anacapa Street. As determined by the Public Works Department, the improvements shall include new driveway apron modified to meet Title 24 requirements, curb and gutter where damaged, dual directional access ramps at intersection of Anacapa and Victoria Streets, slurry seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations for installation of drainage pipe, two drop inlets appropriately sized by a licensed civil engineer to replace existing grated inlets, storm drain stenciling, preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs per 2006 MUTCD with CA supplements, supply and install new street trees per approval of the City Arborist and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit. The owner shall submit building plans for construction of a bulb-out at the intersection of Victoria and Anacapa Streets unless the City Traffic Engineer determines a bulb-out is not suitable due to the lack of need, overall safety issues, or design impracticalities. The City shall consider providing loading spaces and other parking spaces south of the Anacapa Street driveway.
6. **Victoria Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Victoria Street. As determined by the Public Works Department, the improvements shall include new curb and gutter where damaged, slurry 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, public drainage improvements with supporting drainage calculations for installation of 10 inch drainage pipe, preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs per 2006 MUTCD with CA supplements, supply and install new street trees per approval of the City Arborist and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
7. **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.
8. **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).

9. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
- C. **Design Review.** The following items are subject to the review and approval of the Historic Landmarks Commission (HLC). HLC shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Relocation of Units.** HLC shall consider alternate location of Units 44 and 45 to increase private view opportunities for the adjacent residences.
 2. **Landscaping.** HLC shall work with the applicant to consider ways to increase the number of large trees on site, such as additional tree wells that reach native soil.
 3. **Storage.** HLC shall work with the applicant to consider ways to increase on-site storage for tenants.
- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
 3. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines and the MUTCD with CA supplements. Traffic Control Plans are subject to approval by the Transportation Manager.
 4. **Drainage and Water Quality.** Project plans for grading, drainage, stormwater facilities, and project development shall be subject to review and approval by City Building Division and Public Works Department per City regulations prior to issuance of any building or public works permits. At a minimum, any increase in stormwater runoff (based on a 25-year storm event) shall be retained on-site, and the project shall be designed to capture and treat the calculated amount of runoff from the project site for a 1 inch storm event, over a 24-hour period. Sufficient engineered design and adequate mitigation measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project. (W-1)
 5. **Erosion Control/Water Quality Protection Plan.** Prior to the issuance of a demolition 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 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)

6. **Minimization of Storm Water Pollutants of Concern.** The Owner 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 approved facilities shall be maintained in working order for the life of the project. (W-3)
7. **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, and shall inspect at least annually and submit report to City annually. (W-4)

8. **Passive Drainage Techniques.** Passive/nature water treatment design techniques such as bioswales, infiltration basins, etc, shall be incorporated into open space areas, groundcover, and courtyards to treat the small, frequent storm events that impact water quality in Santa Barbara (a 1 inch storm event, over a 24-hour period). These types of passive/natural capture and filtration design options shall be implemented as opposed to mechanical/underground options, which pose maintenance problems and often times, do not treat runoff as efficiently. These measures shall be incorporated into the drainage plan and shall be subject to review and approval by City Building Division and Public Works Department per City regulations prior to issuance of any building or public works permits. (W-5)
9. **Solid Waste Management Plan.** The Applicant shall develop and implement a Solid Waste Management Plan to reduce waste generated by construction and demolition activities. Consistent with City of Santa Barbara ordinances and in order to achieve the waste diversion goals required by state law, the Contractor may choose to separate waste and recyclables on-site or use a combination of source separation and a construction and demolition (C&D) sorting facility. The Solid Waste Management Plan shall include the following:
 - a. Contact information: The name and contact information of who will be responsible for implementing the Solid Waste Management Plan.
 - b. Waste assessment: A brief description of the proposed project wastes to be generated, including types and estimated quantities during the construction phase of this project. A minimum of 90% of demolition and construction materials shall be recycled or reused.
 - c. Recycling and waste collection areas: Waste sorting and/or collection and/or recycling areas shall be clearly indicated on the project plans and approved by the City Solid Waste Specialist.
 - d. Transportation: A description of the means of transportation of recyclable materials and waste (whether materials will be site-separated and self-hauled to designated centers, or whether mixed materials will be collected by a waste hauler and removed from the site to be processed) and destination of materials.
 - e. Landfill information: The name of the landfill(s) where trash will be disposed of and a projected amount of material that will be landfilled.
 - f. Meetings: A description of meetings to be held between applicant and contractor to ensure compliance with the site Solid Waste Management Plan.

- g. Alternatives to landfilling: A list of each material proposed to be salvaged, reused, or recycled during the course of the Project.
- h. Contingency Plan: An alternate location to recycle and/or stockpile C&D in the event of local recycling facilities becoming unable to accept material (for example: all local recycling facilities reaching the maximum tons per day due to a time period of unusually large volume).
- i. Implementation and Documentation of Solid Waste Management Plan:
 - (1) Manager: The Permit Applicant or Contractor shall designate an on-site party (or parties) responsible for instructing workers and overseeing and documenting results of the Solid Waste Management Plan for the Project Site Foreman. The contact will notify the Public Works Department immediately should any deviance from the Solid Waste Management Plan be necessary.
 - (2) Distribution: The Contractor shall distribute copies of the Solid Waste Management Plan to the Job Site Foremen, impacted subcontractors, and the Architect.
 - (3) Instruction: The Permit Applicant or Contractor shall provide on-site instruction of appropriate separation, handling, and recycling, salvage, reuse, and return methods to be used by all parties at the appropriate stages of project development.
 - (4) Separation and/or Collection areas: The Permit Applicant or Contractor shall ensure that the approved recycling and waste collection areas are designated on site.
 - (5) Construction of Recycling and Waste container facilities: Inspection shall be made by Public Works to ensure the appropriate storage facilities are created in accordance with AB 2176, California State Public Resources Code 42911 and City of Santa Barbara Zoning Ordinances.
 - (6) Hazardous wastes: Hazardous wastes shall be separated, stored, and disposed of according to federal, state and local regulations.
 - (7) Documentation: The Contractor shall submit evidence at each inspection to show that recycling and/or reuse goals are being met and a Summary of Waste Generated by the Project shall be submitted on a monthly basis. Failure to submit this information shall be grounds for a stop work order. The Summary shall be submitted on a form acceptable to the Public Works Department and shall contain the following information:
 - (a) Disposal information: amount (in tons or cubic yards) of material landfilled; identity of the landfill; total amount of

tipping fees paid at the landfill; weight tickets, manifests, receipts, and invoices (attach copies).

(b) Recycling information: amount and type of material (in tons or cubic yards); receiving party; manifests, weight tickets, receipts, and invoices (attach copies).

(c) Reuse and salvage information: list of items salvaged for reuse on project or campus (if any); amount (in tons or cubic yards); receiving party or storage location.

(8) Contingency Plan: The Permit Applicant or Contractor shall detail the location and recycling of stockpiled material in the event of the implementation of a Contingency Plan. (PS-1)

E. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:

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

- a. The frequency and/or schedule of the monitoring of the mitigation measures.
- 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/Case Planner.
- f. 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. **Construction Notice.** At least 20 days prior to commencement of construction, the contractor shall provide written notice to all property owners and residents within 450 feet of the project area. The notice shall contain a description of the proposed

project, a construction schedule including days and hours of construction, 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 during construction. A 24-hour construction hot line shall be provided. Informational signs with the PEC's name and telephone number shall also be posted at the site. (N-1)

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. **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 Project Environmental Coordinator (PEC), the Contractor and each subcontractor.
- F. **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 Historic Landmarks Commission.
 2. **Mitigation Monitoring and Reporting Requirement.** 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.
 3. **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, the Project Environmental Coordinator (PEC), Contractor and each Subcontractor.
 4. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the 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.

G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

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-1)
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-2)
3. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-3)
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-4)
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-5)

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-6)
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. (AQ-7)
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 upon request. (AQ-8)
9. **Portable Construction Equipment.** All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit. (AQ-9)
10. **Fleet Owners.** Fleet owners are subject to sections 2449, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of regulations (CCR) to reduce diesel particulate matter (and criteria pollutant emissions from in-use off-road diesel-fueled vehicles.

See <http://www.arb.ca.gov/regact/2007/ordies107/frooal.pdf>. (AQ-10)
11. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-11)
12. **Equipment Numbers.** 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)
13. **Equipment maintenance.** All construction equipment shall be maintained in tune per the manufacturer's specifications. (AQ-13)
14. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-14)
15. **Diesel Construction Equipment.** Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road

- heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible. (AQ-15)
16. **Engine Timing and Diesel Catalytic Converters.** Other diesel construction equipment, which does not meet CARB standards, shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. 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)
 17. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-17)
 18. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be prohibited; electric auxiliary power units shall be used whenever possible. (AQ-18)
 19. **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.
 20. **Sandstone Curb Recycling.** If any existing sandstone curb in the public right-of-way is removed and not reused, it shall be salvaged and carefully transported to the City Corporation Annex Yard.
 21. **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.
 22. **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.
 23. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
 24. **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. by the Chief of Building and Zoning per Section 9.13.015 of the Municipal Code) between the hours of 5 p.m. and 8 a.m. weekdays In the event of such night work approval, the applicant shall provide written notice to all property owners and residents within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of any. Night work shall not be permitted on weekends and holidays. (N-2)

25. **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.
26. **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.
27. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
28. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) and Project Environmental Coordinator's (PEC) name, contractor(s) and PEC's telephone number(s), 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.

29. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)
30. **Sound Barriers.** As determined necessary by the Planning Division, the project shall employ sound control devices and techniques such as noise shields and blankets during the construction period to reduce the level of noise to surrounding residents and businesses. (N-4)
31. **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.
32. **Corrective Action Plan.** The applicant shall continue all remediation activities as required by the Santa Barbara County Fire Department, Fire Prevention Division pursuant to the approved Corrective Action Plan concurrent with the construction proposed project. The applicant shall actively pursue, to the extent feasible, completion of remediation activities and closure of the LUFT site prior to occupancy of the proposed building or as soon following occupancy as possible. All necessary precautions required by the Fire Department for the protection of construction workers and tenants shall be implemented during the construction and operation of the site. (H-1)
33. **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)

H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements *caused by construction* (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 building plans, including utility service undergrounding and installation of street trees.
3. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
4. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.
5. **Parking Monitoring Contract.** Evidence shall be provided of a signed and executed contract to monitor parking as outlined in condition A.8 above.
6. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

I. **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 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 Staff Hearing Officer 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 MODIFICATION AND TENTATIVE SUBDIVISION MAP APPROVAL TIME LIMITS:

By operation of Municipal Code Section 28.87.370 and Government Code Section 66452.6(a) (1), the City Council's action approving the Tentative Map shall expire three (3) 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, in no case may the total length of time (including all extensions) exceed the five year limit specified in Government Code Section 66452.6(e).



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: July 3, 2008
AGENDA DATE: July 10, 2008
PROJECT ADDRESS: 101 E. Victoria Street (MST2006-00758)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JH*
 Kathleen Kennedy, Associate Planner *KK*

I. INTRODUCTION

On May 22, 2008, the Planning Commission held a public hearing to consider the project proposed at 101 E. Victoria Street (see Exhibit A - Staff Report). The Planning Commission approved the project with the following added conditions:

- consider providing loading spaces and other parking spaces south of the Anacapa driveway;
- consider a pedestrian bulb-out at the intersection of Victoria and Anacapa Streets;
- provide Condominium Association contact information to neighbors; and
- make allowances in construction for 13 additional parking lifts (in addition to the 3 lifts proposed by the applicant), monitor parking demand by independent monitor, subject to review by City Staff, and install additional parking lifts as necessary to meet demand.

On June 5, 2008, the Planning Commission voted to reconsider the approval of the proposed project. Chair Myers stated the following reasons for requesting the reconsideration: 1) The data presented by Staff and the subsequent questions and deliberation by the Planning Commission resulted in miscommunication and misunderstanding of the data; 2) The Commission did not have the opportunity to deliberate on the unintended consequences of its action when considering the environment and sustainability issues regarding the resources required to dig, construct, and haul the dirt away to accommodate the additional parking lifts, which would most likely never be installed or used; and 3) Considering the high likelihood that the decision would be appealed to the City Council, the Commission wants to make certain that it has fully studied and deliberated the policies, modifications, conditions, and ramifications pertaining to its decision.

II. PARKING MODIFICATION

During the Planning Commission discussion regarding the vote to reconsider, the Commissioners requested that Staff provide additional information regarding the parking modification at the

reconsideration hearing. The additional information provided by Transportation Planning Staff is presented below. Also, the applicant has submitted a letter addressing the parking modification (see Exhibit B – Applicant’s letter).

A. PARKING AND ITE’S PARKING GENERATION MANUAL

During the project review Staff received, reviewed, and approved the conclusion of the Parking Study prepared by Associated Transportation Engineers (ATE), dated September 12, 2007. Upon the Planning Commission’s concept review, some members stated that “...the parking demand study was not acceptable and (we) were not in support of the modification.” This sentiment was reiterated by one Commissioner at the May 22, 2008 Planning Commission hearing.

Staff uses tools such as the Institute of Transportation Engineers (ITE) Parking Generation Manual, currently in its 3rd edition, and the ITE Parking Handbook for Small Communities. Staff directed ATE to use the more conservative office parking demand rate provided in the Parking Generation Manual. This manual provides parking survey data for 91 land use categories, including Land Use 701 for Office Buildings which has an urban parking rate of 2.4 parking spaces per 1,000 square feet (see Exhibit C – ITE Land Use). The manual’s land use description states:

ITE defines office uses in several categories. In reviewing the statistics for office parking demand, it was found that five of the basic office land uses had virtually no difference in parking demand characteristics.

The manual provides descriptions of the five different kinds office buildings: General Office, Corporate Headquarters, Single Tenant, Office Park, and Research and Development Center. The descriptions describe a range of buildings ranging from those that contain a mixture of tenants to single tenant buildings. As stated in the description above, building or occupancy type did not change the characteristic of parking demand. However, peak parking demand rates were different between study sites in suburban and urban settings. The manual states:

One potential explanation may relate to the differences in the availability of alternative modes (for example, transit, bike and pedestrian) available at urban sites. Of the studies with data on transit availability and presence of a TDM program, the suburban sites reported about 55 percent with available transit services and 20 percent with TDM programs. The urban sites reported 100 percent with available transit and 83 percent with TDM programs of some form.

Santa Barbara’s downtown area maintains a pedestrian friendly environment, a bus transit service including a downtown shuttle, bicycle corridors and a TDM program implemented by many employers mirroring the ITE urban rate description. City Staff directed ATE to use the urban rate category to determine the project’s average “peak period” parking demand. The parking demand was determined to be 37 parking spaces. Because the proposed project includes a total of 45 parking spaces, 8 of which are assigned to the adjacent property, and 37 spaces for the proposed project, the average peak parking demand would be met onsite.

B. SIMILAR SANTA BARBARA OFFICE PARKING CHARACTERISTICS

Penfield & Smith

Some Commissioners requested data regarding other downtown business offices including the Penfield & Smith (P&S) office building located at 109 E. Victoria Street. The P&S office received Planning Commission approval in July 2003 for a 17,075 square foot office building with a parking modification, to allow 39 spaces instead of 53, with a condition to implement a Transportation Demand Management (TDM) plan. According to the P&S TDM manager, the existing 41 offices hold 62 employees, and approximately 15 employees (25%) use alternative transportation. Parking adequacy issues do occur at times for some low-tenured employees that do not have a designated space, and because of their personal circumstances have limited alternative transportation choices. The approved tandem spaces at the site work favorably through communication between the two drivers using the spaces.

Fithian Building

Staff performed a mid-morning, mid-week survey of employees at the Fithian Building located at the intersection of State and Ortega Streets, at 625 State Street. The Fithian Building contains approximately 9,800 square feet of separately leased offices on the second floor. Seventeen separate business offices were observed with a total of 31 employees. Seventeen employees commuted by motor vehicle (55%), while fourteen (45%) commuted via alternative transportation (5 walk, 8 bike, and 1 bus). It should be noted that 7 observed offices were vacant. Two were unoccupied without a lease and the other five office occupants were away from the building.

C. GRANADA GARAGE

In 1989, a study was prepared indicating that a parking deficit existed in the downtown area north of Carrillo Street, which eventually led to the construction of the Granada Garage in late 2005. The Granada Garage, along with the City's other downtown parking facilities, are a culmination of the strategy developed by the Downtown Organization, in cooperation with the City, to create a parking district that provides convenient parking access between Chapala and Anacapa Streets for the customers of downtown merchants. It is important to distinguish that the parking provided by the 12 City lots is for customers and not parking for residents or employees. Protecting this customer parking resource is crucial to preserving the City's downtown economic vitality.

The Granada Garage continues to see increasing occupancy rates but continues to sell a maximum of 100 (40 to County of Santa Barbara) parking passes at a cost of \$150 per month to nearby businesses and employees. The parking district provides ample customer parking, while at the same time discouraging employee use because of its hourly costs.

D. PARKING AND BUSINESS IMPROVEMENT AREA (PBIA) AND PARKING ZONE OF BENEFIT (ZOB)

The Parking and Business Improvement Area (PBIA) is a downtown area where business owners are charged a parking assessment. It was established so that businesses could maintain

a competitive parking program with other nearby business owners who provide free parking. Competitive parking is accomplished by the City providing 75-minute free parking and low hourly rates for customers. The assessment pays for a portion of the 75-minute free period and is used to partially pay the kiosk operators' salaries and utility costs at City lots. All businesses located within the PBI boundary and within approximately 650 feet of a City lot are required to pay the assessment. The parking assessment fee owed by each business varies. The City developed nine business rate categories. Each category has a formula to determine a rate. The rate is then multiplied by a "Zone of Benefit" (ZOB) percentage, determined by the walking distance between the business and the closest City parking lot. Businesses adjacent to parking facilities are in a 100% ZOB and therefore, are exempt from providing on-site parking. If a business provides on-site parking, a patron parking credit factor is also applied. Due to the location of the 101 E. Victoria Street site in relation to the Granada Garage, the designated 20% ZOB results in a reduction of the amount of parking required under zoning by 20%.

E. UNBUNDLED PARKING

Commissioners have inquired about parking requirement options and the ability to separate the payment component of parking from the rest of a project. Donald Shoup, in his book, The High Cost of Free Parking, describes the advantage of unbundled parking over included parking for residential condominiums:

Developers can offer the option to buy parking spaces separately from the condominium association rather than buy them. Under the first option, the market would reveal how much residents value the parking spaces, and developers could cease building spaces residents do not think are worth the construction and maintenance costs. Under the second option, the association could own the parking spaces as common property and lease them to the residents at a price that equates demand and supply. The rent from the common owned parking spaces could then replace all or part of the association fees residents pay to maintain their association. Parking wouldn't be free, but those who own fewer cars would pay less. After unbundling, developers would find they could build condominiums with fewer parking spaces because residents would want fewer cars when they pay for parking separately.

Commercial condominiums would work similarly. The City of Santa Barbara may consider an unbundling policy as part of an innovative approach to decrease traffic impacts as part of Plan Santa Barbara. If it were to be incorporated now as part of parking modification requests, depending on a project's location, prices associated with unbundled parking will be influenced by the surrounding free parking supply. In areas where free or low-cost parking is readily available, that supply would limit the price that an unbundled space would command.

F. TRAFFIC AND PARKING POLICY

The Circulation Element (CE) of the General Plan provides goals and policies to address traffic congestion. Chapter 7 points to the creation of a Parking Master Plan to coordinate and manage parking in the City. The Parking Master Plan would then outline strategies and implementation measures for addressing the City's parking supply, residential parking permit

program, and parking requirements and design standards. The guiding parking policy of the Parking Master Plan is to optimize parking resources and to encourage increased use of alternative modes. Some suggested measures include:

- Innovative parking design, such as tandem or stacked parking
- Reduced on-site parking requirements that support alternative modes of transportation
- Reduced parking for delivery services
- Parking pricing as a way to discourage drive-alone trips

Studies show that, if parking or travel is costly or unavailable, drivers will be more inclined to adapt their behavior and seek other forms of transportation to and from work. For most of the age of the automobile, inexpensive fuel and free readily available parking have not required driver behavior to be tested unless adverse costs are introduced. Today, drivers are realizing high gas prices, and recent data from organizations such as CalTrans and MTD support the fruition of driver adaptation, by showing that overall vehicle mileage is down while bus ridership rates are up.

In his book, The High Cost of Free Parking, Donald Shoup makes the parking and travel demand connection by stating:

Parking spaces do not create travel demand, of course, but a larger supply of parking reduces its market price and therefore reduces the price of vehicle travel. In the short run, the lower prices induce those who were already driving to drive even more. Some who would have stayed home begin driving. And some who would otherwise walk, cycle, or ride public transit shift to driving. In the long run, the lower price of parking leads to increased vehicle ownership and thus further increases in vehicle travel. Parking spaces do not create vehicle travel but they do enable it.

Mr. Shoup states that free and abundant on and off-street parking facilitates vehicle travel similar to the cheap fuels effect. Similarly, regulations that encourage ample free parking at levels greater than needed enable vehicle travel and reduce the use of alternative modes. As was shown above in the two Santa Barbara examples, not all drivers will opt out of their vehicles, but many will, which leads to a more efficient transportation system for all mode users.

G. CONCLUSION

Transportation and parking policy will continue to play an important role in the sustainable health and vitality of Santa Barbara. Until the Parking Master Plan is completed, the modification process is the tool available to implement some of the existing goals and policies.

Using ITE parking data, Transportation Staff continues to support the conclusions provided by the ATE analysis, and finds the proposed office use is similar in character to that found in other downtown offices that provide less parking than today's zoning requirements. Transportation Staff supports the modification of the zoning code parking requirement, and the provision of parking that meets average peak demand.

III. OTHER ISSUES

After the project was approved by the Planning Commission on May 22, 2008, an appeal by the neighbors was filed. Although the appeal is currently on hold given the reconsideration hearing, some of the appeal issues are addressed below.

A. CONFERENCE ROOM

The applicant has submitted revised drawings that address a number of the concerns that were expressed by the Arlington Court neighbors regarding the second floor conference room and outdoor patio that was proposed adjacent to their condominium development. The new drawings clearly show that the roof of the conference room would extend only minimally above the existing 14 foot high wall. Over half of the outdoor patio area has been eliminated from its previous location along the property line and has been replaced with a green roof. In addition, the restrooms which previously faced the adjacent property have been relocated to the interior of the site.

B. NOISE

The neighbors have expressed a concern that the noise resulting from the operation of the parking lifts would disrupt the employees at the project site as well as the surrounding neighbors. In response to this concern, the applicant has submitted a report from the manufacturer that shows that the noise resulting from the raising of the lift platform would be 56-58 dBA (see Exhibit D – Sound Measurements). This sound level was measured at the key switch, which in the case of the proposed project would be underground, around the corner from the driveway and a substantial distance from the neighbors. At this location, the sound level is less than the noise threshold for private outdoor living areas (60 dBA) and, therefore, it would not have a negative impact on the outdoor living spaces of the neighbors in the vicinity. In regard to the effect on the employees at the project site, the proposed project must conform to the building code requirement that offices have a maximum interior exposure of 50 dBA due to exterior sources.

C. REVISED CONDITIONS OF APPROVAL

The conditions of approval have been revised to reflect the motion that was made for approval of the project on May 22, 2008. The condition regarding the construction of the pits for 13 additional parking lifts has not been added because Staff believes the condition may be subject to substantial revision on reconsideration.

IV. RECOMMENDATION

With approval of the parking modification, the proposed project conforms to the City's Zoning and Building Ordinances, and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in the attached Staff report, and subject to the revised conditions of approval in Exhibit E, and forward the project to the City Council with a recommendation for approval of the Final Economic Development Designation.

Planning Commission Staff Report
101 E. Victoria Street (MST2006-00758)
July 10, 2008
Page 7

Exhibits:

- A. Planning Commission Staff Report for May 22, 2008 (w/o exhibits)
- B. Applicant's letter, dated June 20, 2008
- C. ITE Land Use Description
- D. Report of Sound Meter Measurements
- E. Revised Conditions of Approval

H:\Group Folders\PLAN\PC Staff Reports\2008 Reports\2008-07-10_Item_III_-_101 E. Victoria St Report.doc

June 20, 2008

Chair Myers and Members of the Planning Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Eva A. Turenchalk, AICP
Land Use Planner
805.882.1436 tel
805.965.4333 fax
eturenchalk@bhfs.com

RE: Condominium Office Project
101 E. Victoria Street, APN: 029-071-013

Dear Chair Myers and Members of the Planning Commission:

Our office represents 101 East Victoria, LLC, applicants for the condominium office project on Victoria Street. We, along with our clients, would like to express our appreciation for the reconsideration of your Commission's vote on the proposed parking modification for this project.

As we've presented in previous hearings and letters, this project has been designed with a goal of achieving a Silver LEED® Certification, and the concept of sustainability is very important to our clients. We feel strongly that if this City is going to move towards sustainability we need to work on not centering projects around the use of the automobile. In this instance, we would meet our parking demand as presented by Scott Schell of Associated Transportation Engineers, and verified by City Transportation staff. We are simply asking for a parking modification so that the project does not end up over-parked solely to comply with the Zoning Ordinance.

Our parking demand study was prepared based on the Institute of Transportation Engineers (ITE) manual, a manual used in virtually all traffic and parking calculations in the City and in surrounding jurisdictions. The ITE manual states that the five basic office uses (General Office, Corporate Headquarters, Single-Tenant Office, Office Park and Research and Development) have virtually no difference in parking demand. Within these uses, General Office Building is described as a building housing multiple tenants, which we feel is an appropriate definition of our proposed building.

We understand that some Commissioners have concerns that applying standard parking calculations may not be sufficient for this project given that we've been focusing on the unique character of our proposal. We would like to clarify that the uniqueness of our project is not in the multi-tenant design, it is in the fact that these offices will be available for sale. There are several instances of small multi-tenant buildings in Santa Barbara.

In addition to meeting our actual parking demand as calculated by ATE, there are several additional reasons why we believe the proposed 37 parking spaces would adequately serve the proposed project:

- The project is located just outside the Central Business District (CBD) zone, whose boundary is just across the street from the project on Victoria. The CBD reduces the parking demand from 1 space per 250 sf. to 1 space per 500 sf. The recently constructed Penfield and Smith Building, which is a few doors down and on the same side of Victoria as this project site, was granted a parking modification based on its proximity to the CBD. If the CBD reduction were to be applied to this project as it was to the P&S project, the 101 East project would only

be required to provide 25 parking spaces. Our understanding is that the parking situation at the Penfield and Smith Building has been working well for the users and the neighbors.

- The Zone of Benefit has not been adjusted to account for the new Granada Garage. An increase in the Zone of Benefit would likely result in the project fully meeting its parking requirement per the Zoning Ordinance. While Staff has clarified that the zone won't technically be adjusted in this area, we believe that, due to its close proximity, the reality is that the Granada Garage will benefit this site.
- The proposed project is not likely to be fully occupied all day. These will be individual offices owned by sole practitioners looking for some office or meeting space in the downtown area. Our experience with similar buildings (such as the Fithian building) suggests that occupancy of the project will likely be staggered throughout the day, and thus it is very unlikely that all of the offices will be occupied at any given time.
- The project will be providing bicycle parking as well as a locker room with showers to facilitate the use of alternative transportation for the building occupants.

Given all of this information, we continue to feel strongly that the 37 spaces we are proposing for the project will fully satisfy the parking demand. We encourage you to vote that projects should not be overparked, particularly in the downtown area, so as to encourage and incentivize the use of alternative transportation.

We continue to see this project as very beneficial to the City in many ways, and hope you concur in this assessment. Should you have any questions as you review this proposal, please do not hesitate to contact me. We look forward to working with you towards the successful completion of this project.

Sincerely,



Eva A. Turenchalk, AICP
LEED® Accredited Professional

Land Use: 701 Office Building

Land Use Description

ITE defines office uses in several categories. In reviewing the statistics for office parking demand, it was found that five of the basic office land uses had virtually no difference in parking demand characteristics. The following section merges these uses together for analysis purposes. **Analysts should continue to record the specific ITE land use category for data that they submit.**

710: General Office Building—A general office building houses multiple tenants; it is a location where affairs of businesses, commercial or industrial organizations, or professional persons or firms are conducted. An office building or buildings may contain a mixture of tenants including professional services; insurance companies; investment brokers; and tenant services, such as a bank or savings and loan institution, a restaurant or cafeteria and service retail facilities. Corporate headquarters (Land Use 714), single tenant office building (Land Use 715), office park (Land Use 750) and research and development center (Land Use 760) are related uses.

714: Corporate Headquarters Building—A corporate headquarters building is a single tenant office building that houses the corporate headquarters of a company or organization, which generally consists of offices, meeting rooms, space for file storage and data processing, a restaurant or cafeteria and other service functions. General office building (Land Use 710), single tenant office building (Land Use 715), office park (Land Use 750) and research and development center (Land Use 760) are related uses.

715: Single Tenant Office Building—A single tenant office building generally contains offices, meeting rooms and space for file storage and data processing for a single business or company, and possibly other service functions, including a restaurant or cafeteria. General office building (Land Use 710), corporate headquarters building (Land Use 714), office park (Land Use 750) and research and development center (Land Use 760) are related uses.

750: Office Park—Office parks are usually suburban subdivisions or planned unit developments containing general office buildings and support services, such as banks, restaurants and service stations, arranged in a park- or campus-like atmosphere. General office building (Land Use 710), corporate headquarters building (Land Use 714), single tenant office building (Land Use 715) and research and development center (Land Use 760) are related uses.

760: Research and Development Center—Research and development centers are facilities or groups of facilities devoted almost exclusively to research and development activities. The range of specific types of businesses contained in this land use varies significantly. Research and development centers may contain offices and light fabrication areas. General office building (Land Use 710), corporate headquarters building (Land Use 714), single tenant office building (Land Use 715) and office park (Land Use 750) are related uses.

Database Description

The database consisted of a mix of suburban and urban sites. Parking demand differed between the area types for one independent variable (1,000 sq. ft. GFA) but not for another (employees). Therefore, parking demand was analyzed separately for 1,000 sq. ft. and was combined for employees.

- Average parking supply ratios: 4.0 spaces per 1,000 sq. ft. GFA (84 study sites) and 1.1 spaces per employee (48 study sites).
- Average employee density: 3.3 employees per 1,000 sq. ft. GFA (54 study sites). Employee densities for corporate headquarter buildings and research and development centers tended to be slightly lower than the average.

One Commissioner would want to see a good effort made on the landscaping given the significance of maintaining the services in this neighborhood of Santa Barbara. Does not want to set a standard that is lower than what would be used on other neighborhoods.

Mr. Orosz thinks that the project can be evaluated and would like to come back to address the landscaping and pedestrian issues.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Myers called a recess at 3:01 P.M. and resumed the meeting at 3:18 P.M.

IV. RECONSIDERED ITEM:

ACTUAL TIME: 3:18 P.M.

APPLICATION OF CEARNAL ANDRULAITIS LLP, ARCHITECT FOR SCHAAR HOMES, 101 E. VICTORIA STREET, APN 029-071-013, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: OFFICE AND MAJOR PUBLIC/INSTITUTIONAL (MST2006-00758)

This is a hearing to reconsider the proposed project that was approved by the Planning Commission on May 22, 2008. The project consists of a proposal to demolish an existing two-story 11,900 square foot commercial office building and construct a new three-story 17,607 square foot commercial building comprised of 50 condominium office units on a 19,725 square foot parcel. A total of forty-five parking spaces would be provided in an underground garage, with eight reserved for the adjacent parcel located at 109 E. Victoria Street.

The discretionary applications required for this project are:

1. Modification of the parking requirements to allow less than the number of required parking spaces (SBMC§28.90);
2. Tentative Subdivision Map to create a one-lot subdivision for 50 commercial condominium units (SBMC§27.07);
3. Development Plan approval to allow 5,707 square feet of additional non-residential development (SBMC§28.87.300); and
4. Preliminary Economic Development Determination (SBMC28.87.300).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332 (In-fill Development Project).

Case Planner: Kathleen Kennedy, Associate Planner
Email: kkennedy@SantaBarbaraCA.gov

RECUSALS: To avoid any actual or perceived conflict of interest Commissioner Jacobs recused herself due to the attorney representing the project working at the same firm as her husband.

EX PARTE COMMUNICATION:

All Commissioners disclosed that they have had no ex parte communication outside of individual questions to Staff.

Chair Myers recapped the reasons for the reconsideration request.

Scott Vincent, Assistant City Attorney, stated that a reconsideration would mean that the Commission's prior action did not occur and that the project would be brought back to where it was at the prior meeting just before making a decision.

Commissioner Jostes was not at the initial meeting and abstained from the reconsideration vote, but did review the video and felt informed enough to participate in a decision on the project today.

Kathleen Kennedy, Associate Planner, gave the Staff presentation, joined by Rob Dayton, Principal Transportation Planner.

Staff clarified the Planning Commission's questions about parking.

Brian Cearnal, Cearnal Andrulaitis Architects, gave the applicant presentation.

Mr. Cearnal answered the Planning Commission questions, stating that the amount of additional excavation for the additional parking lift pits would be 620 cubic yards; and clarified that the parking easement with the adjacent lot is a permanent ingress/egress easement.

Chair Myers opened the public hearing at 3:42 P.M.

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

1. Patricia Hiles remained concerned about inadequate parking and lack of off-street parking. Feels that the project should bear the burden of its own parking needs. There is no environmental review that has been done on this project. Would like to see entrance moved to Victoria Street. There are already a number of small commercial buildings that exist in the community. Disagreed with position taken in letter written by Joe Andrulaitis.
2. Robert Chyla acknowledged a positive experience in meeting with Mr. Cearnal, feels some issues, including hazardous waste, loading zones and the conference room location have been resolved. Would like the status of the relocation request made for units 44 and 45.

3. Len Kaplan, Arlington Court, remains concerned with how delivery trucks will be handled. Believes that units 44 and 45 block the view to the Courthouse and would like them relocated to mitigate the view loss.

The following people made general comments:

1. Jessica Cesaroni, President, Arlington Court Owners Association, thanked Mr. Cearnal for attending a home owners meeting and addressing the concerns of the Association.
2. Sally Tannenbaum, Arlington Court Owners Association, is concerned with the potential for accidents that could result from the ingress/egress location. Would like to see a condition of approval included to restrict the conference room hours of use

With no one else wishing to speak, the public hearing was closed at 3:52 P.M.

Mr. Cearnal addressed the Commission and provided a status on the soils clean up stating that the monitoring was approved to stop and would be retested in 30 days; efforts made on the red curb and loading zones with the City Transportation Staff; addressed the potential relocation of units 44 and 45, but also reminded the Commission that the issue involves private views that do not fall under the purview of the Commission; and agreed to adding a condition for the conference room hours of operation.

Mr. Cearnal answered the Planning Commission's questions about reduction of the parking footprint if parking is reduced and the inability to replace the area with landscaping; and stated a strong preference to keep all proposed units.

Commissioner's comments:

1. One Commissioner remains concerned with the driveway access off of Anacapa Street and prefers Victoria Street, yet respects Transportation Staff's analysis of access off of Victoria Street presenting more traffic issues. Believes that we need to add adequate freight loading and unloading, but does not have a solution and defers to Transportation Staff.
2. Two Commissioners would like to condition that conference room not be used between 8 pm – 8 a.m. Another Commissioner did not feel the condition was necessary and wanted to see more flexibility in the condition.
3. If the parking modification is approved, would like to condition a parking demand utilization study be conducted for one to three years after the units are occupied, including the lifts.
4. Commissioners appreciated the project being reconsidered and the cooperation extended to the neighbors.
5. One Commissioner feels confident about the parking given the close proximity to the Granada Garage and would like to remove the condition requiring the additional parking pits.

6. One Commissioner remains solidly behind the project providing one parking space per unit. Feels that, although it is not in the purview of the Commission to protect private views, collaboration should move forward for the preservation of the public views.
7. One Commissioner supports the project's unique contribution of small offices to the community. Would like to see the approval of the parking modification provide more landscaped open space on site ; cites Meridian Studios as comparable design of the single-story component for inspiration. Further stated that the building height is appropriate and there are no size, bulk and scale issues.
8. One Commissioner said there would be an opportunity for project tenants to buy into the Granada Garage, if parking needs were not met in the short-term and acknowledge the shift away from single-occupancy vehicles.
9. Would like to see space in the parking garage to get more trees to the soil below the parking. This would enhance the landscaping by allowing for larger trees.
10. One Commissioner stated support for the project as proposed without additional parking lifts and stated that the conference room condition was not needed.

Staff responded to additional Planning Commission questions about maintaining the pedestrian bulb-out in the conditions as a consideration, not a requirement, and explained how the Parking Business Improvement Area works.

MOTION: Bartlett/Larson

Assigned Resolution No. 026-08

Approve the project with the findings in the Staff Report, subject to the Conditions of Approval and forward to the City Council with a recommendation for approval of the Final Economic Development Designation, with additional conditions: 1) Parking usage shall be monitored by an independent monitoring service for 2 years from Certificate of Occupancy and include the effectiveness of the parking lifts. If monitoring reveals insufficient parking to meet demand, owners shall take action to resolve the problem, which will require monitoring to continue until the parking demand imbalance is resolved; 2) Historic Landmarks Committee (HLC) shall consider alternate locations for units 44 and 45 to increase private view opportunities for the adjacent neighbors; 3) HLC shall consider ways to increase in-dirt landscaping opportunities on site; and 4) Historic Landmarks Committee shall consider ways to increase on-site storage for tenants.

Mr. Vincent addressed the Commission's parking concern by citing the Fithian Building's lack of parking onsite and noted how the tenants have found their own solutions and suggested the same could occur here.

This motion carried by the following vote:

Ayes: 5 Noes: 1 (White) Abstain: 0 Absent: 1 (Jacobs)

Chair Myers announced the ten calendar day appeal period.



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: May 15, 2008
AGENDA DATE: May 22, 2008
PROJECT ADDRESS: 101 E. Victoria Street (MST2006-00758)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JMH*
 Kathleen Kennedy, Associate Planner *KK*

I. PROJECT DESCRIPTION

The project consists of a proposal to demolish an existing two-story 11,900 square foot commercial office building and construct 17,607 square feet of commercial space comprised of 50 condominium office units on a parcel of approximately 19,725 square feet. The proposal consists of one-, two and three-story elements and would have a maximum height of 35 feet. The commercial condominium units would range in size from approximately 294 to 333 square feet each. The first floor would consist of 22 units and a common locker room, shower and restroom facility, the second floor would consist of 17 units and a common conference room and the third floor would consist of 11 units. Because the existing development of 11,900 square feet is less than the 17,607 square feet required for the proposal, an additional 5,707 square feet of commercial space would be needed. A total of 3,000 square feet is requested from the Minor and Small Addition categories and the remaining 2,707 square feet is requested from the Economic Development Project category. A total of forty-five parking spaces would be provided in an underground garage, with eight reserved for the adjacent parcel located at 109 E. Victoria Street (see Exhibit B – Site Plan).

Currently, there are reciprocal easements for vehicular and pedestrian access and parking between the subject parcel and the adjacent parcel (109 E. Victoria St.). As part of the proposed project, new easement agreements between the two parcels would be executed. A new parking and access easement would allow tenants of the adjacent parcel to use eight of the parking spaces within the underground garage. A new trash area and access easement would allow the subject property to use the trash area on the adjacent parcel. A light, air and landscaping easement located on the adjacent parcel would allow the proposed project to construct openings on the property line. In addition, a 10 foot wide subsurface easement is proposed to allow a portion of the underground parking to encroach into the adjacent parcel. The locations of the easements are shown on the project plans.

Also, the 14 foot high walls associated with that portion of the existing building located near the residential condominiums in Arlington Court would remain. The adjacent parcel (Arlington Court) has an easement to maintain the exterior of the walls that face their property.

The project site is an active Leaking Underground Fuel Tank (LUFT) site with ongoing soil and groundwater remediation activities as required by the Santa Barbara County Fire Department. Written evidence of completion of all requirements has been added as a conditional of approval for this project. Additional project information is included in the letter from the applicant (see Exhibit C – Applicant’s Letter).

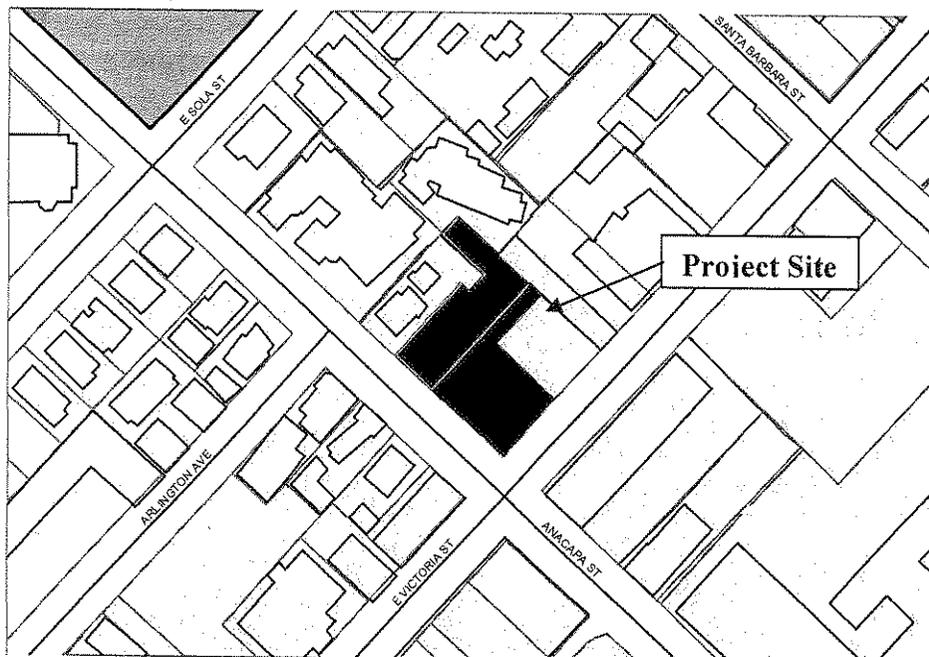
II. REQUIRED APPLICATIONS

The proposed project requires the following discretionary applications:

1. Modification of the parking requirements to allow less than the number of required parking spaces (SBMC§28.90);
2. Tentative Subdivision Map to create a one-lot subdivision for 50 commercial condominium units (SBMC§27.07);
3. Development Plan approval to allow 5,707 square feet of additional non-residential development (SBMC§28.87.300); and
4. Preliminary Economic Development Determination (SBMC28.87.300) for 2,707 square feet.

III. RECOMMENDATION

With approval of the parking modification, the proposed project conforms to the City’s Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A, and forward the project to the City Council with a recommendation for approval of the Final Economic Development Determination.



Vicinity Map for 101 E. Victoria Street

APPLICATION DEEMED COMPLETE: March 4, 2008
DATE ACTION REQUIRED: May 23, 2008

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Cearnal Andrulaitis LLP	Property Owner: 101 E. Victoria, A California Limited Partnership
Parcel Number: 029-071-013	Lot Area: 19,725 square feet
General Plan: Commercial Office	Zoning: C-2, Commercial
Existing Use: Residential	Topography: flat
Adjacent Land Uses: North - Residential South - Commercial East - Commercial West - Commercial and Residential	

B. PROJECT STATISTICS

Commercial	Use	Square Feet (net)
First floor	22 units and common locker room	7,772 sq. ft.
Second Floor	17 units and common conference room	5,804 sq. ft.
Third Floor	11 units	3,493 sq. ft.
Underground Garage	45 parking spaces	15,746 sq. ft.

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front -Interior/Rear	none none	Varies 0' to 100' Varies 0' to 40'	Varies 0' to 6'-7"
Building Height	4 stories, 60 feet	2 stories, 24 feet	3 stories, 35 feet
Parking Spaces	1/250 sq. ft.; 20 % zone of benefit; 10 % reduction for buildings over 10,000 sq. ft. = 50 spaces	32 parking spaces	45 parking spaces (37 for the project; 8 for the adjacent parcel)
Lot Coverage -Building -Paving/Driveway -Landscaping	N/A N/A N/A	9,529 sq. ft. (48.3%) 9,154 sq. ft. (46.4%) <u>1,042sq. ft. (5.3%)</u> 19,725 sq. ft. (100%)	9,199 sq. ft. (46.6%) 6,541 sq. ft. (33.2%) <u>3,985 sq. ft. (35%)</u> 19,725 sq. ft. (100%)

Parking Modification: The proposed project would meet all of the C-2, Commercial, zone requirements with the exception of the required number of parking spaces. Based on the size of the proposal (17,607 sq. ft.), 50 parking spaces are required for the commercial condominium units (70 spaces less the 20% zone of benefit and less 10 % for a building over 10,000 sq. ft.). With the inclusion of the additional eight parking spaces for the adjacent parcel, a total of 58 parking spaces would be needed.

The applicant submitted a Parking Study prepared by Associated Traffic Engineers, dated September 12, 2007 (see Exhibit D – Parking Study), which concludes that the parking demand for the 50 commercial condominium units would be 37 parking spaces. The demand was calculated using the parking demand rate for General Office buildings located in downtown urban areas from the Institute of Transportation Engineers (ITE) Parking Generation report, along with a 20% reduction based on the City's Zone of Benefit.

The proposal consists of a total of 45 parking spaces with 37 parking spaces for the fifty commercial condominium units and 8 parking spaces for the exclusive use of the adjacent development at 109 E. Victoria Street; therefore, the project meets the estimated parking demand.

The proposed project was presented to the Planning Commission at a concept review hearing on May 10, 2007. At that time, the Commissioners stated that the parking study was unacceptable, that they were not in support of the parking modification, and that all fifty required parking spaces should be provided for the fifty commercial units. One Commissioner stated that if it were later determined that not all of the parking spaces were needed, the extra spaces could be either converted to storage space or could be leased (see Exhibit E – PC Minutes).

Transportation Planning Staff concurs with the conclusions of the Parking Study and is in support of the parking modification for a number of reasons. The project site is directly adjacent to the Central Business District where the parking requirement is 1 space per 500 square feet instead of 1 space per 250 square feet. If the lower parking rate were to apply to this project, as it did to the recently constructed Penfield & Smith development to the east (via an approved parking modification), the requirement for the project would be for 25 parking spaces (35 spaces less the 20% zone of benefit and less 10 % for a building over 10,000 sq. ft.). With the inclusion of the additional eight parking spaces for the adjacent parcel, a total of 33 parking spaces would be needed. This is less than the 37 spaces proposed for the new commercial condominiums.

Also, as stated by the applicant, the proposed project would not be a traditional office building, as it is intended to meet the needs of sole proprietors and small businesses, and would not be expected to be completely occupied at any given time of the day. In addition, alternative transportation would be encouraged and accommodated with bicycle parking and locker rooms with showers. Finally, connections to area transit are nearby.

Because medical/dental office, restaurant, bar/night club, or retail uses would result in higher parking demand as well as increased traffic trip generation, these uses would be prohibited; therefore, Staff has included this as a recommended condition of approval.

Also, the proposed Klaus. Parking lift system (Model 2062-185) has been accepted by Transportation Planning staff for use by this project to provide 6 of the 45 proposed parking spaces (see Exhibit G – Klaus Parking Lift). Because the system does not require removing one vehicle to access another, the lifts are not considered tandem parking. Therefore, staff supports granting a parking design waiver.

Non-residential square footage allocations: The proposed project would require an additional 5,707 square feet of non-residential floor area. A total of 3,000 square feet is requested from the Minor and Small Addition categories and the remaining 2,707 square feet is requested from the Economic Development Project category.

On May 6, 2008, the City Council made a preliminary finding that the proposed project meets the definition of an Economic Development Project and granted the proposed project a Preliminary Economic Development Designation for 2,707 square feet of non-residential floor area. The basis for this conclusion is explained in more detail in Exhibit H – City Council Report. The motion to grant the designation included a request that the number of commercial condominiums allowed to be combined be limited in order to maintain the project as a small condominium development. Staff would like the Planning Commission to consider a condition of approval to address this issue. Suggestions include limiting the number of units allowed to be combined or a limiting the maximum square footage for any given unit.

Upon approval of the project and a recommendation by the Planning Commission, the project application would be forwarded to the City Council for a Final Designation as an Economic Development Project.

VI. ISSUES

A. PLANNING COMMISSION CONCEPT REVIEW

As stated above, on May 10, 2007, the Planning Commission reviewed the project on a conceptual level (see Exhibit E – PC Minutes). The Commissioners commented favorably on the unique small commercial condominium development concept and on the architectural design. Most Commissioners expressed concerns regarding the location of the garage entrance on Anacapa Street and the impact of delivery trucks on Anacapa Street, which is busier than Victoria Street. While Victoria Street's average daily traffic volume is approximately one half that of Anacapa Street, Staff determined that the additional distance from the intersection provided by an Anacapa Street ramp versus a Victoria Street ramp was the superior location design. With a Victoria Street ramp, vehicle queuing impacts to the intersection could occur because the intersection is approximately 75 feet closer than the proposed ramp. Additionally, red curb will be maintained on both streets precluding vehicles from stopping with the exception of approximately 50 feet south of the garage ramp.

B. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element: The project site is located in the Downtown neighborhood, which is bounded on the north by Sola Street; on the south by Ortega Street; on the east by Santa Barbara Street; and on the west by De la Vina Street.

Since it is the Central Core, the Downtown area is more intensively used than other parts of the City. In addition to its primary function called for in the General Plan as General Commercial and Office Use, the Downtown also houses a small number of City residents. The proposed project, consisting of fifty small office condominium units, is appropriate for the downtown area.

C. DESIGN REVIEW

The proposed project was reviewed by the Historic Landmarks Commission (HLC) on three occasions (see Exhibit F- HLC Minutes). On April 4, 2007, the Commission continued the project to the PC with the comment that the size, bulk and scale of the proposal were acceptable. The HLC had a concern that the proposed court yard needs to be a usable open space and that the landscaping needs to be more substantial.

D. ENVIRONMENTAL REVIEW

Cultural Resources: A Phase I Archaeological Resources Report prepared by Dudek dated January 2008, was accepted by the Historic Landmarks Commission on February 20, 2008. The report concludes that the proposed project would not have the potential to result in significant impacts on either prehistoric or historic archeological resources and no mitigation measures are required.

Conclusion: Staff has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15332 (In-fill Development Project) as discussed below. This is an exemption that consists of projects characterized as in-fill development meeting the conditions described below.

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. *With the approval of the parking modification, as allowed by the Zoning Ordinance, the project would be consistent with the General Plan designation (Commercial), all applicable General Plan policies, the Zoning designation (C-2, Commercial), and regulations.*
2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. *The project site is 19,725 square feet, is within the City limits and is surrounded by urban uses.*
3. The project site has no value as habitat for endangered, rare, or threatened species. *The existing structures on the site include one commercial building and paved parking areas and the site has no value as habitat for endangered, rare, or threatened species.*
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic: Staff prepared a traffic trip generation analysis for the proposed project. A proposed building increase of 5,707 square feet was applied to an Institute of Transportation Engineers (ITE) trip generation rate for an assumed General Office land use designation. It is estimated that the proposed project would approximately generate an additional 15 AM peak hour trips, 15 PM peak hour trips and 112 average daily trips over the existing development.

The City of Santa Barbara has established the following threshold criteria to determine if a project has a significant traffic impact:

* A project-specific significant impact is deemed to have occurred if a development project would cause the volume-to-capacity (V/C) ratio at an intersection to exceed 0.77, or if the project would increase the V/C ratio at intersections which already exceed 0.77 by 0.01.

* A cumulative project significant impact is deemed to have occurred if a development project would add traffic to an intersection which is forecast to operate above V/C = 0.77 with cumulative traffic volumes.

The City's practice is to follow five trips in any direction to or from a site to determine compliance with the cumulative threshold. Once less than five trips are determined to be headed in any one direction, distribution (or "following") of these trips ceases because Staff cannot state with statistical certainty where these trips would be headed on a daily basis.

When the vehicle trips generated by this project are distributed to the adjacent street network, it is not expected to exceed the City's standard threshold that would result in traffic impacts to the nearby intersections. Particular attention was given to the Carrillo Street at Highway 101 ramps as they are currently impacted. Staff determined that due to the proximity of the site to the north-bound Highway 101 ramp at Arrellaga Street, the majority of north bound highway traffic would use the Arrellaga Street ramp and not impact the Carrillo Street intersection. Thus, the Transportation Division anticipates that this project would not generate project-specific or cumulative traffic impacts compared to the current use. Because medical/dental office, restaurant, bar/night club, or retail uses would result in increased traffic trip generation, these uses will be prohibited as a condition of approval.

Noise: According to the City's Master Environmental Assessment (MEA), the portion of the project site located closest to Anacapa Street is in an area with a noise contour of between 60 and 65dBA. The remaining portion is in an area of less than 60 dBA (decibels). Because this is below the acceptable threshold for commercial uses, there would be no significant long-term noise impacts.

Air Quality: The City uses the Santa Barbara County Air Pollution Control District's (APCD) thresholds of significance for air quality impacts. It has been determined that a project consisting of 50 commercial units (17,607 square feet of commercial space) would not result in significant air quality impacts. The project would involve grading, paving and landscaping activities that could result in short-term dust related impacts. Standard dust control measures are included in the conditions of approval; therefore, no significant air quality effects would result.

Water Quality: The project is subject to the City's Storm Water Management Plan. A condition of approval is included that requires the installation of onsite pollution prevention interceptor devices; therefore, the proposed project would not be expected to cause significant impacts to water quality.

5. The site can be adequately served by all required utilities and public services. *All required utilities and public services are available to adequately serve the project.*

VII. FINDINGS

The Planning Commission finds the following:

A. **PARKING MODIFICATION (SBMC§28.90.100)**

The modification to allow less than the required number of parking spaces will not be inconsistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area because the project meets the estimated parking demand.

B. **THE TENTATIVE MAP (SBMC§27.07.100)**

With the approval of the parking modification, 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 and the proposed commercial 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.

C. **DEVELOPMENT PLAN APPROVAL (SBMC§28.87.300)**

1. The proposed development complies with all of provisions of the Zoning Ordinance. *With the approval of the parking modification, the proposed project would comply with all requirements of the C-2, Commercial zone including number of stories and building height.*
2. The proposed development is consistent with the principles of sound community planning. *The project is an infill commercial project proposed in an area where commercial developments are allowed.*
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. *The proposed design has been reviewed by the City's design review board, which found the architecture and site design appropriate.*
4. The proposed development will not have a significant unmitigated adverse impact upon the City and South Coast affordable housing stock. *As a commercial project, it is not expected to have an adverse affect on the affordable housing stock.*
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources. *All required utilities and public services are available to adequately serve the project.*

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic. *A traffic trip generation analysis was prepared for the proposed project and it was determined that that the proposed project would approximately generate an additional 15 AM peak hour trips, 15 PM peak hour trips and 112 average daily trips over the existing development. When the vehicle trips generated by this project are distributed to the adjacent street network, it is not expected to exceed the City's standard threshold that would result in traffic impacts to the nearby intersections.*
7. Resources are available and any applicable traffic improvements will be in place at the time of project occupancy. *No traffic improvements are required for the proposed project.*

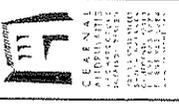
D. ECONOMIC DEVELOPMENT DESIGNATION (SBMC§28.87.300)

The proposed development qualifies as an Economic Development Project because it will enhance the standard of living* for City and South Coast residents and strengthen the local or regional economy by either creating new permanent employment opportunities or enhancing the City's revenue base. It will also accomplish one or more of the following: support diversity and balance in the local or regional economy by establishing or expanding businesses or industries in sectors which currently do not exist on the South Coast or are present only in a limited manner; provide new recreational, educational, or cultural opportunities for City residents and visitors; or provide products or services which are currently not available or are in limited supply either locally or regionally.

*Standard of living is defined as wages, employment, environment, resources, public safety, housing, schools, parks and recreation, social and human services, and cultural arts.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated May 13, 2008
- D. Parking Study prepared by ATE dated September 12, 2007
- E. Planning Commission Minutes May 10, 2007
- F. Historic Landmarks Commission Minutes dated 2/21, 3/7, & 4/4/07
- G. Klaus Parking System Details
- H. City Council Report dated May 5, 2008



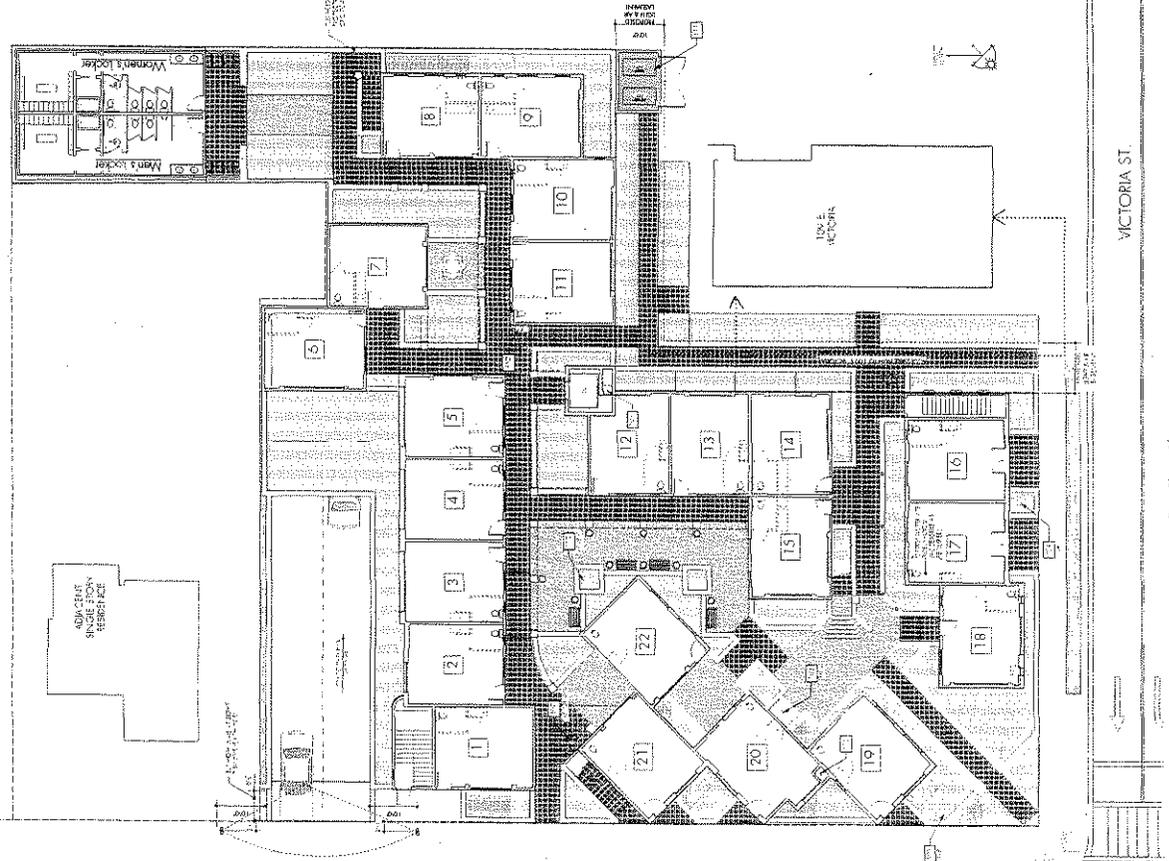
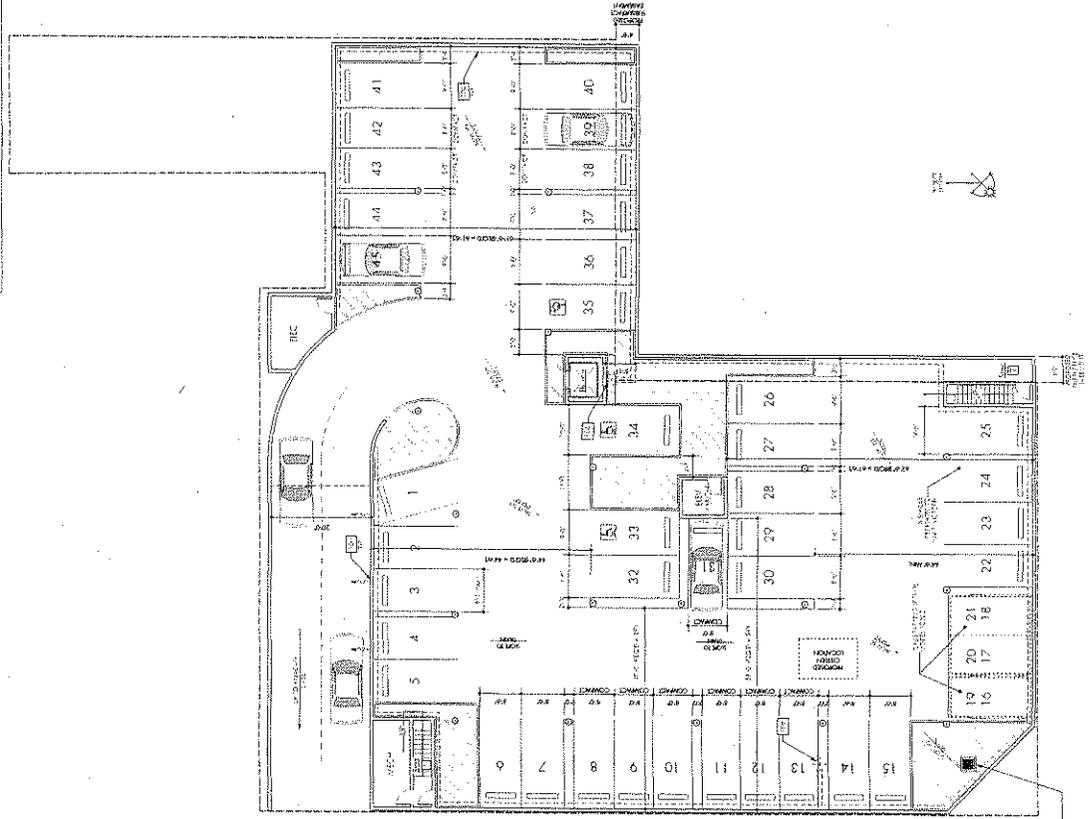
CELENA ARCHITECTS
 101 E. Victoria
 Suite 4000, CA 93101
 562.999.4444
 415.778.0078

Proposed project for
 Schatz/101 E. Victoria

DATE	10/1/10	
BY	CELENA ARCHITECTS	
PROJECT NO.	101 E. VICTORIA	
SCALE	AS SHOWN	
DESCRIPTION	ARCHITECTURAL	
REVISIONS		
NO.	DATE	DESCRIPTION
1	10/1/10	ISSUED FOR PERMITS

A-101

- PLAN NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA MECHANICAL, ELECTRICAL AND PLUMBING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA FIRE AND SAFETY CODE AND ALL APPLICABLE LOCAL ORDINANCES.
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ENERGY CODE AND ALL APPLICABLE LOCAL ORDINANCES.
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA LAND USE ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA HISTORIC PRESERVATION ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CULTURAL HERITAGE ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-CORRUPTION ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-SLAVORY ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 11. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-TRAFFICKING ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 12. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-SEXUAL HARASSMENT ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 13. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-SEXUAL ORIENTATION HARASSMENT ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 14. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-SEXUAL ORIENTATION DISCRIMINATION ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 15. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-SEXUAL ORIENTATION HATE CRIMES ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 16. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-SEXUAL ORIENTATION HATE SPEECH ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 17. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-SEXUAL ORIENTATION HATE ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 18. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-SEXUAL ORIENTATION HATE ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 19. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-SEXUAL ORIENTATION HATE ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 20. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-SEXUAL ORIENTATION HATE ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 21. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-SEXUAL ORIENTATION HATE ACT AND ALL APPLICABLE LOCAL ORDINANCES.
 22. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-SEXUAL ORIENTATION HATE ACT AND ALL APPLICABLE LOCAL ORDINANCES.



Garage/Basement Plan

First Floor Plan

EXHIBIT B

May 13, 2008

VIA EMAIL AND HAND DELIVERY

Chair Jacobs and Members of the Planning Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Eva A. Truenchaik, AICP
Land Use Planner
805.882.1436 tel
805.965.4333 fax
eturenchaik@bhfs.com

RE: DART Re-Submittal for Condominium Office Project
101 E. Victoria Street, APN: 029-071-013

Dear Chair Jacobs and Members of the Planning Commission:

Our office represents 101 East Victoria, LLC, applicants for a condominium office project on Victoria Street. 101 East Victoria, LLC proposes to replace the existing building at 101 E. Victoria, on the corner of Victoria and Anacapa Streets (APN: 029-071-013), with individual office condominiums. The condominiums will be approximately 320 sq.ft. each, and are intended to allow sole proprietors and very small businesses the opportunity to purchase their own office space. Parking for the project will be provided via a new underground parking garage on the property.

This project was reviewed by HLC on February 21st, March 7th and April 4th of this year. Overall, we received favorable comments on the architecture and the size, bulk and scale of the project.

This project was before your Commission on May 10, 2007 for Conceptual review. During this hearing we received direction to work with Public Works staff regarding our request for a parking Modification, and we received favorable comments on our request for Measure E square footage under the Economic Development Project category. On May 6th of this year we went before the City Council and received a preliminary Economic Development designation for our Measure E request.

PROJECT DETAILS

The existing 11,900 sf commercial office space will be demolished and replaced with 50 commercial condominiums totaling 17,607 sq.ft. The units are configured in clusters to create a village atmosphere with paseos and courtyards which will allow for landscape opportunities throughout the site.

The project height will vary throughout the project, with a maximum height of three stories. The proposed project includes 22 units on the first floor, 17 units on the second floor and 11 units on the third floor. Each unit is approximately 320 sq.ft. in size. The first floor will also house locker/restroom facilities and a community conference room will be located on the second floor.

The office condominiums are intended to serve sole proprietors and very small businesses looking for the opportunity to own their own office space downtown. While we believe that the size of the units will discourage uses outside of this category, we are happy to incorporate language in the project CC&Rs that prohibits medical office or retail use if staff requests it.

21 East Carrillo Street | Santa Barbara, CA 93101-2706 805.963.7000 tel
Brownstein Hyatt Farber Schreck, LLP | bhfs.com 805.965.4333 fax

EXHIBIT C

An underground parking garage will provide 45 parking spaces, eight of which will be reserved for the property owner at 109 E. Victoria based on an existing easement agreement. Upon project approval, the existing easement will be revised to allow tenants at 109 E. Victoria access to the underground parking garage as detailed in the "Agreement Regarding Parking, Trash Access, Light, Air, and Landscaping Easements" between 101 East Victoria, a California Limited Partnership and the adjacent property owner included as part of this submittal. Also included in the Agreement are the details of how other existing easements will be revised and new easements will be created to allow openings along the property line, a portion of the parking garage to encroach into the 109 E. Victoria property, and a landscape easement between the two properties. Having received direction from staff in the DART review process, we worked with the City Attorney's office to create this Agreement sensitive to and compliant with City requirements.

Replacing the existing at-grade parking with an underground parking garage, combined with the proposed landscape easement provides the opportunity for greatly enhanced landscaping on this key, corner property. Site landscaping will go from just over 5% of the site to approximately 31% of the site as part of the proposed project.

Demolition of the existing building is expected to take approximately one week, site grading will take two weeks and project construction is expected to take approximate one year. It is anticipated that site work will be phased so as to minimize encroachment into the public right-of-way.

SUSTAINABILITY

101 East Victoria, LLC will be a model project for sustainable development and has been designed to achieve a LEED® Silver Rating. Some of the sustainable aspects include:

- Bicycle storage and locker rooms for non-auto commuters
- Alternative fuel refueling stations for plug-in hybrids, electric bikes and segways.
- Stormwater treatment and rainwater retention for landscaping
- 2,223 square feet of "green" roofs to reduce heat islands
- 4 KW photovoltaic system
- Dual flush toilets, waterless urinals and water-efficient landscaping
- Construction waste management plan to divert 75% of construction waste

DISCRETIONARY APPLICATIONS REQUESTED

1) Tentative Subdivision Map: The proposed project includes 50 office condominiums intended to be owned as individual units. As such, we are requesting a one-lot subdivision for fifty (50) airspace commercial condominiums.

2) Development Plan for Measure E Square Footage: Our application includes a Development Plan request for square footage under Measure E. The existing office building on the property is 11,900 sq.ft. and the proposed project would include 17,607 sq.ft. of office space. In addition to applying the 3,000 sq.ft. allocated to the property under the Small Addition provision of Measure E, we are requesting an additional allocation of 2,707 sq.ft. under the Economic Development Project provision of Measure E.

An Economic Development Project is defined as one which "will enhance the standard of living for City and South Coast residents and will strengthen the local or regional economy by either creating new permanent employment opportunities or enhancing the City's revenue base." An Economic Development Project should also accomplish one of three goals contained in the Zoning Ordinance.

The proposed project meets both of these standards. In addition to increasing the City's revenue base, the project would accomplish goal (c) which is to "provide products or services which are currently not available or are in limited supply either locally or regionally." We know of no other condominium office space in the City or the region that allows sole practitioners or very small businesses the opportunity to purchase their own office space. There is a tremendous unmet need in the commercial market for such facilities. Approving this project as an Economic Development Project would fill that void and, further, would allow many of the future owners to relocate their offices from their homes into the downtown area, where, in addition to conducting their businesses, they are likely to go out for lunch and run their errands. As a result, this project will provide economic benefit to the small business owners looking for their own space in the downtown area, to the existing downtown merchants that will benefit from having these business owners downtown, and to the City by way of increased sales tax.

In order to assist Staff, Planning Commission, and City Council make Economic Development allocation findings, we have attached supporting information detailing how other unique commercial developments in the Southern California area have been successful and beneficial to the communities in which they exist.

3) Parking Modification: The project site is required to have 58 parking spaces (50 for the proposed project per SBMC §28.90.100.D.1/I/J.1, plus 8 required by an existing easement with 109 E. Victoria Street, APN 029-071-012). We are proposing 45 total parking spaces (37 for the proposed project and 8 for the adjacent property) and are therefore requesting a Parking Modification to reduce the project's parking requirement by 13 parking spaces.

Although the Zoning Ordinance would require 50 parking spaces for the proposed project, this requirement is based on a generic calculation for office space and does not take into account specific details of both the proposed project and of the project site. Included in this submittal is a parking study prepared by ATE stating that 37 parking spaces would meet the parking demand on the property. ATE's findings are generally supported by Staff's independent analysis, as indicated our 30-Day Letter.

In addition to meeting our actual parking demand as calculated by ATE, there are several additional reasons why we believe the proposed 37 parking spaces would adequately serve the proposed project:

- The project is located just outside the Central Business District (CBD) zone, whose boundary is just across the street from the project on Victoria. The CBD reduces the parking demand from 1 space per 250 sf. to 1 space per 500 sf. The recently constructed Penfield and Smith Building, which is a few doors down and on the same side of Victoria as this project site, was granted a parking modification based on its proximity to the CBD. If the CBD reduction were to be applied to this project as it was to the P&S project, the 101 East project would only be required to provide 25 parking spaces.
- The Zone of Benefit has not been adjusted to account for the new Granada Garage. An increase in the Zone of Benefit would likely result in the project's fully meeting its parking demand. While Staff has clarified that the zone won't technically be adjusted in this area, we believe that, due to its close proximity, the reality is that the Granada Garage will benefit this site.
- The proposed project is not a traditional office building that will be fully occupied all day. These will be individual offices owned by sole practitioners looking for some office or meeting space in the downtown area. Occupancy of the project will likely be staggered throughout the day, and thus it is very unlikely that all of the offices will be occupied at any given time.

- The project will be providing bicycle parking as well as a locker room with showers to facilitate the use of alternative transportation for the building occupants.

Given all of this information, we feel strongly that the 37 spaces we are proposing for the project will fully satisfy the parking demand. We also feel strongly that projects should not be overparked, particularly in the downtown area, so as to encourage and incentivize the use of alternative transportation.

We see this project as very beneficial to the City in many ways, and hope you concur in this assessment. Should you have any questions as you review this proposal, please do not hesitate to contact me. We look forward to working with you towards the successful completion of this project.

Sincerely,

Eva A. Turenchalk, AICP
LEED® Accredited Professional

2. The Local Coastal Plan Amendments were introduced at City Council and will be adopted next week.
3. City Council has requested a meeting held including the Council, Planning Commission, Architectural Board of Review, and the Historic Landmarks Commission regarding tools for reviewing building height and neighborhood compatibility.
4. The Upper State Street Study was adopted by City Council on Tuesday with some changes.

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

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

II. CONCEPT REVIEW:

ACTUAL TIME: 1:03 P.M.

APPLICATION OF CEARNAL ANDRULAITIS LLP, ARCHITECT FOR SCHAAR HOMES, 101 E. VICTORIA STREET, APN 029-071-013, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL OFFICE (MST2006-00758)

The project consists of a proposal to demolish an existing two-story 11,900 square foot commercial office building and construct a new three-story 17,659 square foot commercial building comprised of 50 condominium office units on a 19,725 square foot parcel. A total of forty-five parking spaces would be provided in an underground garage, with eight reserved for the adjacent parcel located at 109 E. Victoria Street.

The purpose of the concept review is to allow the Planning Commission and the public an opportunity to review the proposed project design at a conceptual level and provide the Applicant and Staff with feedback and direction regarding the proposed land use and design. **No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.**

Upon review and formal action on the application for the development proposal, the proposed project will require the following discretionary applications:

1. Modification of the parking requirements to allow less than the number of required parking spaces (SBMC§28.90);
2. Tentative Subdivision Map to create a one-lot subdivision for 50 commercial condominium units (SBMC§27.07); and
3. Development Plan approval to allow an estimated 5,759 square feet of additional non-residential development (SBMC§28.87.300).

Case Planner: Kathleen Kennedy, Associate Planner

Email: kkennedy@SantaBarbaraCA.gov

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

Staff responded to the Commissions question regarding the per space cost of the Granada Garage.

Brian Cearnal, Architect, gave the applicant presentation and introduced Nick Schaar, owner.

Mr. Cearnal answered the Commission's questions regarding the comparison of this project's cost with the Granada Garage's cost per space, and clarification of square footage provided in the report.

Chair Myers opened the public hearing at 1:27 P.M. and the following people spoke:

1. Len Kaplan, neighbor, was concerned with the potential problem of left-hand turns onto Anacapa Street from the proposed project, security, and signage.
2. Jim Westby, Vice President, Santa Barbara Safe Streets, expressed concern about any parking modifications; questioned actual use of alternative transportation; the potential for conversion of commercial condominium to residential use; and liked the concept but would like to see an Environmental Impact Report prepared for traffic and parking.
3. Kellam De Forest, concerned with parking and how much bulk is proposed.
4. Faye Rossow, neighbor, requested that a full Environmental Impact Report be prepared; concerned with where delivery trucks will park; and recommended driveway access from Victoria Street only.
5. Rolf Koval, neighbor, expressed concern over the history of the project site and hot spot clean up.

With no one else wishing to speak, the public hearing was closed at 1:38 P.M.

Mr. Cearnal stated that Covenants, Conditions & Restrictions (CC&R's) will restrict sleeping in the units; building heights will be less than 35', and provided a status of ongoing site clean-up.

Mr. Cearnal answered the Commission's questions regarding the location of the driveway on Anacapa Street instead of Victoria Street.

Staff answered the Commission's questions on the traffic generation rate of individual office condominiums as opposed to the larger shared office space; inability to provide increased participation in the zone of benefit; and clarification of zone of benefit affect on project parking.

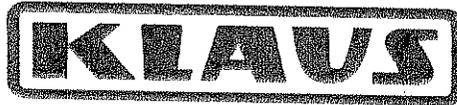
Staff commented that the 1 parking space per 500 SF requirement consideration was made for traffic reduction.

Commissioner's comments:

1. All Commissioners commented favorably on the small commercial condominium concept being unique for Santa Barbara. Liked architectural approach. Suggested condition on types of uses to prevent four or five units merging together to form a restaurant.
2. Commissioners commented favorably on allowing the project to acquire non-residential square footage through the Economic Development Category (Measure E).
3. Commissioners stated that the parking demand study was not acceptable and were not in support of the parking modification.
4. Expressed concern about the parking study conclusions and suggested that all required parking spaces be provided, then if it was determined later on that they were not needed they could be converted to storage space or could be leased. Providing some larger units as part of the design could lend itself to tandem parking.
5. Concerned with safety and traffic circulation. Suggested car-share incentives offered, use of electric vehicle and tandem parking be considered.
6. Density of 50 units appears to be heavy; needs to be reviewed.
7. Suggested inclusion of pedestrian paseos on east side.
8. Most Commissioners suggested consideration of the garage entrance on Victoria Street because of traffic on highly-used Anacapa Street; could visualize delivery trucks on Victoria, but not on Anacapa Street. Would like to see parking entrance away from the adjacent residential lot.
9. Suggested variance in office sizes to accommodate two-person office.
10. Would like to see a completed LEED's worksheet accompany development application.
11. Would like to see owners association fund bus passes.
12. Would like to see western elevation and shadow lines on neighboring unit considered.
13. Commented on the history behind the boundary for what is considered the Central Business District.
14. Suggested looking at similar project at 400 block of E. Gutierrez that also has small office spaces and limited parking, which has been a problem.
15. Referenced Luria project on West De la Guerra Street where there is leasing of parking spaces.
16. Willing to look at creative solutions to issues raised, but be cautious, too.

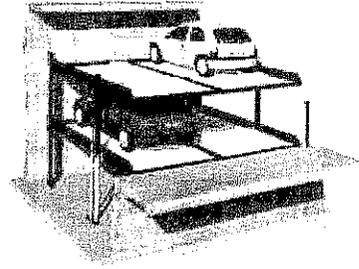
III. NEW ITEM:

ACTUAL TIME: 2:18 P.M.



2062 PARKING MACHINE

FEATURES



- Design**
- Available in single car or double car wide with 5 widths each
 - Available in 5 headroom heights, from 5'-2" to 6'-7"
 - Available in 4400 lbs or 5060 lbs load capacity
 - Spacious design for opening doors
 - For ceilings as low as 10'-8"
- Safety**
- Key operated to prevent unauthorized use
 - Dual hydraulic valves on each machine
 - Equalizing bar to ensure leveled vertical motion
 - 24 Volt control circuit
 - Simple lowering procedure for power outages
- Construction**
- Galvanized steel platforms
 - Completely sealed platforms to prevent drip through
 - Framing members powder coated (gray)
 - 220 Volt, Single phase, 30 Amps; or
 - 208 Volt, Three phase, 30 Amps
 - Made in Germany
- Approvals**
- Meets UBC seismic criteria
 - UL listed electrical components
 - Meets European standard EN 14010

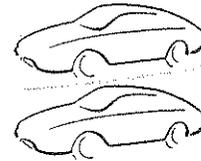
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CITY OF SANTA BARBARA
PLANNING DIVISION

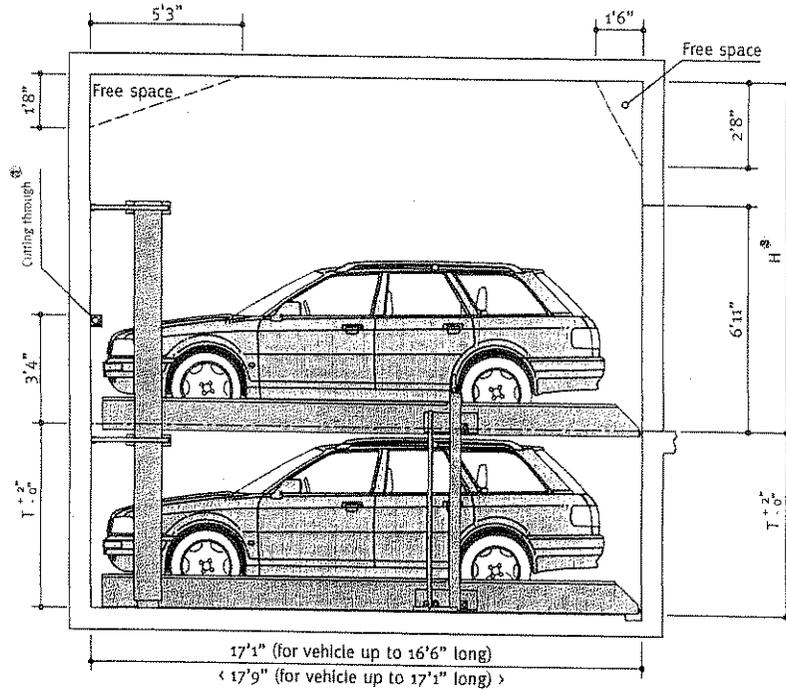
Klaus Parking Systems, Inc.
3652 Chestnut St., Ste. A, Lafayette, CA 94549
Ph: 925-284-2092 Fax: 925-284-3365

www.parklift.com



Car Parking
System 2000

Basement Garage



Dimensions:

All space requirements are minimum finished dimensions; dimensions in inch.

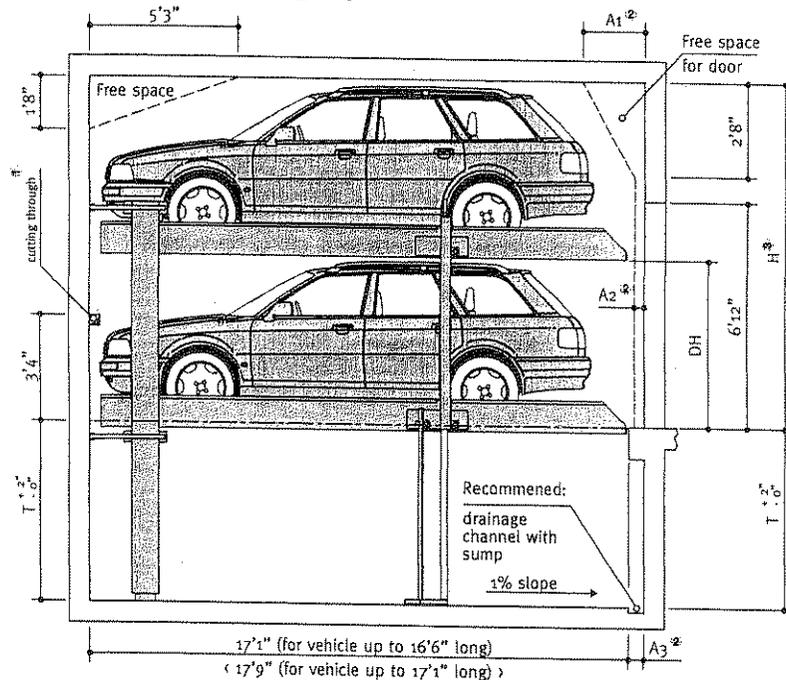
Typ	T	H	DH
2062-170	5'7"	10'8"	5'2"
2062-185	6'1"	11'2"	5'8"
2062-195	6'5"	11'6"	5'12"

EB (single platform) = 2 vehicles
DB (double platform) = 4 vehicles

Suitable for:

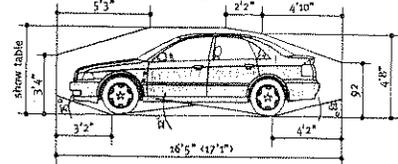
Standard passenger vehicle and standard station wagon according to contour

Garage with Door in Front of Car Parking System

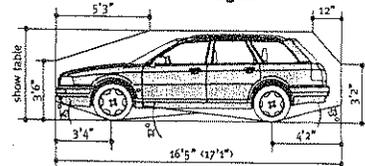


Typ	H	height	
		upper	lower
2062-170	10'8"	4'11"	4'11"
2062-185	11'2"	4'11"	5'5"
2062-195	11'6"	4'11"	5'9"

Standard passenger vehicle



Standard station wagon



Weight: max. 2000 kg
Wheel load: max. 500 kg



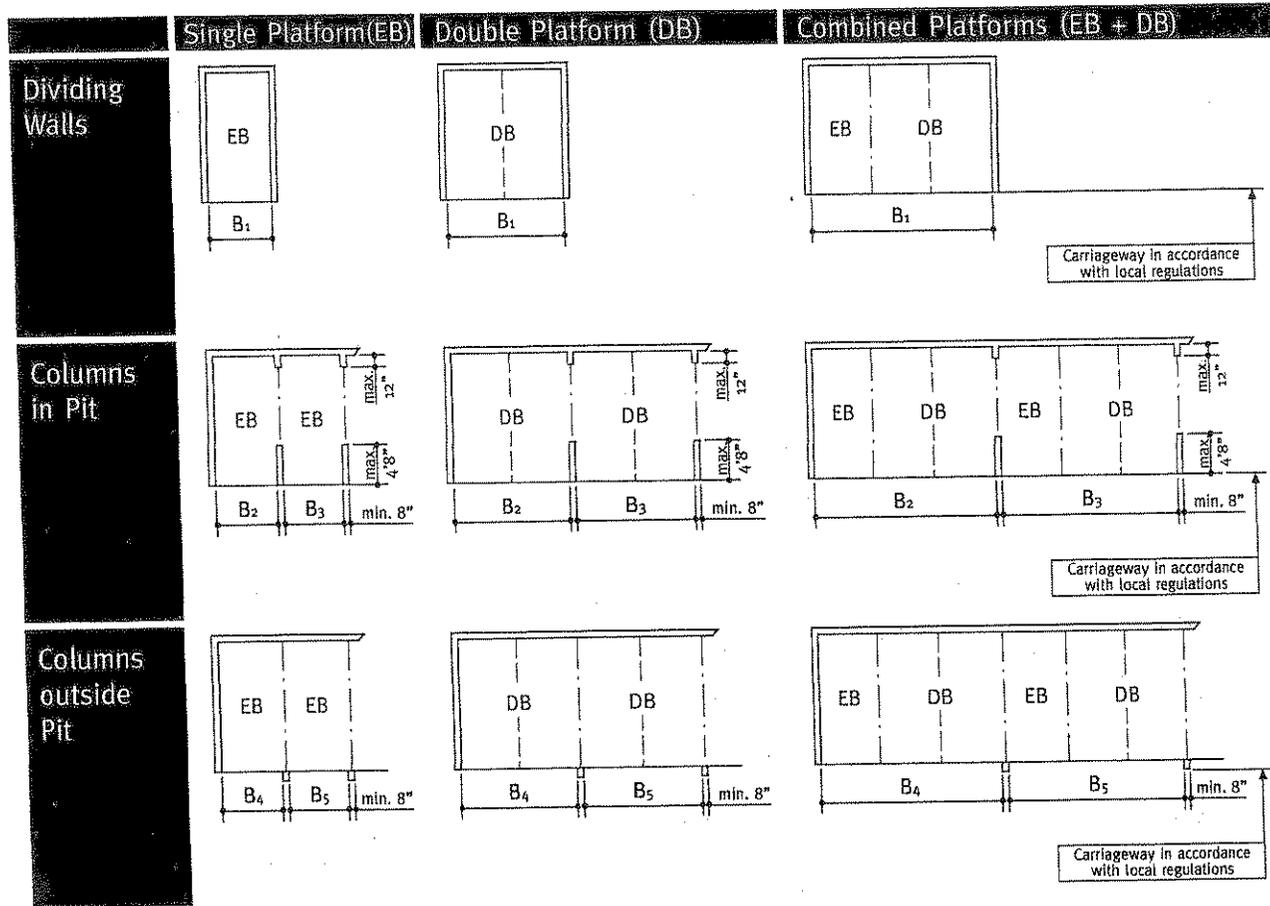
Standard vehicles are vehicles without any sports options such as spoilers, low-profile tyres etc.

Klaus Auto-Parksysteme GmbH
Hermann-Krum-Straße 2
D-88319 Aitrach
Tel. 07565/508-0
Fax 07565/508-88
<http://www.klaus-autopark.de>
e-mail: info@klaus-autopark.de

- ① For dividing walls: cutting through of dividing wall 10 x 10
- ② (for duct of cables).
Dimensions A1, A2 and A3 must be coordinated with door supplier
- ③ If dimension "H" is increased by the customer, correspondingly higher vehicles may be parked on the top platform/s.

Note:
only applicable to Mercedes "S" Class (1991 model onwards):
Pit length 17'9" (with towbar 18'1"), max authorized loading 2.5 tons, max. individual wheel loading 625 kg, usable platform width 8'3". The above vehicle is only to be parked on Type G 62-170/185 EB (special model).

Widths/Basement Garage



	Usable Platform Width	Dividing Walls		Columns in Pit		Columns outside Pit	
		B ₁	B ₂	B ₃	B ₄	B ₅	
EB	7'7"	8'7"	8'5"	8'3"	8'3"	7'11"	
	7'11"	8'11"	8'9"	8'7"	8'7"	8'3"	
	8'3"	9'3"	9'1"	8'11"	8'11"	8'7"	
DB	15'2"	16'1"	15'11"	15'7"	15'9"	15'5"	
	15'5"	16'5"	16'3"	15'11"	16'1"	15'9"	
	15'9"	16'9"	16'7"	16'3"	16'5"	16'1"	
	16'1"	17'1"	16'11"	16'7"	16'9"	16'5"	
	16'5"	17'5"	17'3"	16'11"	17'1"	16'9"	
EB + DB Example	7'7" + 15'2"	24'8"	24'6"	24'2"	24'4"	23'12"	
	7'11" + 15'5"	25'4"	25'2"	24'10"	24'12"	24'8"	
	8'3" + 15'9"	25'12"	25'10"	25'6"	25'8"	25'4"	
	8'3" + 16'5"	26'7"	26'5"	26'1"	26'3"	25'12"	

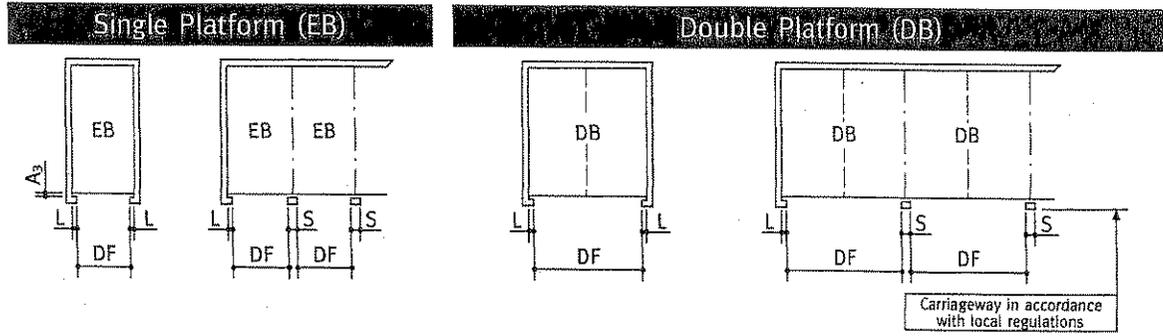
Standard width = parking space width 7'7"



End parking spaces are generally more difficult to drive into. Therefore we recommended for end parking spaces our wider platforms.

Parking on standard width platforms with larger vehicles may make getting into and out of the vehicle difficult. This depends on type of vehicle, approach and above all on the individual driver's skill.

Widths - Garage with Door in Front of Car Parking System

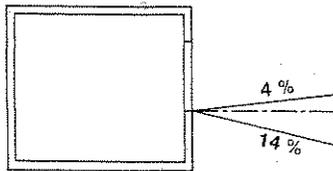


	Usable Platform Width	DF	L	S
EB	7'7"	7'10"	5"	10"
	7'11"	8'3"	5"	10"
	8'3"	8'3"	6"	12"
DB	15'2"	15'2"	6"	12"
	15'5"	15'7"	5"	10"
	15'9"	15'7"	7"	14"
	16'1"	16'5"	5"	10"
	16'5"	16'5"	6"	12"

DF = door entrance width

A3 = seat-engaging surface (dimensions require coordination with door supplier).

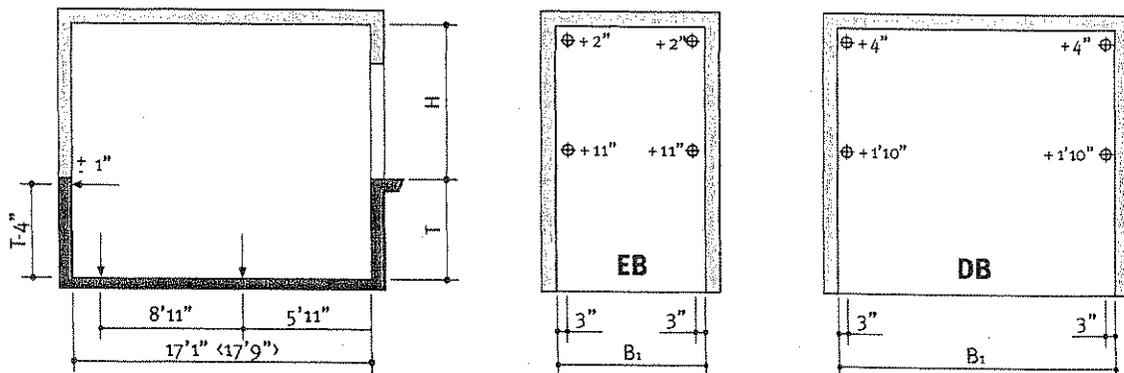
Approach



These illustrated maximum approach angles must NOT be exceeded. Incorrect approach angles will cause **SERIOUS MANOEUVRING & POSITIONING PROBLEMS** on the parking system for which the local agency of Klaus accepts no responsibility

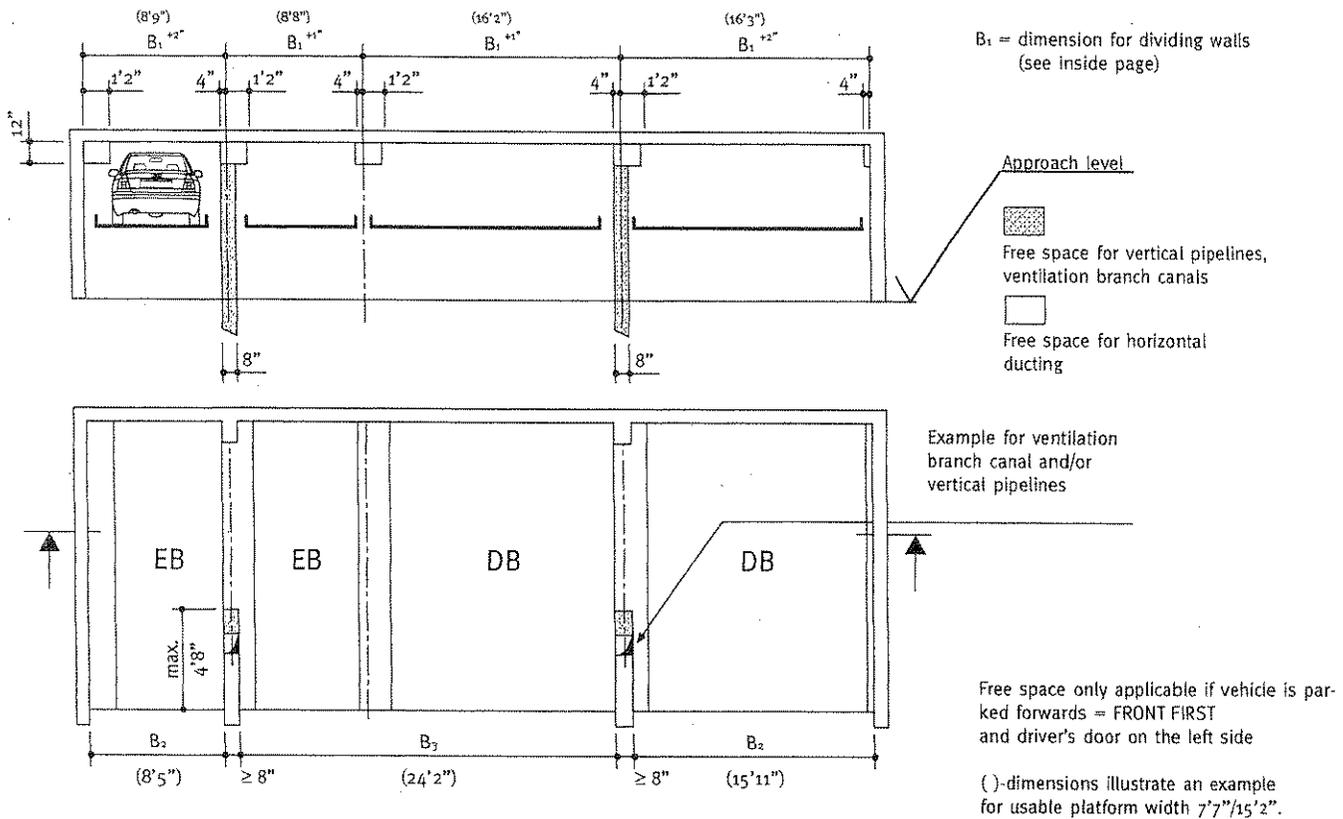
Load Plan

forces in kN



Units are bolted to the floor. Drilling depth approx. 6".

Free space for longitudinal and vertical ducts (e. g. ventilation)



Electrical Data

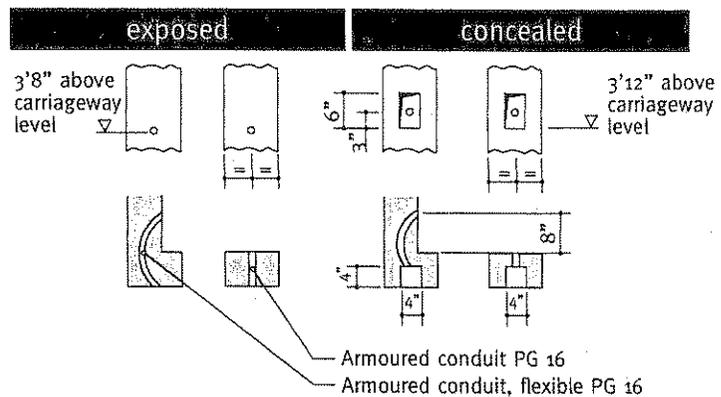
Generally to be effected by customer:

- electrical wiring 5 x 2,5 mm² per unit
- delayed-action mains fuse 3 x 16 A per unit "EMERGENCY-OFF"/main power supply
- switch, lockable, per unit

Cable conduits and recesses for operating element:

Electrical wiring:

Electrical wiring is carried out by customer or by the local agency of Klaus in accordance with our circuit diagram/s. (Please see the respective quotation at hand)



Technical Data:

Power Units

Low-noise units mounted to rubber-bonded-to-metal mountings are installed. Nevertheless we recommend to build the parking system's garage separately from the dwelling house.

Safety Rallings

Any safety railings which become necessary due to the installation of the system at access points, walkways, traffic lanes etc. will have to be provided/paid for by the customer.

The following documents may be supplied upon request

- wall recess plans
- test sheet on airborne and solid-borne sound
- declaration of conformity

Issue 12/99

We reserve the right to change this specification without further notice.



Agenda Item No. _____

File Code No. 640.09

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 6, 2008

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Preliminary Economic Development Designation For
101 East Victoria Street Project

RECOMMENDATION:

That Council make a preliminary finding that the project proposed for 101 East Victoria Street meets the definition of an Economic Development Project and grant the proposed project a Preliminary Economic Development Designation for 2,707 square feet of non-residential floor area.

DISCUSSION:

Project Description

The project site is located at 101 E. Victoria Street at the corner of Anacapa and Victoria Streets. The site is zoned C-2, Commercial and has a General Plan designation of Office and Major Public/Institutional.

The proposed project consists of a proposal to demolish an existing two-story 11,900 square foot commercial office building and construct 17,607 square feet of commercial space comprised of 50 condominium office units on a parcel of approximately 19,725 square feet. Each commercial condominium would be approximately 320 square feet. A common locker room and restroom facilities would be located on the first floor and a common conference room would be located on the second floor. This type of office development is a unique concept to be considered for the City's Downtown area (see applicant's letter, Attachment 2). After reconstruction of the existing 11,900 square feet, an additional 5,707 square feet of commercial space would be required for the development of the proposed project. A total of 3,000 sq. ft. would be allocated from the Minor and Small Addition categories and the remaining 2,707 sq. ft. is requested from the Economic Development Project category.

The proposed project requires 50 parking spaces. An additional eight spaces are to be reserved for an easement favoring the adjacent parcel (109 E. Victoria St.) resulting in a total of 58 required parking spaces. Forty-five (45) parking spaces are proposed in an underground garage; therefore, a modification to allow less than the required number of parking spaces will be requested. Both the off-site easement and additional floor area

requested relate to the parking modification, and need to be carefully considered as the Planning Commission reviews the project.

Request for Preliminary Economic Development Designation

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

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

The applicant states, and staff concurs, that the proposed project consisting of 50 small commercial condominiums could qualify for an Economic Development Designation because it would create new employment opportunities and enhance the City's revenue base. In addition, it would provide opportunities for sole practitioners or small business owners to purchase a small office space that is not currently available in the downtown area. The applicant further states that there is a tremendous unmet need in the commercial market for such facilities. The proposed project could fill that need and, as a result, the small business owners would potentially conduct additional business in the downtown area thereby further enhancing the revenue base of the City.

At present, a total of 398,485 square feet is remaining in the Economic Development Category for allocation. Prior designations granted by the Council are shown in Attachment 3.

On May 10, 2007, the Planning Commission held a concept review of the proposed project. At that time, the Commissioners commented favorably on allowing the project to acquire non-residential square footage through the Economic Development Category. All Commissioners commented favorably on the small commercial condominium concept being unique for Santa Barbara. The Commission liked the architectural approach. Staff and the Commission discussed the downtown parking rate of 1 space per 500 square feet and the Zone of Benefit (ZOB) for the area and how although the site is very near to the Granada Garage it is not within the ZOB. The Commission expressed both interest and caution in terms of the parking demand analysis and parking modification.

Next Steps

If the request for a Preliminary Economic Development Designation is granted by the City Council, the proposed project would continue to the Planning Commission on May 22, 2008 for consideration of project approval. At that time, the Planning Commission would, as part of the review, be asked to make a recommendation to the City Council concerning the Final Economic Development Designation. The application would then be forwarded to the City Council, together with the Planning Commission's recommendation, for a Final Designation as an economic development project.

NOTE: The project plans have been sent separately to the City Council and are available for public review in the Mayor and Council Office and the City Clerk's Office.

ATTACHMENTS:

1. Site Plan
2. Applicant Letter dated April 21, 2008
3. Economic Development Projects

PREPARED BY: Kathleen Kennedy, Associate Planner

SUBMITTED BY: Dave Gustafson, Acting Community Development Director

APPROVED BY: City Administrator's Office

ATTACHMENT 2

**Brownstein Hyatt
Farber | Schreck** *A strategic
California Merger
with Hatch & Parent*

April 21, 2008

Mayor Blum and Members of the City Council
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

Eva turenchalk, AICP
Land Use Planner
805.451.5633 tel
805.965.4333 fax
eturenchalk@bhfs.com

RE: Measure E Allocation Request for Condominium Office Project
101 E. Victoria Street, APN: 029-071-013

Dear Mayor Blum and Members of the City Council:

Our office represents 101 East, LLC, applicants for a condominium office project on Victoria Street. 101 East, LLC proposes to replace the existing building at 101 E. Victoria, on the corner of Victoria and Anacapa Streets (APN: 029-071-013), with individual office condominiums. The condominiums will be approximately 300 sf each, and are intended to allow sole proprietors and very small businesses the opportunity to purchase their own office space. Parking for the project will be provided via a new underground parking garage on the property.

Our application includes a Development Plan request for square footage under Measure E. Measure E defines an Economic Development Project as one which "will enhance the standard of living for City and South Coast residents and will strengthen the local or regional economy by either creating new permanent employment opportunities or enhancing the City's revenue base." An Economic Development Project should also accomplish one of three goals contained in the Zoning Ordinance.

The proposed project meets both of these standards. In addition to increasing the City's revenue base, the project would accomplish goal (c) which is to "provide products or services which are currently not available or are in limited supply either locally or regionally." We know of no other condominium office space in the City or the region that allows sole practitioners or very small businesses the opportunity to purchase their own office space. There is a tremendous unmet need in the commercial market for such facilities. Approving this project as an Economic Development Project would fill that void and, further, would allow many of the future owners to relocate their offices from their homes into the downtown area, where, in addition to conducting their businesses, they are likely to go out for lunch and run their errands. As a result, this project will provide economic benefit to the small business owners looking for their own space in the downtown area, to the existing downtown merchants that will benefit from having these business owners downtown, and to the City by way of increased sales tax.

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APR 21 2008

CITY OF SANTA BARBARA
PLANNING DIVISION

Measure E Allocation Request

The existing office building on the property is 11,900 sf and the proposed project would include 17,607 sf of office space. In addition to applying the 3,000 sf allocated to the property under the Small Addition provision of Measure E, we are requesting an additional allocation of 2,707 square feet under the Economic Development Project provision of Measure E.

Project Details

The existing 11,900 sf commercial office space will be demolished and replaced with 50 commercial condominiums totaling 17,607 sf. The units are configured in clusters to create a village atmosphere with paseos and courtyards which will allow for landscape opportunities throughout the site.

The project height will vary throughout the project, with a maximum height of three stories. The proposed project includes 22 units on the first floor, 17 units on the second floor and 11 units on the third floor. Each unit is approximately 300 sf in size. The first floor will also house locker/restroom facilities and a community conference room will be located on the second floor.

The office condominiums are intended to serve sole proprietors and very small businesses looking for the opportunity to own their own office space downtown. While we believe that the size of the units will discourage uses outside of this category, we are happy to incorporate language in the project CC&Rs that prohibits medical office or retail use.

The project will be providing bicycle parking as well as a locker room with showers to facilitate the use of alternative transportation for the building occupants.

An underground parking garage will provide 45 parking spaces, eight of which will be reserved for the property owner at 109 E. Victoria based on an existing easement agreement. Upon project approval, the existing easement will be revised to allow tenants at 109 E. Victoria access to the underground parking garage as detailed in the Memorandum of Understanding between 101 East, LLC and the adjacent property owner included as part of this submittal. Also included in the Memorandum of Understanding are the details of how other existing easements will be revised and new easements will be created to allow openings along the property line, a portion of the parking garage to encroach into the 109 E. Victoria property, and a landscape easement between the two properties.

Replacing the existing at-grade parking with an underground parking garage, combined with the proposed landscape easement provides the opportunity for greatly enhanced landscaping on this key, corner property. Site landscaping will go from just over 5% of the site to approximately 20% of the site as part of the proposed project.

This project was reviewed by HLC on February 21st, March 7th and April 4th of last year. Overall, we received favorable comments on the architecture and the size, bulk and scale of the project.

Mayor Blum and Members of the City Council
April 21, 2008
Page 3

Additionally, this project was before your Planning Commission on May 10, 2007 for Conceptual review. During this hearing we received favorable comments on our request for Measure E square footage under the Economic Development Project category.

Sustainability

101 East, LLC will be a model project for sustainable development and has been designed to achieve a LEED® Silver Rating. Some of the sustainable aspects include:

- Bicycle storage and locker rooms for non-auto commuters
- Alternative fuel refueling stations for plug-in hybrids, electric bikes and segways.
- Stormwater treatment and rainwater retention for landscaping
- 2,223 square feet of "green" roofs to reduce heat islands
- 4 KW photovoltaic system
- Dual flush toilets, waterless urinals and water-efficient landscaping
- Construction waste management plan to divert 75% of construction waste

We see this project as very beneficial to the City in many ways, and hope you concur in this assessment. Should you have any questions as you review this proposal, please do not hesitate to contact me. We look forward to working with you towards the successful completion of this project.

Sincerely,


Eva A. Turenchalk, AICP
Land Use Planner/LEED® Accredited Professional

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

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Gateway Project (Miravant) 6100 Hollister Avenue MST97-00715		80,000	Approved 5/28/2000
Architectural Millworks 815 Quinientos Street MST97-00320		15,000	C of O 1/20/2004
Penfield and Smith 111 E Victoria St MST2002-00243		7,905	BP 2/11/2005
Software.com 630-634 Anacapa Street MST97-00520	26,493		Withdrawn
Alliance Manufacturing Software 1035 Chapala Street MST98-00051	30,257		Withdrawn
Fielding Institute 4151 Foothill Road MST2001-00840	22,499		Expired 4/23/2005
Airport Mobile Structure 500 Fowler Rd MST2002-00265		720	Approved 6/20/02
Cottage Hospital 320 W Pueblo St MST2003-00152		182,541	Under Construction
Granada Theatre 1216 State St MST2004-00005		13,360	Approved 3/23/04
SUBTOTALS	0*	299,526	SUBTOTALS
ALLOCATED TO DATE: 299,526 SQFT*			
REMAINING UNALLOCATED: 398,484 SQFT			

04-30-08

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

MOTION: Jacobs /Larson

Continue certification of the EIR indefinitely and request that supplemental slope stability evaluation be prepared to evaluate post-development conditions and, if necessary, building and grading plans be revised to reduce potential slope stability impacts.

Mr. Vincent asked that before a vote is taken, the neighbors express their feelings.

Mr. Franco, speaking for the neighbors, expressed concern that the trenching may contribute to erosion and instability to the other neighbors and still not get to the bedrock.

Mr. Franco stated that he would not be willing to allow access to Dr. Anikouchine for the work described. Mr. Franco stated that Dr. Barthels does not have an access easement. The Commission is at an impasse and looked to further discussion to resolve.

Dr. William Anikouchine, Geologist, spoke to the 17 studies conducted not having addressed the stability of the slope and only giving conclusions. In order to evaluate the findings of the several reports, it must be determined if the slope is stable and the reports are adequate. Dr. Anikouchine responded to the Commission's question about the work proposed and minimizing any impact to slope stability by saying that the scope of work proposed includes trenching, using strike-and-hit technique. Trenching will not make the slope unstable.

The Motion was withdrawn.

MOTION: Thompson/Larson

Continue the project to allow Staff and the Applicant to do whatever testing is necessary.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Jostes)

ACTUAL TIME: 4:51 P.M.

**C. APPLICATION OF CEARNAL ANDRULAITIS LLP, ARCHITECT FOR
SCHAAR HOMES, 101 E. VICTORIA STREET, APN 029-071-013, C-2,
COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: OFFICE AND
MAJOR PUBLIC/INSTITUTIONAL (MST2006-00758)**

The project consists of a proposal to demolish an existing two-story 11,900 square foot commercial office building and construct a new three-story 17,607 square foot commercial building comprised of 50 condominium office units on a 19,725 square foot parcel. A total of forty-five parking spaces would be provided in an

underground garage, with eight reserved for the adjacent parcel located at 109 E. Victoria Street.

The discretionary applications required for this project are:

1. Modification of the parking requirements to allow less than the number of required parking spaces (SBMC§28.90);
2. Tentative Subdivision Map to create a one-lot subdivision for 50 commercial condominium units (SBMC§27.07);
3. Development Plan approval to allow 5,707 square feet of additional non-residential development (SBMC§28.87.300); and
4. Preliminary Economic Development Determination (SBMC28.87.300).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332 (In-fill Development Project).

Case Planner: Kathleen Kennedy, Associate Planner

Email: kkennedy@SantaBarbaraCA.gov

RECUSALS: To avoid any actual or perceived conflict of interest Commissioner Charmaine Jacobs recused herself due to her husband working at the same firm as the Applicant's representative.

Kathleen Kennedy, Associate Planner, gave the Staff presentation and stated that five letters had been received for the project and was joined by Rob Dayton, Principal Transportation Planner; and Tom Rejzek, Geologist, Santa Barbara County Fire Department LUFT Program.

Mr. Rejzek responded to the Commission's questions about the contamination under Victoria Street being identified as groundwater contamination only, not soil.

Mr. Dayton answered Planning Commission's questions about the history of the delineated area of the Central Business District (CBD); determination of parking demand for the proposed square footage; how the lift system relates to parking, and valet parking.

Brian Cearnal, Cearnal Andrulaitis, LLP, gave the applicant presentation and introduced his team of Joe Andrulaitis, Architect; Susan Van Atta, Landscape Architect; Eva Turenchalk, Planner; and Peter Brown, Attorney, both of Brownstein Hyatt Farber Schreck.

Mr. Cearnal answered the Planning Commission's questions about the area being too narrow to provide garage access located on the east side of 109 E. Victoria; positioning of solar panels; and clarification about the parking driveway easement between 109 E. Victoria Street and 101 E. Victoria Street.

Ms. Hubbell added that there is nothing in the Zoning Ordinance that prohibits the use of the parking reduction for office buildings over certain sizes in the Commercial Business District or any place else in the City.

Chair Myers opened the public hearing at 5:51 P.M.

The following people spoke in support of the project:

1. Mark Mattingly, a Commercial Realtor, supports this project as the first of its kind in the City and said that the small office vacancy rate is below 1% in the small business market. People are buying small houses and converting them to offices that then result in a loss to the housing market.

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

1. Kellum de Forest expressed concern about the number of parking spaces as related to the number of office units; also concerned with the driveway entrance on Anacapa Street.
2. Len Kaplan, adjoining neighbor at Arlington Court, is concerned with the project height in relationship to his property and the close visual proximity to the conference room windows next door. Also concerned about the increase in pedestrian traffic with a new corner cupcake business and the concern for pedestrian safety, especially children.
3. Claudia Lapin, Arlington Court, stated that her kitchen will directly face the conference room and is concerned that, with individual ownership, she will not be able to complain to anyone. Requests that there be noise insulation from people and parking lifts; concerned with occupants being present 24/7. Asks for less density in the rear. It is not true that everyone uses a bicycle and asks for consideration of actual parking concerns.
4. Bob Chyla, Arlington Court, shares the concern about the loss of privacy and potential uses of the conference room by the future owners of the units. Concerned with the addition of a second story patio that would allow users to look into their yard.
5. Jessica Cesaroni, President, Arlington Court Owners Association, was concerned with parking of 45 parking spaces for 50 units. Asks that the square footage be reduced by 3, 250 square feet to meet City Code for parking. The project will have a significant adverse impact on the neighborhood. She was also concerned with the view from the second floor conference room, and the impact on their privacy. Concerned with impacts to traffic and soil contamination issues.
6. Claudia Chyla, Arlington Court resident, is an adjoining neighbor who is concerned with the loss of privacy. Her residence looks directly into the conference room and is concerned with the potential for 24 hours of conference room use. There is concern with parking use and the potential for

more users at Arlington Court. Asks consideration for parking entry to be on Victoria Street.

With no one else wishing to speak, the public hearing was closed at 6:16 P.M.

Mr. Cearnal stated that the parking will be for owners only and will be gated. He stated that the owner would be receptive to a condition that would limit units in excess of four being combined as one unit. Would consider having a loading area striped for UPS trucks. The conference room is an amenity for owners and the applicant is receptive to a condition for hours of use. Mr. Cearnal clarified the location of bathrooms near the conference room, and the number of existing curb cuts eliminated and how the space could be striped for loading and would not reduce on-street parking.

Commissioner's comments:

1. The Commission expressed appreciation for all the public comment received and the hospitality during the site visit.
2. One Commissioner was concerned with the limited parking and the level of noise associated with the car lifts.
3. The design is pleasing and well thought out.
4. Some Commissioners shared concern with the loss of the Courthouse clock view from Arlington Court, but acknowledged that it is not a public view.
5. Commissioners suggested that the Applicant restrict the hours of use for the conference room and that light and noise pollution be considered. There is a concern with canyonization of noise.
6. One Commissioner stated that the view of the conference room is an improvement over the prior view of a crematorium.
7. Two Commissioners support the project and parking modification. The delineated parking area was arbitrary and should be addressed permanently during the General Plan Update.
8. Would like to have seen another option for the parking entry, but acknowledges that the applicant has made efforts to study. One Commissioner cannot support the driveway on Anacapa Street.
9. Likes smaller units but does not support a condition to limit the potential combining of smaller units.
10. One Commissioner expressed appreciation for the scale of the project, given the potential for more development.
11. Commissioners were concerned with the enforcement and accountability of owners to neighbors with future use of common areas as there will not be an onsite manager.
12. Two Commissioners cannot support the parking modification and find that the parking study supports a project that has never been tried and does not take into account all transportation methods.

13. One Commissioner expressed disbelief that a commercial association for units that include residential potential will not be as accountable as a Homeowners Association.
14. One Commissioner thought that the three driveway cuts within 150' along Anacapa Street were too many.
15. One Commissioner asked staff to consider selling the parking spaces separately from the units.
16. One Commissioner was intrigued with the various scenarios for power outages and the impact to use of the garage lifts, as well as the noise that any generator would bring.

Mr. Cearnal and Ms. Hubbell responded that the parking lifts are electric, thus not very noisy, and are located underground.

Mr. Cearnal addressed questions about parking by stating that there would be an indicator that would show when parking was full; there would be a commercial owners' association to address potential concerns; and there is expansion potential for more parking lifts. Mr. Cearnal stated that separate parking ownership would defeat the flexibility of the parking lot use.

MOTION: Bartlett/Larson

Approve the parking Modification, Tentative Subdivision Map, Development Plan, and the Preliminary Economic Development, making the findings in the Staff Report, with the added conditions that 1) The applicant is to consider loading space and other on-street parking south of driveway on Anacapa Street; and 2) Consider a bulb-out on the Anacapa Street side of the intersection with the goal of adding additional landscape to act as a buffer to the restaurant across the street.

Some Commissioners remained concerned with the unrestricted use of the conference room; the lack of a parking space for each unit; and the lack of contact information for neighbors.

Ms. Hubbell spoke to Staff's consideration for not placing restrictions on the conference room and the associated enforcement issues that arise.

One Commissioner suggested that contact information be provided to neighbors.

This motion failed by the following vote:

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

The Commission gave the applicant the opportunity to reconsider his request to remove the parking modification from the project.

Mr. Cearnal asked for five minutes to deliberate with his team, while the Commissioners continued with the Administrative Agenda.

Mr. Cearnal addressed the Commission and expressed disappointment that the Planning Commission states that it wants to be "green", yet will not take action to reduce parking. Applicant can agree to put in additional parking lifts and not ask for the parking modification.

Straw Poll:

Dig pits for 13 additional parking lifts, but not install the lifts unless it is determined that they would be needed.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs, Jostes)

Two Commissioners remained concerned with the parking availability to units and preferred one space per unit.

Mr. Dayton suggested that a condition be added to restrict the sale of parking spaces to other off-site users.

MOTION: Bartlett/Larson

Assigned Resolution No. 020-08

Approve the Modification, Tentative Subdivision Map, Development Plan, and the Economic Development, making the findings in the Staff Report, subject to the conditions of approval with the added conditions: 1) Consider providing loading spaces and other parking spaces south of the Anacapa driveway; 2) Consider a pedestrian bulb-out at the intersection of Victoria and Anacapa Streets; 3) Provide Condominium Association contact information to neighbors; and 4) Make allowances in construction for 13 additional parking lifts (in addition to the 3 lifts proposed by the applicant), monitor parking demand by independent monitor, subject to review by City Staff, and install additional parking lifts as necessary to meet demand.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs, Jostes)

Chair Myers announced the ten calendar day appeal period.

~~THE FOLLOWING PROJECT HAS BEEN CONTINUED TO JUNE 12, 2008~~

- D. ~~**APPLICATION OF TRISH ALLEN, AGENT FOR 800 SANTA BARBARA STREET LLC, PROPERTY OWNER OF 800 SANTA BARBARA STREET, APN: 031-012-028, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: MAJOR PUBLIC & INSTITUTIONAL/OFFICES (MST2006-00129)**~~

~~The proposed project involves the demolition of the existing 1,965 square foot one-story commercial building and the construction of a 14,747 square foot, two and~~



**CITY OF SANTA BARBARA
COMMUNITY DEVELOPMENT DEPARTMENT
FINAL MITIGATED NEGATIVE DECLARATION – MST2006-00758**

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970," as amended to date, this Final Mitigated Negative Declaration has been prepared for the following project:

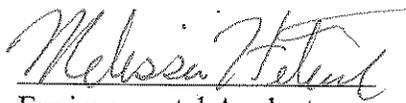
PROJECT LOCATION: 101 E. Victoria Street

PROJECT PROPONENT: 101 E. Victoria, a California Limited Partnership

PROJECT DESCRIPTION: The project consists of a proposal to demolish an existing two-story 11,900 square foot commercial office building and construct 17,603 square feet of commercial space comprised of 50 condominium office units on a parcel of approximately 19,725 square feet. The proposal consists of one-, two and three-story elements and would have a maximum height of 35 feet. The commercial condominium units would range in size from approximately 294 to 333 square feet each. The first floor would consist of 22 units and a common locker room, shower and restroom facility, the second floor would consist of 17 units and a common conference room and the third floor would consist of 11 units. A total of forty-five parking spaces would be provided in an underground garage, with eight reserved for the adjacent parcel located at 109 E. Victoria Street.

MITIGATED NEGATIVE DECLARATION FINDING:

Based on the attached Initial Study prepared for the proposed project, it has been determined that, with implementation of identified required mitigation measures, the proposed project will not have a significant effect on the environment.


Environmental Analyst


Date

CITY OF SANTA BARBARA
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

FINAL INITIAL STUDY/ ENVIRONMENTAL CHECKLIST MST2006-00758

PROJECT: 101 E. VICTORIA STREET

December 8, 2008

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

Applicant: Cearnal Andrulaitis, LLP

Property Owner: 101 E. Victoria, a California Limited Partnership

PROJECT ADDRESS/LOCATION (see *Exhibit A-Vicinity Map*)

The 19,725 square foot project site (APN 029-071-013) is located at 101 E. Victoria Street, on the corner of Anacapa and Victoria Streets. Access to the project site is provided by two existing driveways, one on Victoria Street and one on Anacapa Street. The site is in the Downtown neighborhood of the City of Santa Barbara.

PROJECT DESCRIPTION (see *Exhibit B-Project Plans*)

Project Components: The project site is currently developed with an 11,900 square foot, two-story office building. The objective of the proposed project is to develop a new 50-unit commercial condominium development. The major elements of the proposed project are described below.

Proposed Building: The existing 11,900 square foot, two-story office building would be demolished and a new 17,603 square foot commercial building consisting of 50 condominium office units would be constructed.

The proposal consists of one-, two and three-story elements and would have a maximum height of 35 feet. The commercial condominium units would range in size from approximately 294 to 333 square feet each. The first floor would consist of 22 units and a common locker room, shower and restroom facility. The second floor would consist of 17 units and a common conference room. The third floor would consist of 11 units.

The 14-foot high walls associated with that portion of the existing building located adjacent to the Arlington Court residential condominium development would remain. The Arlington Court condominium development has an easement to maintain the exterior of the walls that face their property.

Parking: A total of forty-five parking spaces would be provided in an underground garage, with eight of the spaces reserved for the adjacent parcel located at 109 E. Victoria Street. The underground parking garage would have an area of 15,381 square feet. The project would provide 6 of the 45 proposed parking spaces using a Klaus Parking lift system (Model 2062-185). The lift system involves movable platforms, one above the other, so that each of the three parking spaces would accommodate two vehicles. The vehicles would be accessed by raising and lowering the platforms. In order to access the vehicle on the second level, the first level platform would be lowered into an underground pit. Because the system does not require removing one vehicle to access another, the lifts are not considered tandem parking.

Easements: Currently, there are reciprocal easements for vehicular and pedestrian access and parking between the subject parcel and the adjacent parcel (109 E. Victoria St.). As part of the proposed project, new easement agreements between the two parcels would be executed. A new parking and access easement would allow tenants of the adjacent parcel to use eight of the parking spaces within the underground garage. A new trash area and access easement would allow the subject property to use the trash area on the adjacent parcel. A light, air and landscaping easement located on the adjacent parcel would allow the proposed project to construct openings on the property line. In addition, a 10-foot wide subsurface easement is proposed to allow a portion of the underground parking garage to encroach into the adjacent parcel. The locations of the easements are shown on the project plans.

Demolition/Construction: The entire project construction period would require approximately 12 months. Demolition

and grading on the project site would take approximately 3 weeks and building construction would take approximately 11 months. Construction hours would be Monday through Friday, 8:00 AM to 5:00 PM.

Required Permits: The discretionary applications required for this project are:

1. Modification to allow less than the required number of parking spaces (SBMC§28.90);
2. Tentative Subdivision Map to create a one-lot subdivision for 50 commercial condominium units (SBMC§27.07);
3. Development Plan approval to allow 5,703 square feet of additional non-residential development (SBMC§28.87.300); and
4. Preliminary and Final Economic Development Determination (SBMC28.87.300) for 2,703 square feet of the proposed 5,703 square feet of additional non-residential development.

ENVIRONMENTAL SETTING

Existing Site Characteristics

Topography: The site has an average slope of 3.5%, sloping gradually in a southerly direction toward the public streets.

Seismic/Geologic Conditions: According to the City's Master Environmental Assessment (MEA), the project site is located in an area of "low damage level to single family and small two to three story structures, low to moderate level damage to large structures and moderate damage to old structures." The City's MEA indicates that the project site is located in an area of "minimal liquefaction potential" and "minimal erosion potential". The site is not located in an area of known or mapped faults, but would be subject to ground shaking due to earthquakes on nearby faults.

Flooding/Fire Hazard: The project site is not located in a flood hazard or High Fire Hazard area of the city.

Drainage: Storm water runoff drains via surface flow to the public street gutters. Storm water flows into the two existing drain inlets located near the intersection of Anacapa Street and Victoria Street that connect to 33" diameter and 66" diameter storm drain pipes.

Biological Resources: The project site is located in an urban setting surrounded by a mix of commercial and residential development. Vegetation onsite consists of twenty-three palm trees, one citrus tree, four Southern magnolia trees and one giant bird of paradise. There are no sensitive, endangered, rare or threatened species known to occur on the site.

Archaeological Resources: The City's MEA identifies the project site as being located in the following archaeological resource sensitivity zones: Hispanic-American Transition Period (1850-1870), American Period (1870-1900) and Early 20th Century (1900-1920). A Phase I Archaeological Resources Report, prepared by Dudek dated January 2008, concludes that the proposed project would not have the potential to result in significant impacts on either prehistoric or historic archeological resources.

Noise: Noise affecting the project site is primarily from traffic along Anacapa and Victoria Streets. The City's MEA indicates that ambient noise levels on the project property are between 60-65 dBA Ldn along Anacapa Street and less than 60 dBA Ldn for the remainder of the project site.

Hazards: Underground fuel storage tanks associated with a former gas station were previously removed from the project site. The project site is an active Leaking Underground Fuel Tank (LUFT) site which is required to be remediated according to a Corrective Action Plan approved by the Santa Barbara County Fire Department, Fire Prevention Division. The leaking underground fuel tanks resulted in hydrocarbon contamination of soil and groundwater on the site.. Remediation of the site includes the use of a soil vapor extraction system and groundwater monitoring wells. Groundwater testing is expected to continue for at least one more year.

Existing Land Use

Existing Facilities and Uses: The project site is currently developed with an 11,900 square foot, two-story office building. Also, equipment associated with soil and groundwater remediation activities are located in the southeast corner of the site.

Access and Parking: A total of 32 surface parking spaces are provided onsite. Access to the project site is provided by two existing driveways, one on Victoria Street and one on Anacapa Street. There are reciprocal easements for vehicular and pedestrian access and parking between the subject parcel and the adjacent parcel (109 E. Victoria St.).

PROPERTY CHARACTERISTICS

Site Information Summary

Assessor's Parcel Number:	029-071-013	General Plan Designation:	Commercial Office, Major Public & Institutional
Zoning:	C-2, Commercial	Parcel Size:	19,725 sq. ft.
Existing Land Use:	Commercial	Proposed Land Use:	Commercial
Slope:	Approximately 3.5% southerly slope		
SURROUNDING LAND USES:			
North:	Residential		
South:	Commercial		
East:	Commercial		
West:	Commercial and Residential		

Project Statistics

Commercial	Use	Square Feet (net)
First floor	22 units and common locker room	7,772 sq. ft.
Second Floor	17 units and common conference room	5,804 sq. ft.
Third Floor	11 units	3,493 sq. ft.
Underground Garage	45 parking spaces	15,746 sq. ft.

PLANS AND POLICY DISCUSSION

Land Use and Zoning Designations: The project site has a zoning designation of C-2, Commercial and a General Plan designation of Commercial Office and Major Public & Institutional. The proposed commercial office development is consistent with both the zoning and General Plan designations, and with approval of the parking modification, would be consistent with all zoning regulations.

General Plan Policies:

Land Use Element: The project site is located in the Downtown neighborhood, which is bounded on the north by Sola Street; on the south by Ortega Street; on the east by Santa Barbara Street; and on the west by De la Vina Street. The primary function for the Downtown is General Commercial and Office Use. The proposed project, consisting of fifty small office condominium units, is appropriate for the downtown area.

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

A draft Mitigation Monitoring and Reporting Program has been prepared for the project in compliance with Public Resources Code §21081.6 (See *Exhibit C – MMRP*).

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	NO	YES
Could the project: a) Affect a public scenic vista or designated scenic highway or highway/roadway eligible for designation as a scenic highway?		Level of Significance 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, project on-site visual aesthetics and compatibility with the surrounding area, and changes in exterior lighting.

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. Under CEQA, the evaluation of a project’s potential impacts to scenic views is focused on views from public (as opposed to private) viewpoints. 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; extensive grading and/or removal of substantial amounts of vegetation and trees visible from public areas without adequate landscaping; 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 City’s Master Environmental Assessment (MEA) maps do not identify the parcel as being located in an area of visual sensitivity. The project site is located in an urban environment in the Downtown neighborhood of the City of Santa Barbara. The site is currently developed with a commercial office building and a surface parking lot and is surrounded by commercial and residential uses. The existing commercial buildings located to the east of the project site currently block views of the Santa Ynez Mountains from the sidewalk on Anacapa Street. Existing views of the Santa Ynez Mountains from the sidewalk on Victoria Street would not be affected by the project. The visual change resulting from the proposed project would not obstruct any public vantage points, and no designated open spaces would be impacted by the proposed project; therefore, the impacts to scenic views would be less than significant.

1.b) On-Site Aesthetics

The proposed project was reviewed by the Historic Landmarks Commission (HLC) on three occasions (see *Exhibit D-HLC Minutes*). On April 4, 2007, the Commission stating that the size, bulk and scale of the proposal was acceptable and requested only minor changes including more usable open space in the courtyard and more substantial landscaping.

The design of the proposed project is required to receive review and approval by the HLC for consistency with the El Pueblo Viejo District Guidelines. Projects consistent with the El Pueblo Viejo District Guidelines are generally found to not have significant aesthetic impacts. Based on the generally positive comments from the HLC, the project appears to be consistent with the El Pueblo Viejo District Guidelines. Therefore, the project's onsite aesthetics impacts would be less than significant.

1.c) Lighting

All proposed 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 HLC 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.

Visual Aesthetics – Mitigation

No mitigation required.

2. AIR QUALITY Could the project:	NO	YES <i>Level of Significance</i>
a) Conflict with or obstruct implementation of the applicable air quality plan?		Less Than Significant
b) Exceed any City air quality emission threshold? Long-term Short-term		Less Than Significant Potentially Significant, Mitigable
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is designated in non-attainment under an applicable federal or state ambient air quality standard?		Less Than Significant
d) Expose sensitive receptors to substantial pollutants?		Potentially Significant, Mitigable
e) Create objectionable odors affecting a substantial number of people?		Less Than Significant

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 [ROG] (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 and PM_{2.5}) include demolition, grading, road dust and vehicle exhaust, as well as agricultural tilling and mineral quarries.

Sensitive receptors are defined as children, elderly, or ill people that can be more adversely affected by air quality emissions. Land uses typically associated with sensitive receptors include schools, parks, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and clinics. Stationary sources of air emission are of particular concern to sensitive receptors, as is construction dust and particulate matter.

Long-Term (Operational) Impact Guidelines: A project may create a significant air quality impact by:

- 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, the elderly or sick people to substantial pollutant exposure.
- Creating nuisance odors inconsistent with APCD regulations.
- Emitting (from all project sources, both stationary and mobile) more than 240 pounds per day for ROG and NO_x, and 80 pounds per day for PM₁₀.
- Emitting more than 25 pounds per day of ROG or NO_x from motor vehicle trips only;
- Contributing more than 800 peak hour trips to an individual intersection (CO);
- Causing a violation of any California or National Ambient Air Quality Standard (except ozone);
- Exceeding the APCD health risks public notification thresholds adopted by the APCD Board; and
- Being inconsistent with the adopted federal and state air quality plans for Santa Barbara.

Short-Term (Construction) Impacts Guidelines: A project would have a significant impact if combined emissions from all construction equipment exceed 25 tons of any pollutant (except carbon monoxide) within a 12-month period.

Projects involving grading, paving, construction, and landscaping activities may cause localized nuisance dust impacts and increased particulate matter (PM₁₀ and PM_{2.5}). 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.

Cumulative Impacts and Consistency with Clean Air Plan: If the project-specific impact exceeds the 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 (CAP) 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.

Setting: The City of Santa Barbara is part of the South Central Coast Air Basin (SCCAB). 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.

The SCAB is considered in attainment of the federal eight-hour ozone standard, and in attainment of the state one-hour ozone standard. The SCAB does not meet the state standard for particulate matter less than ten microns in diameter (PM₁₀). There is not yet enough data to determine SCAB 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, although SCAB will likely be in attainment of the federal 2.5 standard.

Air Quality – Existing Conditions and Project Impacts

2.a) Clean Air Plan

Direct and indirect emissions associated with the project are accounted for in the 2007 Clean Air Plan 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 could be found consistent with the 2007 Clean Air Plan; therefore, impacts would be less than significant.

2.b) Air Pollutant Emissions

Long-Term (Operational) Emissions:

Long-term project emissions primarily stem from motor vehicles associated with the project and from stationary sources that may require permits from the APCD. Examples of stationary emission sources include gas stations, auto body shops, diesel generators, dry cleaners, oil and gas production and processing facilities, and water treatment facilities. Other stationary sources such as small wineries, residential heating and cooling equipment, wood burning stoves and fireplaces, or other individual appliances do not require permits from the APCD and are known as "area sources". The proposed project does not contain any stationary sources that require permits from APCD.

Using the URBEMIS 9.2.4 computer model, it is estimated that the long-term vehicle emissions resulting from the proposed project would be 0.45 pounds per day of ROG and 0.57 pounds per day of NO_x which is substantially below significance thresholds adopted by the APCD and the City of Santa Barbara. Therefore, project impacts related to long-term air quality would be less than significant.

Short-Term (Construction) Emissions:

The project would involve grading (8,500 cubic yards of cut), paving, and landscaping activities which could cause localized dust related impacts resulting in increases in particulate matter (PM₁₀ and PM_{2.5}). Utilizing the URBEMIS 9.2.4 computer model, it is estimated that the proposed project would result in 0.48 tons per year of PM₁₀ and 0.17 tons per year of PM_{2.5}. 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 ROG. However, in order for NO_x and ROG 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. Using the URBEMIS 9.2.4 computer model, it is estimated that the proposed project will generate 1.71 tons per year of NO_x and 0.28 tons per year of ROG during construction. Therefore, project impacts related to short-term emissions impacts would be less than significant.

Cumulative Impacts:

Global Climate Change (GCC) is a change in the average weather of the earth that can be measured by changes in wind patterns, storms, precipitation and temperature. GCC is generally thought to be caused by increased emission of greenhouse gases (GHG) because these gases trap heat in the atmosphere. Common GHG include water vapor, carbon dioxide, methane, nitrous oxides, chlorofluorocarbons, hydrofluorocarbons, ozone and aerosols. Natural processes and human activities emit GHG and help to regulate the earth's temperature; however, it is believed that substantial emissions from human activities, such as electricity production and vehicle use, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations. California is a substantial contributor of GHG (2nd largest contributor in the U.S. and the 16th largest contributor in the world), with transportation and electricity generation representing the two largest contributing factors (41 and 22 percent, respectively).

The carbon dioxide (CO₂) equivalent is a consistent methodology for comparing GHG emissions. Using the URBEMIS 9.2.4 computer model, the net increase in CO₂ emissions is anticipated to be 311.67 pounds per day.

As the project will result in increased vehicle trips, it will contribute, on a cumulative level, to the generation of GHG emissions. Because no significance thresholds or regulatory guidance currently exists for the generation of GHG emissions, impact determination would be overly speculative at this time. The City has adopted ordinances and guidelines in an effort to reduce the energy consumption of new construction. These measures to require more "green" construction serve to reduce GHG emissions from new and some refurbished development. Also, the City is in the process of preparing revisions to its General Plan. During the analysis of the impacts of the new plan, additional guidance on how to deal with GHG emissions is anticipated.

2.c) Cumulative Emissions

Since project impacts do not exceed any adopted significance thresholds and the project is consistent with the Clean Air Plan, cumulative project emissions impacts would be less than significant.

2.d) Sensitive Receptors

The proposed commercial office development would generate approximately 15 additional AM and 15 additional PM peak hour trips, which is substantially less than the 800 new peak hour vehicle trip threshold and therefore would be unlikely to generate dangerous concentrations of carbon monoxide at any location. Additionally, the project does not include stationary sources. However, sensitive receptors could be affected by fugitive dust and diesel particulate matter (diesel PM) from construction equipment and vehicle exhaust during project site grading. Particulate emissions from diesel exhaust are classified as carcinogenic by the State of California. Impacts associated with nuisance dust are considered potentially significant, mitigable through application of the identified mitigation measures.

2.e) Odors

The project is limited to office uses and would not include land uses involving odors or smoke. Therefore, project impacts related to odors are considered less than significant.

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.
- 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 upon request.

Air Quality – Recommended Mitigation

The following shall be adhered to during project grading and construction to reduce NOx and diesel PM emissions from construction equipment:

- AQ-9 Portable Construction Equipment.** All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- AQ-10 Fleet Owners.** Fleet owners are subject to sections 2449, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of regulations (CCR) to reduce diesel particulate matter (and criteria pollutant emissions from in-use off-road diesel-fueled vehicles. See <http://www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf>.
- AQ-11 Engine Size.** The engine size of construction equipment shall be the minimum practical size.
- AQ-12 Equipment Numbers.** 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-13 Equipment maintenance.** All construction equipment shall be maintained in tune per the manufacturer's specifications.

AQ-14 Catalytic Converters. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

AQ-15 Diesel Construction Equipment. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.

AQ-16 Engine Timing and Diesel Catalytic Converters. Other diesel construction equipment, which does not meet CARB standards, shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. 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-17 Diesel Replacements. Diesel powered equipment shall be replaced by electric equipment whenever feasible.

AQ-18 Idling Limitation. Idling of heavy-duty diesel trucks during loading and unloading shall be prohibited; electric auxiliary power units shall be used whenever possible.

Air Quality - Residual Impacts

Implementation of Mitigation Measures AQ-1 through AQ-8 would reduce impacts related to dust generation during construction to a less than significant level. Diesel equipment emissions impacts would be less than significant and would be further reduced by implementation of Mitigation Measures AQ-9 through AQ-18.

3. BIOLOGICAL RESOURCES Could the project result in impacts to:	NO	YES <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?	X	
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,b,c,d,e) Native Wildlife and Habitat Specimen Trees

The project site is located in an urban setting surrounded by a mix of commercial and residential development.

Vegetation onsite consists of twenty-two King Palms and an additional palm tree to be relocated onsite. One citrus tree, four Southern magnolia trees and one giant bird of paradise would be removed. These are not considered specimen or biologically significant trees. There are no sensitive, endangered, rare or threatened species known to occur on the site.

Biological Resources – Mitigation

No mitigation required.

4. CULTURAL RESOURCES Could the project:	NO	YES <i>Level of Significance</i>
a) Disturb archaeological resources?		Less than significant
b) Affect a historic structure or site designated or eligible for designation as a National, State or City landmark?		Less than significant
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 City’s MEA identifies the project site as being located in the following archaeological resource sensitivity zones: Hispanic-American Transition Period (1850-1870), American Period (1870-1900) and Early 20th Century (1900-1920). A Phase I Archaeological Resources Report prepared by Dudek dated January 2008, was accepted by the Historic Landmarks Commission on February 20, 2008. The report concludes that, due to the extent of previous ground disturbances associated with the previous installation and removal of underground storage tanks, project impacts on prehistoric resources are considered to be less than significant. However, as with any ground disturbing activity, there is the remote possibility of encountering unknown buried deposits. For this reason contractors and construction personnel should be alerted to the possibility of encountering archaeological resources within the project parcel. If archaeological resources are encountered, work in the area of the find should be halted and a professional archaeologist consulted.

4.b) Historic Resources

The existing commercial building located onsite, which is proposed to be demolished, is not designated as a City Landmark, Structure of Merit or potential historic structure. Therefore, the project would have *no impact* on an historic resource.

The existing two-story commercial building on the project site is currently built to the northerly property line. The existing residential structure immediately north of the project site, which may be an historic resource, is separated from the existing commercial building only by the residence's driveway. The proposed project would substantially increase the distance between the buildings because the driveway ramp to the underground parking garage would be located in the area where there is currently a building. Although the proposed building has two- and three-story elements, these would be located further from the adjacent residence than the existing building. Therefore, the project impact to the adjacent residence to the north would be *less than significant*.

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 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 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.

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.

Cultural Resources – Residual Impacts

Project specific impacts would be less than significant and further reduced by the recommended mitigation measure.

5. GEOPHYSICAL CONDITIONS		NO	YES
Could the project result in or expose people to:			<i>Level of Significance</i>
a)	Seismicity: fault rupture?	X	
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?		Less Than Significant
f)	Expansive soils?		Less Than Significant
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, groundshaking, 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, groundshaking, 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 site is not located in an area of known or mapped faults, but would be subject to ground shaking due to earthquakes on nearby faults. Because fault rupture is unlikely and no faults are located on the site, there would be no impact related to fault rupture.

Ground Shaking and Liquefaction: The project site is located in a seismically active area of southern California (Seismic Zone 4 per 2001 California Building Code (CBC), Chapter 16, Figure 16-2). Significant ground shaking as a result of a local or regional earthquake is likely to occur during the life of the project. Generally, ground shaking is considered a potentially significant impact; however, structural requirements for the project required by the California Building Code (CBC) would ensure these impacts are *less than significant*. Additionally, the City's Master Environmental Assessment (MEA) indicates that the project site is located in an area of "low damage level to single family and small two to three story structures, low to moderate level damage to large structures and moderate damage to old structures." The MEA also indicates that the project site is located in an area of "minimal liquefaction potential." Future development would be required to comply with building code requirements that would minimize potential hazards associated with ground shaking. Therefore, impacts from ground shaking or liquefaction would be less than significant.

Seiche and Tsunami: Based on the City's Master Environmental Assessment map, the project site is not located in an area subject to seiche or tsunami. Therefore, there would be no impact related to seismic hazards such as seiche or tsunami.

5.d-f) Geologic or Soil Instability

Landslides: The project site is relatively flat, with an average slope of approximately 3.5%; therefore, no impact associated with landslide hazards would occur.

Subsidence/Expansive Soils: The City's Master Environmental Assessment (MEA) identifies the project site as having

minimal expansiveness of soil. Therefore, project impacts associated with subsidence and expansive soils would be less than significant.

5.g) Topography; Grading/ Erosion

Topographic Changes: The project site is relatively flat with an average slope of approximately 3.5%. The existing site topography would not need to be substantially altered to construct the project. Therefore, project impacts related to topography are less than significant.

Grading/ Erosion: The project proposes approximately 8,500 cubic yards of grading (cut) associated with the construction of the proposed underground garage. The grading would not substantially alter the existing topography. The City’s MEA indicates that the project site is located in an area of “minimal erosion potential”. Project impacts related to grading and erosion are considered less than significant.

Geophysical Conditions - Mitigation

No mitigation required.

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)?		Less than significant
b) The creation of any health hazard or potential health hazards?		Less than significant
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?	X	

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 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. Therefore, impacts related to hazardous materials would be less than significant.

Temporary Exposure to Existing Hazardous Materials:

Underground fuel storage tanks associated with a former gas station were previously removed from the project site. The project site is an active Leaking Underground Fuel Tank (LUFT) site which is in the process of being remediated according to a Corrective Action Plan (Holguin, Fahan, & Associates, July 21, 2006) approved by the Santa Barbara County Fire Department, Fire Prevention Division. The leaking underground fuel tanks resulted in contamination of soil and groundwater on the site. Remediation of the site includes the use of a soil vapor extraction system and groundwater monitoring wells. Groundwater testing is expected to continue for at least one more year. During the remediation activities, use of the existing commercial office building has not been prohibited by the Santa Barbara County Fire Department. In addition, according to the Santa Barbara County Fire Department, the construction and operation of the proposed project would be allowed to occur concurrently with the remediation activities. The impact of hazards would be potentially significant, mitigable with the implementation of the approved Corrective Action Plan under the authority of the Santa Barbara County Fire Department, Fire Prevention Division.

6.d) Fire Hazard

The project site is not located in a designated high fire hazard area of the City. The project would be subject to Fire Department and City Ordinance requirements for adequate access, structural design and materials and onsite water for fire protection. 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. Project impacts related to fire hazard would be less than significant.

Hazards – Required Mitigation

H-1: The applicant shall continue all remediation activities as required by the Santa Barbara County Fire Department, Fire Prevention Division pursuant to the approved Corrective Action Plan concurrent with the construction proposed project. The applicant shall actively pursue, to the extent feasible, completion of remediation activities and closure of the LUFT site prior to occupancy of the proposed building or as soon following occupancy as possible. All necessary precautions required by the Fire Department for the protection of construction workers and tenants shall be implemented during the construction and operation of the site.

Hazards – Residual Impacts

Implementation of the identified mitigation measure 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:
 - Office Buildings: 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:

Noise affecting the project site is primarily from traffic along Anacapa and Victoria Streets. According to the City's Master Environmental Assessment (MEA), the portion of the project site located closest to Anacapa Street is in an area with a noise contour of between 60 and 65 dB (A). The remaining portion is in an area of less than 60 dB(A).

The existing noise level in the area is substantially lower than the normally acceptable maximum exterior ambient noise level of 75 dB(A). In addition, standard construction materials and techniques typically result in an exterior to interior noise attenuation of 15 to 20 dB (A). Therefore, both exterior and interior noise impacts to the proposed project would be less than significant.

Three parking lifts are proposed for six of the parking spaces located in the underground parking garage. A report from the parking lift manufacturer shows that the noise resulting from the raising of the lift platform would be 56-58 dB (A) (see *Exhibit E-Report of Sound Meter Measurements*). The sound level was measured at the key switch, which in the case of the proposed project, would be located underground, around the corner from the driveway and a substantial distance from adjacent residential neighbors. At this location, the sound level is less than the noise threshold for private outdoor living areas (60 dB (A)) and therefore, it would not have a negative impact on the outdoor living spaces of the neighbors in the vicinity. In regard to the effect on the employees at the project site, the proposed project must conform to the building code requirement that offices have a maximum interior exposure of 50 dB (A) due to exterior sources. Other activities at the project site would not be a substantial source of noise that would have the potential to adversely affect nearby residential uses. Therefore, long-term operational noise impacts are considered less than significant.

Temporary Construction Noise:

Noise during construction is generally intermittent and sporadic and, after completion of initial grading and site clearing activities, tends to be quieter. Noise generated during project grading activities would result in a short-term adverse construction impact to sensitive receptors in the area. The level of the adverse effect could be further reduced through limiting the hours of construction activities and use of equipment mufflers and barriers as needed. Temporary construction noise impacts are considered less than significant.

Noise – Recommended Mitigation

N-1: Construction Notice. At least 20 days prior to commencement of construction, the contractor shall provide written notice to all property owners and residents within 450 feet of the project area. The notice shall contain a description of the proposed project, a construction schedule including days and hours of construction, 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 during construction. A 24-hour construction hot line shall be provided. Informational signs with the PEC’s name and telephone number shall also be posted at the site.

N-2: 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. by the Chief of Building and Zoning per Section 9.13.015 of the Municipal Code) between the hours of 5 p.m. and 8 a.m. weekdays. In the event of such night work approval, the applicant shall provide written notice to all property owners and residents within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of any. Night work shall not be permitted on weekends and holidays.

N-3: Construction Equipment Sound Control. All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers’ muffler and silencing devices.

N-4: Sound Barriers. As determined necessary by the Planning Division, the project shall employ sound control devices and techniques such as noise shields and blankets during the construction period to reduce the level of noise to surrounding residents and businesses.

Noise – Residual Impact

Implementation of mitigation measures would further reduce less than significant short-term construction related noise impacts.

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 would not involve a substantial increase in major public facilities such as extension of water or sewer lines or roads that would facilitate other growth in the area. The project would not involve substantial employment growth that would increase population and housing demand. Growth-inducing impacts would be less than significant.

8.b) Housing Displacement

The project would not involve any housing displacement because no housing is currently located onsite; therefore, *no impact* related to housing displacement would result from the project.

Population and Housing - Mitigation

No mitigation is required.

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?		Less Than Significant

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

9a-b,d-f. 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 Condition, Trends, and Issues 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 affected by growth, although no appropriate/acceptable levels of service have been established.

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 Santa Barbara Elementary and High School Districts for elementary and high school.

The project may result in a minor increase in area employees. It would be expected that some of the added employees would already reside in the area. Some portion of new employees may in-migrate or utilize local schools. 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. Students generated by the proposed project could live and attend a school in any area of the South Coast. Some students generated by 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. The project would not generate sufficient students to substantially impact school enrollment. School District Fees are also already required for new commercial and residential development to offset the cost to the school district of providing additional infrastructure to accommodate new students generated by the development. Therefore, project impacts to schools would be less than significant.

9.g,h,i) Water and Sewer

Water

The City of Santa Barbara'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, Gibraltar Reservoir and Mission Tunnel, 300 Acre Feet per Year (AFY) of contractual transfer from Montecito Water district, groundwater, State Water Project entitlement, desalination, and recycled water. Conservation and efficiency improvements are projected to contribute to the supply by displacing demand that would otherwise have to be supplied by additional sources. In 1994, based on the comprehensive review of the City's water supply in the Long Term Water Supply Alternatives Analysis (LTWSAA), the City Council approved the Long Term Water Supply Program (LTWSP). The LTWSP outlines a strategy to use the above sources to meet the projected demand of 17,900 AFY (including 1,500 AFY of demand projected to be met with conservation) plus a 10 percent safety margin for a total of 19,700 AFY. Therefore, the target for the amount of water the system will actually have to supply, including the safety margin, is 18,200 AFY. The 2003 Water Supply Management Report documents an actual system demand of 13,460 AFY and a theoretical commitment of 16,170 AFY. Of the total system production, 95% was potable water and 5% was reclaimed water.

In 2005, the City prepared a General Plan Update: 2030 Condition, Trends, and Issues Report (September 2005) that examined existing conditions associated with water supply, treatment, and distribution system, and specifically analyzed and determined that there were no existing or anticipated deficiencies for the next 20-year planning period based on a growth rate of 0.7% per year.

The existing development on the site demands 1.19 AFY of water. The proposed project is estimated to demand 1.76 AFY (based on the City's Water Demand Factor and Conservation Study "User's Guide" Document No. 2). Therefore, the change in water use would be approximately 0.57 AFY, which would not significantly impact the City's water supply.

The proposed project receives water service from the City of Santa Barbara. The proposed project is within the anticipated growth rate for the City and therefore, the City's long-term water supply and existing water treatment and distribution facilities would adequately serve the proposed project. The potential increase in demand from the proposed project would constitute a less than significant impact to the City water supply, treatment, and distribution facilities.

Sewer

The maximum capacity of the El Estero Treatment Plant is 11 million gallons per day, with current average daily flow 8.5 MGD. The Treatment Plant is designed to treat the wastewater from a population of 104,000. The proposed project's estimated net new sewer demand is 1.47 AFY or 1,318 gallons per day. Increased sewage treatment associated by the project can be accommodated by the existing City sewer system and sewage treatment plant, and would represent a less than 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 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 tons per year, is considered an adverse cumulative impact.

Long-Term (Operational). The proposed project is estimated to generate 7.42 additional tons per year of solid waste as follows: (5,707 s.f. x .0013 TPY). With application of source reduction, reuse, and recycling, landfill disposal of solid waste could be reduced by 50%, to 3.71 tons per year. The project impact is considered less than significant because the waste generation would not exceed 40 tons per year.

Short-Term (Demolition and Construction). The solid waste generation/disposal thresholds adopted by the County do not apply to short-term construction projects. However, new construction, especially remodeling and demolition, represents the greatest challenge to maintaining existing diversion rates. Draft solid waste generation guidelines have been developed by the County of Santa Barbara; however, it should be noted that these numbers have not been adopted. Based on their guidelines, it is anticipated that the Project would generate 815 tons of waste for demolition and construction. According to the County's draft thresholds of significance, any construction, demolition or remodeling project of a commercial, industrial or residential development that is projected to create more than 350 tons of construction and demolition debris is considered to have a significant impact on solid waste generation. The proposed project would be considered to have a potentially significant, mitigable impact based on its construction-related solid waste generation, which is estimated to be approximately 815 tons. Although the 350 ton threshold has not been formally adopted by the City, the amount of construction waste anticipated to be generated by the project warrants mitigation. The implementation of a Solid Waste Management Plan that includes measures to reduce, re-use, and recycle construction and demolition waste to the extent feasible would reduce short-term waste disposal impacts to a less than significant level. Additionally, the applicant has proposed measures to reduce construction-related solid waste generation to the maximum extent feasible.

Public Services – Required Mitigation

PS-1 Solid Waste Management Plan. The Applicant shall develop and implement a Solid Waste Management Plan to reduce waste generated by construction and demolition activities. Consistent with City of Santa Barbara ordinances and in order to achieve the waste diversion goals required by state law, the Contractor may choose to separate waste and recyclables on-site or use a combination of source separation and a construction and demolition (C&D) sorting facility. The Solid Waste Management Plan shall include the following:

1. Contact information: The name and contact information of who will be responsible for implementing the Solid Waste Management Plan.
2. Waste assessment: A brief description of the proposed project wastes to be generated, including types and estimated quantities during the construction phase of this project. A minimum of 90% of demolition and construction materials shall be recycled or reused.
3. Recycling and waste collection areas: Waste sorting and/or collection and/or recycling areas shall be clearly indicated on the project plans and approved by the City Solid Waste Specialist.
4. Transportation: A description of the means of transportation of recyclable materials and waste (whether materials will be site-separated and self-hauled to designated centers, or whether mixed materials will be collected by a waste hauler and removed from the site to be processed) and destination of materials.

5. Landfill information: The name of the landfill(s) where trash will be disposed of and a projected amount of material that will be landfilled.
6. Meetings: A description of meetings to be held between applicant and contractor to ensure compliance with the site Solid Waste Management Plan.
7. Alternatives to landfilling: A list of each material proposed to be salvaged, reused, or recycled during the course of the Project.
8. Contingency Plan: An alternate location to recycle and/or stockpile C&D in the event of local recycling facilities becoming unable to accept material (for example: all local recycling facilities reaching the maximum tons per day due to a time period of unusually large volume).
9. Implementation and Documentation of Solid Waste Management Plan:
 - a. Manager: The Permit Applicant or Contractor shall designate an on-site party (or parties) responsible for instructing workers and overseeing and documenting results of the Solid Waste Management Plan for the Project Site Foreman. The contact will notify the Public Works Department immediately should any deviance from the Solid Waste Management Plan be necessary.
 - b. Distribution: The Contractor shall distribute copies of the Solid Waste Management Plan to the Job Site Foremen, impacted subcontractors, and the Architect.
 - c. Instruction: The Permit Applicant or Contractor shall provide on-site instruction of appropriate separation, handling, and recycling, salvage, reuse, and return methods to be used by all parties at the appropriate stages of project development.
 - d. Separation and/or Collection areas: The Permit Applicant or Contractor shall ensure that the approved recycling and waste collection areas are designated on site.
 - e. Construction of Recycling and Waste container facilities: Inspection shall be made by Public Works to ensure the appropriate storage facilities are created in accordance with AB 2176, California State Public Resources Code 42911 and City of Santa Barbara Zoning Ordinances.
 - f. Hazardous wastes: Hazardous wastes shall be separated, stored, and disposed of according to federal, state and local regulations.
 - g. Documentation: The Contractor shall submit evidence at each inspection to show that recycling and/or reuse goals are being met and a Summary of Waste Generated by the Project shall be submitted on a monthly basis. Failure to submit this information shall be grounds for a stop work order. The Summary shall be submitted on a form acceptable to the Public Works Department and shall contain the following information:
 - Disposal information: amount (in tons or cubic yards) of material landfilled; identity of the landfill; total amount of tipping fees paid at the landfill; weight tickets, manifests, receipts, and invoices (attach copies).
 - Recycling information: amount and type of material (in tons or cubic yards); receiving party; manifests, weight tickets, receipts, and invoices (attach copies).
 - Reuse and salvage information: list of items salvaged for reuse on project or campus (if any); amount (in tons or cubic yards); receiving party or storage location.
 - h. Contingency Plan: The Permit Applicant or Contractor shall detail the location and recycling of stockpiled material in the event of the implementation of a Contingency Plan.

Public Services - Residual Impacts

Implementation of the identified mitigation measures would reduce the impact of sold waste generation/ disposal to less than significant levels.

10. RECREATION Could the project:	NO	YES <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?		Less Than Significant

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, 2 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 commercial office building may create a small 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 employees into the Downtown neighborhood where the closest neighborhood park is Alameda Park. This park is within the NRPA ¼ to ½-mile radius standard of the proposed project site. People working at the project site would have access to this neighborhood park, as well as to other community, beach, regional, open space and sports facility parks, and all City recreation programs.

The minor increase in demand relative to recreational facilities would result in a less than significant impact to recreation because adequate recreation facilities are available.

10.b) Existing Recreational Facilities

The project site is located in the Downtown neighborhood of the city. Both Alameda Park and Alice Keck Park Memorial Gardens are located approximately one block to the north of the project. Other nearby recreational areas include the Waterfront and beaches. Given the number of existing recreational facilities and the slight increase in demand associated with the proposed development, impacts to existing recreational facilities would be less than significant.

Recreation - Mitigation

No mitigation required.

11. TRANSPORTATION/CIRCULATION		NO	YES
Could the project result in:			<i>Level of Significance</i>
a)	Increased vehicle trips? Long-Term Short-Term		Less Than Significant Less Than Significant
b)	Hazards to safety from design features (e.g. sharp curves, inadequate sight distance or dangerous intersections)?		Less Than Significant
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?		Less Than Significant

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:

- Project peak-hour traffic would cause a signalized intersection to exceed 0.77 V/C, or
- 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

Transportation Planning Staff prepared a traffic trip generation analysis for the proposed project. A proposed building increase of 5,707 square feet was applied to an Institute of Transportation Engineers (ITE) trip generation rate for an assumed General Office land use designation. It is estimated that the proposed project would generate 15 additional AM peak hour trips, 15 additional PM peak hour trips and 112 average daily trips over the existing development.

When the vehicle trips generated by the project are distributed to the adjacent street network, it is not expected to exceed the City's standard threshold that would result in traffic impacts to the nearby intersections. Particular attention was given to the Carrillo Street at Highway 101 ramps as they are currently impacted. Staff determined that due to the proximity of the site to the north-bound Highway 101 ramp at Arrellaga Street, which is not impacted, the majority of north bound highway traffic would use the Arrellaga Street ramp and not impact the Carrillo Street intersection. Thus, the project would not generate project-specific or cumulative traffic impacts compared to the current use. Because medical/dental office, restaurant, bar/night club, or retail uses would result in increased traffic trip generation, these uses will be prohibited as a condition of approval. Therefore, the project impacts relative to long-term traffic would be less than significant.

Short-Term Construction Traffic

The entire project construction period would require approximately 12 months. Demolition and grading on the project site would take approximately 3 weeks and building construction would take approximately 11 months. Construction hours would be Monday through Friday, 8:00 AM to 5:00 PM.

The project would generate construction-related traffic that would occur over the 12-month construction period and would vary depending on the stage of construction. Temporary construction traffic is generally considered an adverse but not significant impact. In this case, given traffic levels in the area and the duration and timing of the construction process, short-term construction-related traffic would be a less than significant impact. Standard conditions of approval would be applied as appropriate, including restrictions on the hours permitted for construction trips and approval of routes for construction traffic.

11.b,c, e) Access/ Circulation/ Safety

Access to the project site is provided by two existing driveways, one on Victoria Street and one on Anacapa Street. There are red curbs along the entire Victoria Street frontage, and along the Anacapa Street frontage, the curbs are red except for the area between the existing driveway and the northerly property line.

The proposed project includes the elimination of the driveway on Victoria Street, thereby reducing the potential for any vehicular and pedestrian conflicts on that side of the property. The existing driveway on Anacapa Street would be removed and a new driveway would be installed adjacent to the northern property line that leads to the underground parking garage. At this location, the wall of the structure would be a maximum height of 30" on either side of the driveway in order to meet sight visibility requirements. While Victoria Street's average daily traffic volume is approximately one half that of Anacapa Street, Staff determined that the additional distance from the intersection provided by an Anacapa Street driveway ramp versus a Victoria Street driveway ramp, resulted in Anacapa Street being the superior location. Also, with a Victoria Street driveway ramp, vehicle queuing impacts to the intersection could occur because the driveway ramp would be approximately 75 feet closer to the intersection than the proposed Anacapa Street driveway ramp. Additionally, red curb will be maintained on both streets precluding vehicles from stopping with the exception of approximately 50 feet south of the proposed driveway ramp. As part of the City Transportation Staff's ongoing street operations review, enhancements will be made as necessary to curb striping and intersection signal timing.

Currently, there are reciprocal easements for vehicular and pedestrian access and parking between the subject parcel and the adjacent parcel (109 E. Victoria St.). As part of the proposed project, new easement agreements between the two parcels would be executed. A new parking and access easement would allow tenants of the adjacent parcel to use eight of the parking spaces within the underground garage.

The proposed driveway would be adequate to serve the proposed project; therefore, project impacts to access, circulation and safety would be less than significant.

11.d) Parking

Existing Parking Supply and Parking Demand

The project site is currently developed with an 11,900 square foot two-story office building and 32 surface parking spaces, with eight of the existing parking spaces reserved for the adjacent parcel (109 E. Victoria St.).

Project Parking Supply and Parking Demand

The Zoning Ordinance requirement for the proposed 17,607 sq. ft. office building is 50 parking spaces (70 spaces less the 20% zone of benefit and less 10 % for a building over 10,000 sq. ft.). Properties which have a zone of benefit designation, due to their location in the downtown area, are subject to a reduction in the number of required parking spaces, as indicated in the Zoning Ordinance. With the inclusion of the additional eight parking spaces that would be reserved for the adjacent parcel, a total of 58 parking spaces would be needed onsite.

A total of forty-five parking spaces would be provided in an underground garage, with eight reserved for the adjacent parcel located at 109 E. Victoria Street. The project would provide 6 of the proposed parking spaces using a Klaus Parking lift system (Model 2062-185) whereby three spaces would accommodate six vehicles. Because the system does not require removing one vehicle to access another, the lifts are not considered tandem parking.

The applicant submitted a Parking Study prepared by Associated Traffic Engineers, dated September 12, 2007 (see *Exhibit F-Parking Study*), which concludes that the parking demand for the 50 commercial condominium units would be 37 parking spaces. The demand was calculated using the parking demand rate for General Office buildings located in downtown urban areas from the Institute of Transportation Engineers (ITE) Parking Generation report, along with a 20% reduction based on the City's zone of benefit. Because the project meets the estimated parking demand, there would be no impact to parking supplies in the project area.

Transportation - Mitigation

None required

12. WATER ENVIRONMENT Could the project result in:	NO	YES <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?		Less Than Significant
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,d,e) Drainage, Runoff and Water Quality

Long-Term

Currently, storm water runoff drains via surface flow to the public street gutters where it enters a 33” diameter and 66” diameter storm drain pipe through two drainage inlets located near the intersection of Anacapa Street and E. Victoria Street.

The City and State require that onsite capture, retention, and treatment of storm water be incorporated into the design of the project. Pursuant to the City’s Storm Water Management Plan (SWMP) and the NPDES General Permit for Storm Water Discharges, the City requires that any increase in stormwater runoff (based on a 25-year storm event) be retained on-site and that projects be designed to capture and treat the calculated amount of runoff from the project site for a 1 inch storm event, over a 24-hour period.

A Preliminary Drainage Analysis prepared by InsiteCivil, Inc., dated September 7, 2007 (see *Exhibit G-Drainage Study*) indicates that the proposed project would result in a net decrease of 0.20 cfs for a 25-year storm event [1.4 cfs (existing) minus 1.2 cfs (proposed)]. Area drains would be located on the ground level podium, with connections to the underground garage and to the existing underground public storm water system. Finished grades would be designed to allow for overland release of peak flows resulting from the 100-year storm event. The proposed project would provide more landscaped areas, including a number of green roofs, resulting in a reduction in the amount of impervious area onsite. However, final project plans for grading, drainage, stormwater facilities, and project development have not yet been submitted and accepted by the City; therefore, long-term project impacts related to drainage are considered to be potentially significant, mitigable with the implementation of required drainage and water quality mitigation measure.

Short-Term

Project grading activities create the potential for erosion and sedimentation affecting water quality. Surface water quality impacts are therefore considered potentially significant, 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.

12.b) Flooding

The project site is not located in a flood hazard zone or in an area prone to flooding. The flooding potential would not change following project construction, nor would the project substantially alter the course or flow of flood waters. Therefore, project impacts related to flooding are considered less than significant.

Water Resources – Required Mitigation

W-1 Drainage and Water Quality. Project plans for grading, drainage, stormwater facilities, and project development shall be subject to review and approval by City Building Division and Public Works Department per City regulations prior to issuance of any building or public works permits. At a minimum, any increase in stormwater runoff (based on a 25-year storm event) shall be retained on-site, and the project shall be designed to capture and treat the calculated amount of runoff from the project site for a 1 inch storm event, over a 24-hour period. Sufficient engineered design and adequate mitigation measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project.

W-2 Erosion Control/Water Quality Protection Plan. Prior to the issuance of a demolition 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 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-3 Minimization of Storm Water Pollutants of Concern. The Owner 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 approved facilities shall be maintained in working order for the life of the project.

W-4 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, and shall inspect at least annually and submit report to City annually.

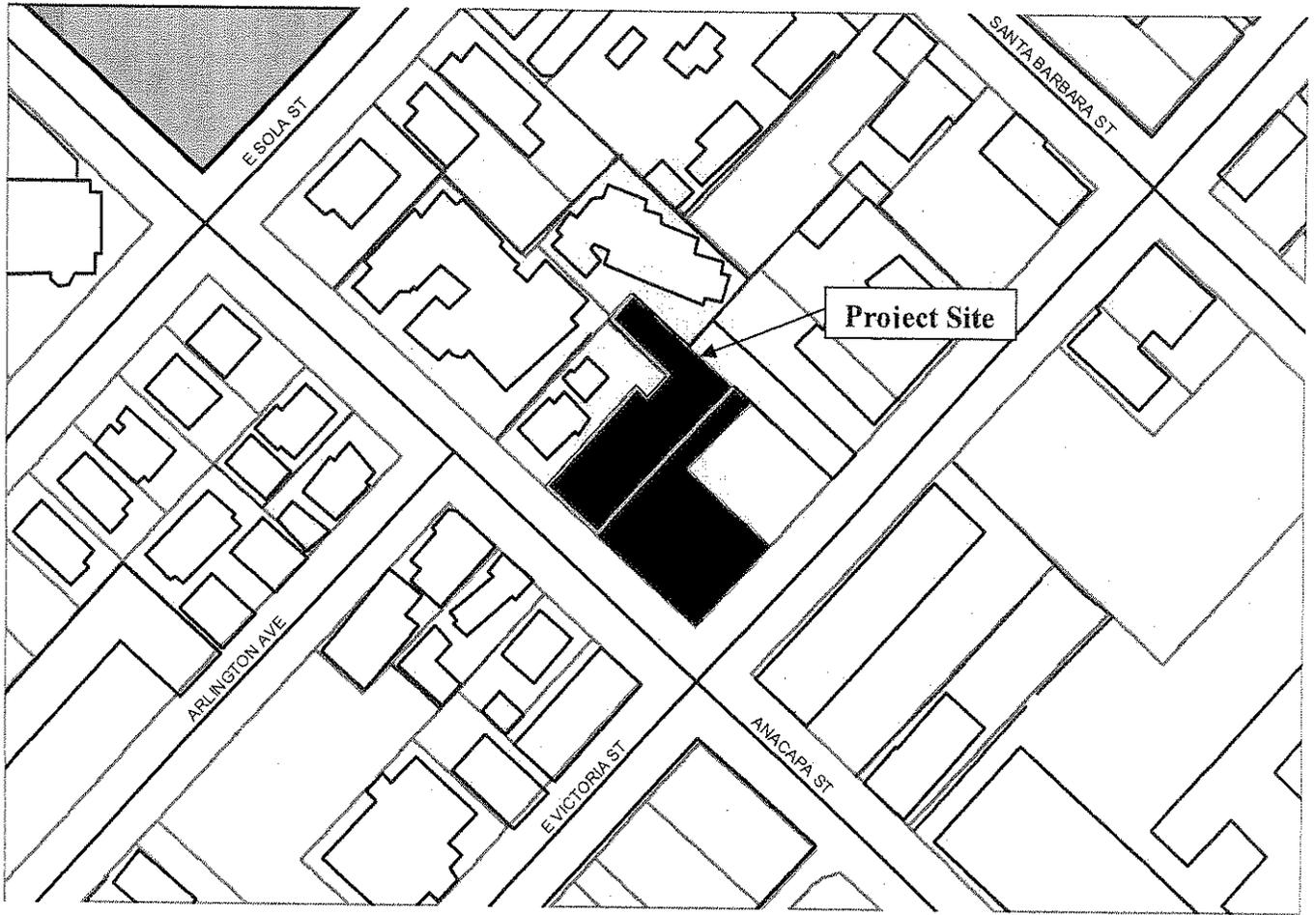
Water Resources – Recommended Mitigation

W-5 Passive Drainage Techniques. Passive/nature water treatment design techniques such as bioswales, infiltration basins, etc, shall be incorporated into open space areas, groundcover, and courtyards to treat the small, frequent storm events that impact water quality in Santa Barbara (a 1 inch storm event, over a 24-hour period). These types of passive/natural capture and filtration design options shall be implemented as opposed to mechanical/underground options, which pose maintenance problems and often times, do not treat runoff as efficiently. These measures shall be incorporated into the drainage plan and shall be subject to review and approval by City Building Division and Public Works Department per City regulations prior to issuance of any building or public works permits.

Water Resources – Residual Impact

Implementation of mitigation measure W-1 would reduce water quality impacts to less than significant. Implementation of mitigation measures W-2 through W-5 would reduce potentially significant short-term water resources impacts of the project to less than significant levels. Implementation of mitigation measure W-6 would further reduce less than significant impacts related to water quality.

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
Institute of Traffic Engineers Parking Generation Manual
Institute of Traffic Engineers Trip Generation Manual
Master Environmental Assessment
2004 Housing Element
Santa Barbara County Draft Updated Solid Waste Thresholds
Santa Barbara Municipal Code & City Charter
Uniform Building Code as adopted by City
URBEMIS 2007 Version 9.2.4
Zoning Ordinance & Zoning Map
Phase I Archaeological Resources Report prepared by Dudek dated January 2008 (not available to the public)



Vicinity Map for 101 E. Victoria Street



E.A.R.M. &
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INC.

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Proposed project for:

Schaor/101 E. Victoria

Project No. 1010000076

DATE: 11/11/11

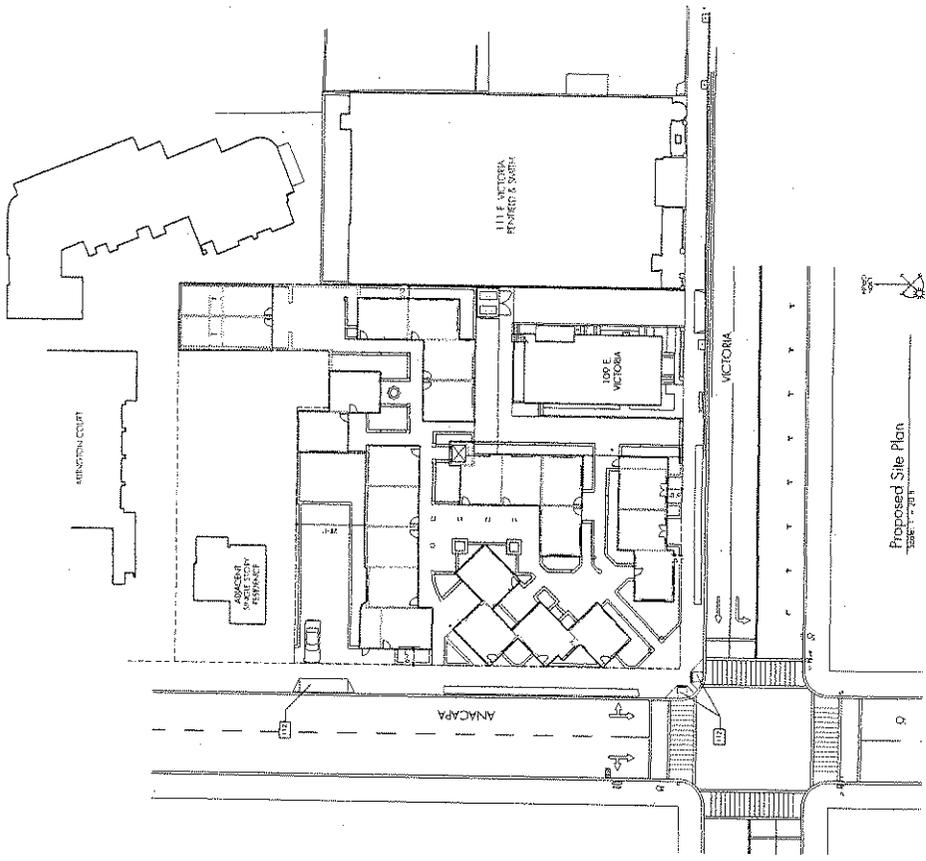
SCALE: AS SHOWN

PROJECT: 1010000076

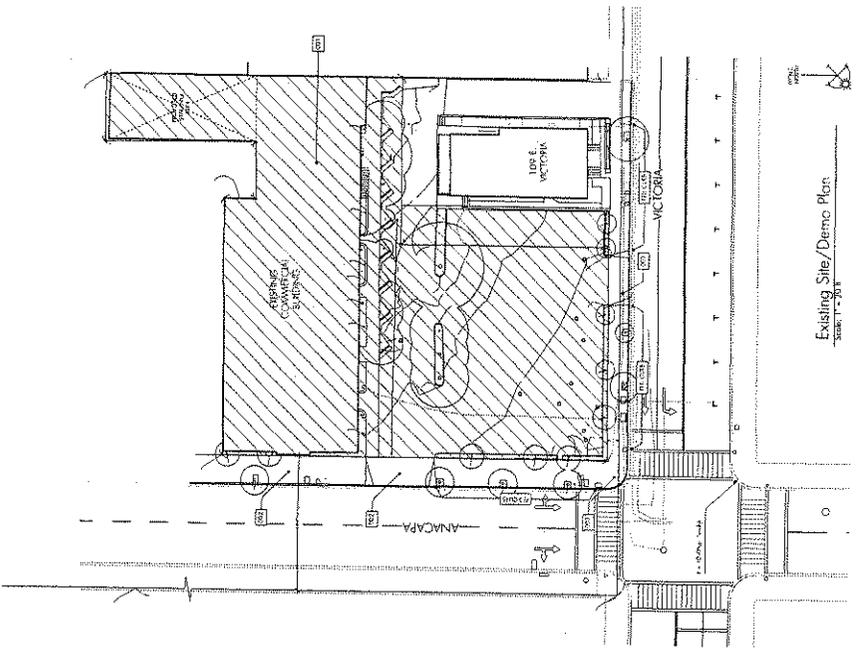
DATE: 11/11/11

SCALE: AS SHOWN

- PLAN NOTES**
- 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 - 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 - 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 - 4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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 - 19. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 - 20. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



- REVISION NOTES**
- 1. REVISION 1: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 2. REVISION 2: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 3. REVISION 3: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 4. REVISION 4: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 5. REVISION 5: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 6. REVISION 6: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 7. REVISION 7: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 8. REVISION 8: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 9. REVISION 9: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 10. REVISION 10: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 11. REVISION 11: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 12. REVISION 12: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 13. REVISION 13: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 14. REVISION 14: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 15. REVISION 15: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 16. REVISION 16: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 17. REVISION 17: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 18. REVISION 18: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 19. REVISION 19: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.
 - 20. REVISION 20: ADDED DIMENSIONS TO THE EXISTING DEMO PLAN.



- Tree Removal Legend**
- Existing tree to remain in place during construction
 - ⊗ Existing photo trees to be relocated on site
 - ✕ Existing tree to be removed

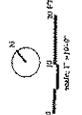
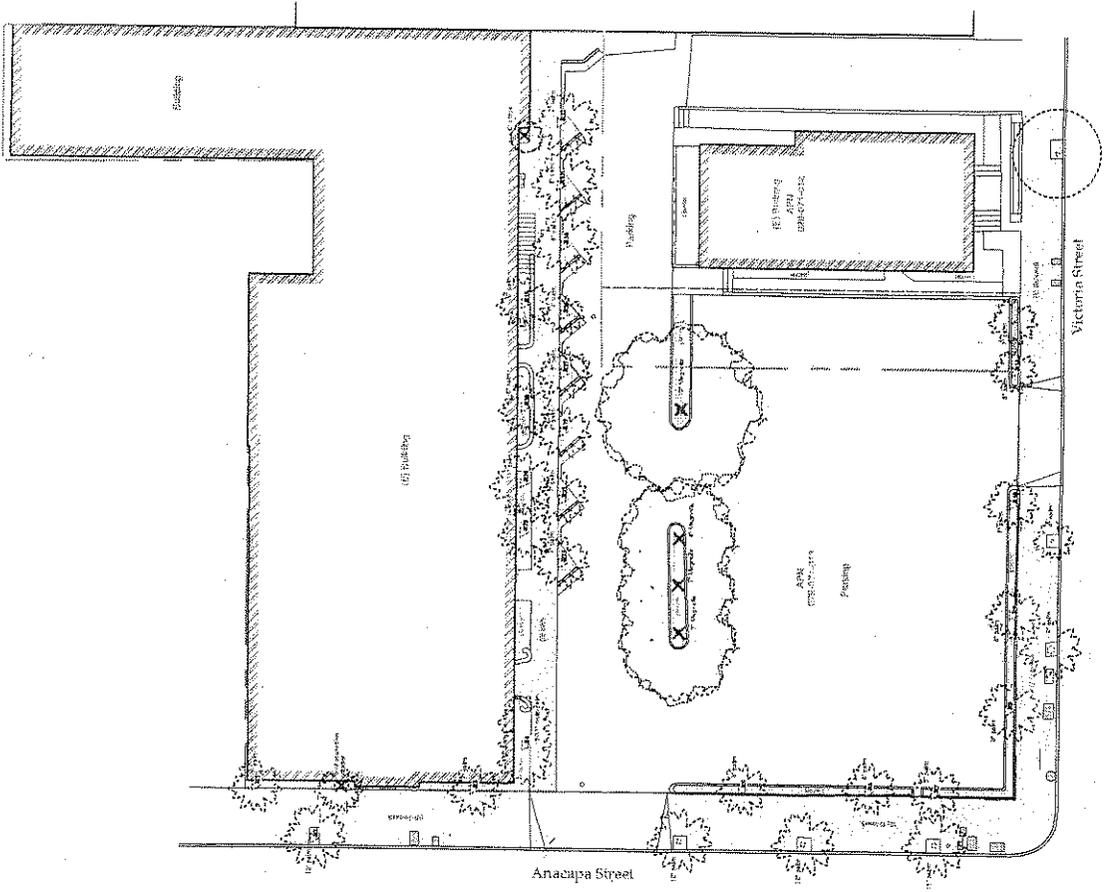
- Tree Protection Notes**
- All existing trees to remain are to be protected as follows:
1. Prior to construction, a qualified arborist shall inspect and provide a written report on the condition of all trees to be protected. The report shall include a list of trees to be protected, their species, size, and location. The report shall also include recommendations for tree protection measures to be implemented during construction.
 2. All existing trees to be protected shall be marked with a tree protection zone (TPZ) of existing trees to remain.
 3. Construction shall be a qualified arborist general during any excavation adjacent to or above the TPZ of existing trees to remain.
 4. The trees shall be fenced or otherwise protected with the recommendations of a qualified arborist.
 5. Any root pruning and removal shall be done under the direction of a qualified arborist.
 6. All excavation within the TPZ of the trees shall be done with hand tools and any construction shall be cut cleanly.
 7. No heavy equipment, storage of materials or parking shall take place under the TPZ of the trees.
 8. Prior to and after construction, steps shall be taken to ensure the trees in the existing tree zones.

Existing Trees To Be Removed

Tree #	Species Name	Common Name	Size
1	<i>Alnus incana</i>	White Alder	12' DIA
2	<i>Alnus incana</i>	White Alder	8' DIA
3	<i>Alnus incana</i>	White Alder	7' DIA
4	<i>Alnus incana</i>	White Alder	4' DIA
5	<i>Alnus incana</i>	White Alder	4' DIA
6	<i>Alnus incana</i>	White Alder	4' DIA

Existing Trees To Be Relocated on Site

Tree #	Species Name	Common Name	Size
R-1	<i>Alnus incana</i>	White Alder	7' DIA
R-2	<i>Alnus incana</i>	White Alder	7' DIA
R-3	<i>Alnus incana</i>	White Alder	7' DIA
R-4	<i>Alnus incana</i>	White Alder	7' DIA
R-5	<i>Alnus incana</i>	White Alder	7' DIA
R-6	<i>Alnus incana</i>	White Alder	7' DIA
R-7	<i>Alnus incana</i>	White Alder	7' DIA
R-8	<i>Alnus incana</i>	White Alder	7' DIA
R-9	<i>Alnus incana</i>	White Alder	7' DIA
R-10	<i>Alnus incana</i>	White Alder	7' DIA
R-11	<i>Alnus incana</i>	White Alder	7' DIA
R-12	<i>Alnus incana</i>	White Alder	7' DIA
R-13	<i>Alnus incana</i>	White Alder	7' DIA
R-14	<i>Alnus incana</i>	White Alder	7' DIA
R-15	<i>Alnus incana</i>	White Alder	7' DIA
R-16	<i>Alnus incana</i>	White Alder	7' DIA
R-17	<i>Alnus incana</i>	White Alder	7' DIA
R-18	<i>Alnus incana</i>	White Alder	7' DIA
R-19	<i>Alnus incana</i>	White Alder	7' DIA
R-20	<i>Alnus incana</i>	White Alder	7' DIA
R-21	<i>Alnus incana</i>	White Alder	7' DIA
R-22	<i>Alnus incana</i>	White Alder	7' DIA



101 E. Victoria Street (MST2006-00758)

MITIGATION MONITORING AND REPORTING PROGRAM

PURPOSE

The purpose of the **101 E. Victoria Street Project** Mitigation Monitoring and Reporting Program (MMRP) is to ensure compliance with all mitigation measures identified in the Final Mitigated Negative Declaration to mitigate or avoid potentially significant adverse environmental impacts resulting from the proposed project. The implementation of this MMRP shall be accomplished by the applicant, consultants and representatives. The MMRP program shall apply to all of the actions occurring under the Permit for the 101 E. Victoria Street Project.

I. RESPONSIBILITIES AND DUTIES

A qualified representative from the applicant, approved by the City Planning Division and paid for by the applicant shall be designated as the Project Environmental Coordinator (PEC) for each department. The PECs shall be responsible for assuring full compliance with the provisions of this mitigation monitoring and reporting program to the City for actions undertaken under the 101 E. Victoria Street Project. 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 this program.

It is the responsibility of the applicant to comply with all mitigation measures listed in the attached MMRP matrix table. Any problems or concerns between monitors and construction personnel shall be addressed by the PEC and the responsible department. Staff and/or contractors hired to do work under the 101 E. Victoria Street Project shall provide a schedule of activities for review and approval of the PEC. The staff or contractor shall inform the PEC of any major revisions to the construction schedule at least 48 hours in advance. The respective PEC, staff, and contractor shall meet on a weekly basis in order to assess compliance and review future activities anticipated under the construction of the 101 E. Victoria Street Project.

A PRE-IMPLEMENTATION BRIEFING

The PECs shall prepare a pre-implementation briefing report. The report shall include a list of all mitigation measures and a plot plan delineating all sensitive areas to be avoided. This report shall be provided to all personnel performing work under this permit.

The pre-implementation briefing shall be conducted by the PEC. The briefing shall be attended by the PECs, supervisors of staff working on the project, necessary consultants, Planning Division Case Planner, and all contractors and subcontractors associated with the project. Additional pre-construction briefings shall be conducted when changes in the PEC, staff working on the project, and a change in contractor occurs.

This MMRP shall be presented to those in attendance at the meeting. The briefing presentation shall include project background, the purpose of the MMRP, duties and responsibilities of each participant, communication procedures,

monitoring procedures, filling out of the mitigation monitoring matrix and summary reports, and duties and responsibilities of the PEC, staff, contractors, and project consultants.

It shall be emphasized at this briefing that the PECs and project consultants have the authority to stop construction and redirect construction equipment in order to comply with all mitigation measures.

II. IMPLEMENTATION PROCEDURES

A. REPORTING PROCEDURES

The PEC for the applicant shall utilize the MMRP Matrix Table, as the basis for daily monitoring of activities approved as a part of the project. As long as no compliance with mitigation measure issues is identified on the completed matrix table, the MMRP forms shall be kept on file. If the PEC identifies non-compliance or other problems with mitigation measure issues, the completed forms shall be forwarded to the Planning Division. In addition, monthly summary reports and annual summary reports on the mitigation monitoring program shall be submitted to the Planning Division by the PEC.

B. MMRP MATRIX

The following MMRP Matrix Table provides each mitigation measure, identifies the responsible party, and allows the monitor to indicate the date monitoring occurred, whether the mitigation measure has been implemented, and comments on activities, if necessary.

The MMRP Matrix Table is intended to be used by all parties involved in monitoring the project mitigation measures, as well as project contractors and others working in the field. The Matrix Table shall be used as a compliance checklist to aid in compliance verification and monitoring requirements for all activities conducted under the 101 E. Victoria Street Project, whenever activities authorized under this permit are conducted. A copy of the MMRP matrix table shall be kept in the project file by the applicant as verification that compliance with all mitigation measures has occurred.

**101 E. VICTORIA STREET PROJECT (MST2006-00758)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX TABLE**

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		Date	Accomplished?	Comments
<p>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.</p>	Applicant/ Contractor			
<p>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.</p>	Applicant/ Contractor			
<p>AQ-3 Construction Dust Control – Tarping. Trucks transporting fill material to and from the site shall be covered from the point of origin.</p>	Applicant/ Contractor			
<p>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.</p>	Applicant/ Contractor			
<p>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.</p>	Applicant/ Contractor			

**101 E. VICTORIA STREET PROJECT (MST2006-00758)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX TABLE**

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		Date	Accomplished?	Comments
<p>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:</p> <ul style="list-style-type: none"> 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. 	Applicant/ Contractor			
<p>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.</p>	Applicant/ Contractor			
<p>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 upon request.</p>	Applicant/ Contractor			
<p>AQ-9 Portable Construction Equipment. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.</p>	Applicant/ Contractor			

**101 E. VICTORIA STREET PROJECT (MST2006-00758)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX TABLE**

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		Date	Accomplished?	Comments
AQ-10 Fleet Owners. Fleet owners are subject to sections 2449, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of regulations (CCR) to reduce diesel particulate matter (and criteria pollutant emissions from in-use off-road diesel-fueled vehicles. See http://www.arb.ca.gov/regact/2007/ordies107/frocal.pdf .	Applicant/ Contractor			
AQ-11 Engine Size. The engine size of construction equipment shall be the minimum practical size.	Applicant/ Contractor			
AQ-12 Equipment Numbers. 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.	Applicant/ Contractor			
AQ-13 Equipment Maintenance. All construction equipment shall be maintained in tune per the manufacturer's specifications.	Applicant/ Contractor			
AQ-14 Catalytic Converters. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.	Applicant/ Contractor			
AQ-15 Diesel Construction Equipment. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.	Applicant/ Contractor			
AQ-16 Engine Timing and Diesel Catalytic Converters. Other diesel construction equipment, which does not meet CARB standards, shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.	Applicant/ Contractor			

**101 E. VICTORIA STREET PROJECT (MST2006-00758)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX TABLE**

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		Date	Accomplished?	Comments
AQ-17 Diesel Replacements. Diesel powered equipment shall be replaced by electric equipment whenever feasible.	Applicant/ Contractor			
AQ-18 Idling Limitation. Idling of heavy-duty diesel trucks during loading and unloading shall be prohibited; electric auxiliary power units shall be used whenever possible.	Applicant/ Contractor			

**101 E. VICTORIA STREET PROJECT (MST2006-00758)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX TABLE**

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION	
		Date	Accomplished? Comments
<p>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.</p> <p>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.</p> <p>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.</p>	Applicant/ Contractor		

**101 E. VICTORIA STREET PROJECT (MST2006-00758)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX TABLE**

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		Date	Accomplished?	Comments
<p>H-1: The applicant shall continue all remediation activities as required by the Santa Barbara County Fire Department, Fire Prevention Division pursuant to the approved Corrective Action Plan concurrent with the construction proposed project. The applicant shall actively pursue, to the extent feasible, completion of remediation activities and closure of the LUFT site prior to occupancy of the proposed building or as soon following occupancy as possible. All necessary precautions required by the Fire Department for the protection of construction workers and tenants shall be implemented during the construction and operation of the site.</p>	Applicant			
<p>N-1: Construction Notice. At least 20 days prior to commencement of construction, the contractor shall provide written notice to all property owners and residents within 450 feet of the project area. The notice shall contain a description of the proposed project, a construction schedule including days and hours of construction, 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 during construction. A 24-hour construction hot line shall be provided. Informational signs with the PEC's name and telephone number shall also be posted at the site.</p>	Applicant/ Contractor			

**101 E. VICTORIA STREET PROJECT (MST2006-00758)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX TABLE**

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		Date	Accomplished?	Comments
<p>N-2: 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.</p> <p>Occasional night work may be approved for the hours between 5 p.m. and 8 a.m. by the Chief of Building and Zoning per Section 9.13.015 of the Municipal Code) between the hours of 5 p.m. and 8 a.m. weekdays. In the event of such night work approval, the applicant shall provide written notice to all property owners and residents within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of any. Night work shall not be permitted on weekends and holidays.</p>	Applicant/ Contractor			
<p>N-3: Construction Equipment Sound Control. All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.</p>	Applicant/ Contractor			
<p>N-4: Sound Barriers. As determined necessary by the Planning Division, the project shall employ sound control devices and techniques such as noise shields and blankets during the construction period to reduce the level of noise to surrounding residents and businesses.</p>	Applicant/ Contractor			

**101 E. VICTORIA STREET PROJECT (MST2006-00758)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX TABLE**

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		Date	Accomplished?	Comments
<p>PS-1 Solid Waste Management Plan. The Applicant shall develop and implement a Solid Waste Management Plan to reduce waste generated by construction and demolition activities. Consistent with City of Santa Barbara ordinances and in order to achieve the waste diversion goals required by state law, the Contractor may choose to separate waste and recyclables on-site or use a combination of source separation and a construction and demolition (C&D) sorting facility. The Solid Waste Management Plan shall include the following:</p> <ol style="list-style-type: none"> 1. Contact information: The name and contact information of who will be responsible for implementing the Solid Waste Management Plan. 2. Waste assessment: A brief description of the proposed project wastes to be generated, including types and estimated quantities during the construction phase of this project. A minimum of 90% of demolition and construction materials shall be recycled or reused. 3. Recycling and waste collection areas: Waste sorting and/or collection and/or recycling areas shall be clearly indicated on the project plans and approved by the City Solid Waste Specialist. 4. Transportation: A description of the means of transportation of recyclable materials and waste (whether materials will be site-separated and self-hauled to designated centers, or whether mixed materials will be collected by a waste hauler and removed from the site to be processed) and destination of materials. 5. Landfill information: The name of the landfill(s) where trash will be disposed of and a projected amount of material that will be landfilled. 	Applicant/ Contractor			

**101 E. VICTORIA STREET PROJECT (MST2006-00758)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX TABLE**

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION	
		Date	Accomplished? Comments
<p>6. Meetings: A description of meetings to be held between applicant and contractor to ensure compliance with the site Solid Waste Management Plan.</p> <p>7. Alternatives to landfilling: A list of each material proposed to be salvaged, reused, or recycled during the course of the Project.</p> <p>8. Contingency Plan: An alternate location to recycle and/or stockpile C&D in the event of local recycling facilities becoming unable to accept material (for example: all local recycling facilities reaching the maximum tons per day due to a time period of unusually large volume).</p> <p>9. Implementation and Documentation of Solid Waste Management Plan:</p> <p>a. Manager: The Permit Applicant or Contractor shall designate an on-site party (or parties) responsible for instructing workers and overseeing and documenting results of the Solid Waste Management Plan for the Project Site Foreman. The contact will notify the Public Works Department immediately should any deviance from the Solid Waste Management Plan be necessary.</p> <p>b. Distribution: The Contractor shall distribute copies of the Solid Waste Management Plan to the Job Site Foremen, impacted subcontractors, and the Architect.</p> <p>c. Instruction: The Permit Applicant or Contractor shall provide on-site instruction of appropriate separation, handling, and recycling, salvage, reuse, and return methods to be used by all parties at the appropriate stages of project development.</p>			

**101 E. VICTORIA STREET PROJECT (MST2006-00758)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX TABLE**

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION	
		Date	Accomplished? Comments
<p>d. Separation and/or Collection areas: The Permit Applicant or Contractor shall ensure that the approved recycling and waste collection areas are designated on site.</p> <p>e. Construction of Recycling and Waste container facilities: Inspection shall be made by Public Works to ensure the appropriate storage facilities are created in accordance with AB 2176, California State Public Resources Code 42911 and City of Santa Barbara Zoning Ordinances.</p> <p>f. Hazardous wastes: Hazardous wastes shall be separated, stored, and disposed of according to federal, state and local regulations.</p> <p>g. Documentation: The Contractor shall submit evidence at each inspection to show that recycling and/or reuse goals are being met and a Summary of Waste Generated by the Project shall be submitted on a monthly basis. Failure to submit this information shall be grounds for a stop work order. The Summary shall be submitted on a form acceptable to the Public Works Department and shall contain the following information:</p> <ul style="list-style-type: none"> • Disposal information: amount (in tons or cubic yards) of material landfilled; identity of the landfill; total amount of tipping fees paid at the landfill; weight tickets, manifests, receipts, and invoices (attach copies). 			

**101 E. VICTORIA STREET PROJECT (MST2006-00758)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX TABLE**

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION	
		Date	Accomplished? Comments
<ul style="list-style-type: none"> • Recycling information: amount and type of material (in tons or cubic yards); receiving party; manifests, weight tickets, receipts, and invoices (attach copies). • Reuse and salvage information: list of items salvaged for reuse on project or campus (if any); amount (in tons or cubic yards); receiving party or storage location. h. Contingency Plan: The Permit Applicant or Contractor shall detail the location and recycling of stockpiled material in the event of the implementation of a Contingency Plan. 			
<p>W-1 Drainage and Water Quality. Project plans for grading, drainage, stormwater facilities, and project development shall be subject to review and approval by City Building Division and Public Works Department per City regulations prior to issuance of any building or public works permits. At a minimum, any increase in stormwater runoff (based on a 25-year storm event) shall be retained on-site, and the project shall be designed to capture and treat the calculated amount of runoff from the project site for a 1 inch storm event, over a 24-hour period. Sufficient engineered design and adequate mitigation measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project.</p>	Applicant/ Contractor		

**101 E. VICTORIA STREET PROJECT (MST2006-00758)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX TABLE**

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		Date	Accomplished?	Comments
<p>W-2 Erosion Control/Water Quality Protection Plan. Prior to the issuance of a demolition 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 <i>Procedures for the Control of Runoff into Storm Drains and Watercourses</i> and the Building and Safety Division <i>Erosion/Sedimentation Control Policy</i> (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 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:</p> <ul style="list-style-type: none"> • 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 	Applicant/ Contractor			

**101 E. VICTORIA STREET PROJECT (MST2006-00758)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX TABLE**

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		Date	Accomplished?	Comments
<p>W-3 Minimization of Storm Water Pollutants of Concern. The Owner 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 approved facilities shall be maintained in working order for the life of the project.</p>	Applicant/ Contractor			
<p>W-4 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 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, and shall inspect at least annually and submit report to City annually..</p>	Applicant/ Contractor			
<p>W-5 Passive Drainage Techniques. Passive/nature water treatment design techniques such as bioswales, infiltration basins, etc, shall be incorporated into open space areas, groundcover, and courtyards to treat the small, frequent storm events that impact water quality in Santa Barbara (a 1 inch storm event, over a 24-hour period). These types of passive/natural capture and filtration design options shall be implemented as opposed to mechanical/underground options, which pose maintenance problems and often times, do not treat runoff as efficiently. These measures shall be incorporated into the drainage plan and shall be subject to review and approval by City Building Division and Public Works Department per City regulations prior to issuance of any building or public works permits.</p>	Applicant/ Contractor			

CONCEPT REVIEW - NEW

5. 2 ROSEMARY LN E-1 Zone

(2:02) Assessor's Parcel Number: 015-093-018
 Application Number: MST2006-00546
 Owner: Wesley Gibson
 Landscape Architect: Bethany Clough

(This residence designed by Harriet Moody was determined to be landmark-worthy in an Historic Structures/Sites Report prepared by Post-Hazeltine Associates and accepted by the Historic Landmarks Commission on March 8, 2006. Proposal for a new swimming pool, spa, hardscaping, landscaping, and fencing on an 8,726 square foot parcel.)

(PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND HISTORIC RESOURCE FINDINGS.)

Present: Bethany Clough and Jack Kiebel, Landscape Architects
 Wesley Gibson, Owner

Straw vote: How many of the Commissioners can support the use of interlocking cobble pavers in this instance? 7/0.

Motion: Preliminary approval and continued two weeks to the Consent Calendar with the following comments: 1) The Commission will support the use of the cobble pavers as proposed. 2) There shall be a reduction in the width of the driveway to the minimum required, with landscaping provided to the west. 3) There shall be an irregular edge on the outside edge of the pool. 4) As to the landscaping, it shall be in the palette of an English border planting, with more variety and more informality. 5) **Historic Resource Findings were made as follows:** The project will not cause a substantial adverse change in the significance of an historical resource.

Action: Boucher/Adams, 7/0/0. (Hausz absent.) Motion carried.

Mr. Adams will be reviewing the landscape design on the Consent Calendar.

CONCEPT REVIEW - NEW: PUBLIC HEARING

6. 101 E VICTORIA ST C-2 Zone

(2:24) Assessor's Parcel Number: 029-071-013
 Application Number: MST2006-00758
 Owner: 101 East Victoria
 Architect: Cearnal Andrulaitis, LLP

(Proposal to demolish an existing two-story 11,900 square foot commercial office building and construct a new three-story 17,659 square foot commercial building comprised of 50 condominium office units on a parcel of approximately 19,000 square feet. Forty-one parking spaces will be provided underground. Planning Commission approval is required for Transfer of Existing Development Rights, a Tentative Subdivision Map, the new Condominium Development, Development Plan Approval findings, and a Modification to provide less than the required amount of parking spaces.)

(COMMENTS ONLY) ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION

Present: Brian Cearnal and Joe Andrulaitis, Cearnal Andrulaitis Architects
Jonathan Starr, Ownership Partner

Public comment opened at 2:43 p.m.

Jim Westby, Vice-President of Santa Barbara Safe Streets, expressed opposition to a parking modification that would create a need for more commercial traffic. He commented that there should be an Environmental Impact Report (EIR) to determine the full impact on the City.

Virginia Rehling, neighbor, commented on the importance of having a setback and that one of the two-story units appears to be too close to the corner. She expressed concern about the possibility that on-street parking will have to be eliminated at the underground vehicle entry side of Anacapa Street. Ms. Rehling also asked if the areas with deep excavations have been deemed environmentally safe.

Kellam De Forest, local resident, expressed concern about access to the parking lot from Anacapa Street. He also asked how many parking spaces would be required if a modification is not requested.

Ms. Gantz responded that questions regarding the modifications and environmental impact issues need to be addressed at the Staff Hearing Officer hearing in the future.

Public comment closed at 2:49 p.m.

Straw vote: How many of the Commissioners would agree to defer discussion of the parking modification issue to the Planning Commission? 5/2.

The Commission, either individually or collectively, had the following comments, suggestions, and/or questions:

1. Asked how many parking spaces are required for the project. **Mr. Andrulaitis responded** that 60 parking spaces are required and 41 are being proposed.
2. There was a consensus that the size, bulk, and scale of the project are generally acceptable.
3. Expressed concern about the skewing of the units and how it integrates into the rest of the project.
4. There needs to be more variation in the layout and the scale.
5. The same-size units *do not* need to be expressed the same architecturally on the exterior of the buildings.
6. Expressed a desire for substantial landscaping on both the perimeter and interior of the courtyard.
7. Some Commissioners expressed a desire for a larger courtyard or internal landscape space; and that the internal landscape space be enhanced with fountains and other items of interest.
8. Expressed concern about the (setback) streetscape in front of the streetscape from Anacapa Street in response to public comment.
9. Would like substantial landscaping as the building approaches the sidewalk, being consistent with the street pattern, as Anacapa Street transitions into a residential neighborhood.

Motion: Continued two weeks.

Action: Adams/Naylor, 7/0/0. (Hausz absent.) Motion carried.

Present: Raymond Hicks, Owner and Architect

Public comment opened at 3:48 p.m.

Dovas Zaunius, neighbor, expressed concerns on the appropriateness of the project's size and the possible placement of foliage, or some form of barrier, between the proposed project and his family's residence.

Public comment closed at 3:50 p.m.

Motion: Continued two weeks with the following comments: 1) The style is consistent with the Commission's previous direction. 2) Increase the amount of landscaping wherever possible, particularly at the edges, and provide a space for a large scale tree to screen it from the adjoining properties. 3) The applicant should finesse the proportions of Unit 6. 4) Redesign the Unit 6 plan so that there is *not* an apparent entrance from Laguna Street. 5) The applicant should finesse the approach into the driveway leading to the subterranean parking. 6) The Commission would like to see the plan further developed in the direction it has taken. 7) Restudy the proportions of all the porch columns.

Action: Sharpe/Boucher, 6/0/1. (Adams abstained. Hausz absent.) Motion carried.

CONCEPT REVIEW – CONTINUED

11. 101 E VICTORIA ST

C-2 Zone

(4:08) Assessor's Parcel Number: 029-071-013
Application Number: MST2006-00758
Owner: 101 East Victoria
Architect: Cearnal/Andrulaitis, LLP

(Proposal to demolish an existing two-story 11,900 square foot commercial office building and construct a new three-story 17,659 square foot commercial building comprised of 50 condominium office units on a parcel of approximately 19,000 square feet. Forty-one parking spaces will be provided underground. Planning Commission approval is required for Transfer of Existing Development Rights, a Tentative Subdivision Map, the new Condominium Development, Development Plan Approval findings, and a Modification to provide less than the required amount of parking spaces.)

(Second Concept Review.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL.)

Present: Brian Cearnal and Joe Andrulaitis, Architects
Eva Turenchalk, Hatch & Parent

Public comment opened at 4:12 p.m.

Jim Westby, local resident, expressed concern with the low amount of parking spaces being proposed.

Kellam De Forest, local resident, commented about increasing the parking spaces and asked if it would then affect the design of the project. He also asked what happened to making a transition, referring to the setback issue, from the residential area further up Anacapa Street. Mr. De Forest expressed concern about the management of additional traffic on Anacapa Street going into the parking area.

Ms. Gantz responded that any parking issues should be directed to the Planning Commission when the project goes before it for review.

Claudia Chyla, local resident, commented about the following: 1) That the development is too large in size, bulk, and scale for the corner lot; 2) keeping a village ambiance in the neighborhood; 3) green areas should be added; 4) asked whether the plan to have a 2nd and 3rd floor will actually take place; 5) the three buildings in front appear to be storage compartments and not dwellings; 6) asked about the business advertising, whether there will be a directory or signs outside; and 7) the entrance will block the cottage driveway and the exit/entrance to the Arlington Court underground parking.

Robert Chyla, local resident, commented about scaling down the project to two stories by eliminating business offices to soften the scale and make it more neighborhood-friendly.

Marilou Shiells, neighbor, commented on surrounding residences that will be impacted by the project and that the sense of community is compromised by hiding residential areas with high structures.

Dale Francisco, Santa Barbara Safe Streets, commented that the impact of insufficient parking is not only environmental and economical, but esthetic as well.

Public comment closed at 4:23 p.m.

Motion: **Continued two weeks with the following comments:** 1) There should be more of a setback from Anacapa Street with the provision of substantial landscaping in the range of a four to seven foot setback. 2) The courtyards should be visually open to the street. 3) A plan of the adjacent properties is requested. 4) The Commission would like to see a signage program, particularly as it affects the architecture. 5) Suggested fragmenting the third story buildings so that they appear to be two and three story buildings, as apposed to three-story blocks. Use parapets at one of the taller buildings as a way of tying it all together. 6) Requested a photo simulation to give a "walk-through" experience of the site. 7) The elimination of Unit 18 is suggested to open up the courtyard. 8) Suggested changing the address from Victoria Street to Anacapa Street. 9) The majority of the Commission supports the single-loaded balcony configurations.

Action: Adams/Sharpe, 7/0/0. (Hausz absent.) Motion carried.

PRELIMINARY REVIEW

12. 500 NIÑOS DR

P-R/SD-3 Zone

Assessor's Parcel Number: 017-382-002
 Application Number: MST2002-00676
 Owner: City of Santa Barbara
 Agent: Tynan Group
 Business Name: Santa Barbara Zoological Gardens

(Proposal for a new 1,450 square foot structure called "the Wave", to be located at the hilltop catering and concessions area at the Santa Barbara Zoological Gardens. The new structure will consist of a concessions area, catering room, restroom facilities, and a bridal changing room for wedding events. A trellis roof will provide shading for the outdoor areas. The existing building will be removed. This parcel is on the City's Potential Historic Resource List.)

(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 054-06.)

This item was postponed to March 31, 2007, at applicant's request.

CONCEPT REVIEW - CONTINUED

7. 101 E VICTORIA ST C-2 Zone
(3:10)

Assessor's Parcel Number: 029-071-013
Application Number: MST2006-00758
Owner: 101 East Victoria
Owner: Nick Schaar
Architect: Cearnal/Andrulaitis, LLP

(Proposal to demolish an existing two-story 11,900 square foot commercial office building and construct a new three-story 17,659 square foot commercial building comprised of 50 condominium office units on a parcel of approximately 19,000 square feet. Forty-one parking spaces will be provided underground. Planning Commission approval is required for Transfer of Existing Development Rights, a Tentative Subdivision Map, the new Condominium Development, Development Plan Approval findings, and a Modification to provide less than the required amount of parking spaces.)

(Third Concept Review.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL.)

Present: Brian Cearnal and Joe Andrulaitis, Architects

Chair La Voie acknowledged receipt of a letter from Paula Westbury and stated that an archaeological evaluation will be done on the site before any construction can proceed. (Copies of the letter were distributed to the Commission members.)

Chair La Voie emphasized that any issues related to parking need to be addressed at the Planning Commission meeting (that is tentatively scheduled for May 10, 2007).

Public comment opened at 3:21 p.m.

Virginia Rehling, neighbor, spoke about the aesthetics of the architecture. She commented that there is much landscaping in the neighborhood, yet she believes the proposed project has very little setback and landscaping. She asked several questions directed to the applicant, some of which will be considered at the Planning Commission.

Claudia Chyla, neighbor, spoke about the driveway on Anacapa Street, the size of the third story, softening of the balcony that is seen from the street, and noise issues. She asked about the project's type of architecture, the locker room/rest room area, skylights, and a low wall or railing to protect the edges.

Mr. Cearnal invited the public to call his office with questions regarding the project's design.

Kellam De Forest, local resident, stated that the Arlington Court has a generous setback. He requested that the setback continue on to Victoria Street in order to keep the City-to-residential transition intact, especially since there are still residential buildings on that block.

Robert Chyla, neighbor, asked if a study has been done as to whether the condo business market will sustain the same level of occupancy. If so, he asked how and where a copy of that study can be obtained. He asked about future sale and rental signs, owner-occupied units turned into rentals, the rules that will apply to occupants and how they will be enforced, and security to avoid the homeless from loitering and breaking into offices. He commented that the removal of the third floor with its eleven units would ease the parking situation and make the project more palatable.

Alan Rehling, neighbor across the street, requested that there be a lot of vegetation in the front to soften the building.

Public comment closed at 3:36 p.m.

Motion: Continued indefinitely to the Planning Commission with the following comments: 1) The size, bulk, and scale of the project are acceptable. 2) The Commission continues to be concerned about the limited amount of vegetation proposed, and desires as much planting and landscape screening as possible. 3) There is continuing concern about the development of the courtyard as a real open space. 4) The Commission looks forward to the continual refinement of the architectural design as it develops.

Action: Adams/Boucher, 5/0/0. (Murray/Naylor/Sharpe absent.) Motion carried.

CONCEPT REVIEW - CONTINUED

8. 631 GARDEN ST

C-M Zone

(3:51) Assessor's Parcel Number: 031-152-028
 Application Number: MST2007-00089
 Owner: City of Santa Barbara
 Applicant: Renee Brooke
 Architect: Paul Poirier

(Proposal for the interior and exterior remodel of an existing 3,746 square foot building and an existing 1,443 square foot building including the following improvements: Provide ADA compliant restrooms for new community arts workshop use. Provide new overhead door with man door and transom window in three existing open bays. Install new doors and windows in other existing openings. Site improvements to include replacing existing gates and fencing with new brick walls and wrought iron gates, changes to the parking layout to accommodate future City Water Department facility improvements, partial replacement of existing landscaping and new additional landscaping, and minor grading to allow for ADA accessibility. No additional floor area will be added.)

(Second Concept Review.)

(ACTION MAY BE TAKEN IF SUFFICIENT INFORMATION IS PROVIDED.)

Present: Paul Poirier and Katie Corliss, Poirier & David Architects
 Renee Brooke, City Redevelopment Agency
 Heather Baker, City Planning Division



Parking Systems Inc.

Report of Sound Meter Measurements

Date: December 13, 2006
Location: 3652 Chestnut Street, Lafayette, CA
Lift Type: 2062 Double Wide, 4 HP Three Phase Motor (Same motor and pump as G61)
Sound Meter Data: Model 407727, Digital Sound Level Meter (Extech Instruments) Accuracy: +/- 2dB @ 94dB sound level
Sound Meter Settings: "A" Weighting, "Slow" Response
Measurements: Performed by Norman W. Brudigam, PE, Civil Engineer

Table with 3 columns: Test No., Test Conditions, and Sound Levels. Contains 4 rows of test data.

Typical A Weighted Sound Level Data

Table with 4 columns: Source, Sound Level (dB), Context, and Reference Sound Level (dB). Lists various noise sources and their typical levels.

2013.doc

3652 Chestnut St., Suite A, Lafayette, CA 94549, 925.284.2092 Fax: 925.284.3365



ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Richard L. Pool, P.E.
Scott A. Schell, AICP

September 12, 2007

07028L04.WP

Joe Andrulaitis
Cearnal Andrulaitis LLP
521 ½ State Street
Santa Barbara, CA 93101

PARKING STUDY FOR THE 101 E. VICTORIA PROJECT CITY OF SANTA BARBARA, CALIFORNIA

Associated Transportation Engineers (ATE) has prepared the following parking study for the 101 E. Victoria Project, located in the City of Santa Barbara. The parking study reviews the City Zoning Ordinance parking requirements for the project and provides an analysis of the project's parking demands.

PROJECT DESCRIPTION

The project is proposing to demolish an existing 11,900 square-foot (S.F.) commercial building and construct a new 17,607 net S.F. commercial building at the northeast corner of Anacapa Street and E. Victoria Street in the City of Santa Barbara. The project site is located on the north side of Victoria Street, which is just outside the Central Business District (CBD) boundary. The site plan shows that 45 underground parking spaces would be provided at the project site. Of these 45 spaces, 8 spaces would be reserved through an easement for use by tenants of the property at 109 E. Victoria, resulting in 37 spaces available for the project.

CITY OF SANTA BARBARA ZONING ORDINANCE PARKING REQUIREMENTS

The City's Zoning Ordinance parking requirement was calculated for the project. Nonresidential projects located within the CBD require 1 parking space per 500 S.F. of floor area. Since the project site is located just outside the CBD, the Zoning Ordinance rate of 1 parking space per 250 S.F. of floor area would apply. The project site is also located within a parking "Zone of Benefit" area that allows a portion of the parking requirements be met off-

site in City parking lots. The 101 E. Victoria project's location within the designated "P1" Zone of Benefit entitles it to a 20% reduction in required parking. A 20% reduction factor was therefore applied to the parking requirement calculation. Buildings containing 10,000 to 30,000 S.F. are also entitled to a 10% reduction in required parking. Thus, a 10% reduction factor was applied to the parking requirement calculation. The calculation is summarized below in Table 1.

Table 1
101 E. Victoria Project
Zoning Ordinance Parking Requirements

Land Use	Size	Rate	Parking Requirement
Office	17,607 sf	1 space/250 sf	70 spaces
Zone of Benefit Reduction		80%	56 spaces
Reduction for buildings 10,000 sf - 30,000 sf		90%	50 spaces
Total			50 spaces

Note - floor areas measured in net square feet.

The data presented in Table 1 show that the Zoning Ordinance requirement for the project is 50 spaces. The 37 spaces (net) proposed for the site would not satisfy the zoning ordinance parking requirement.

PROJECT PARKING DEMANDS

Parking demand estimates were developed for the project based on the rates presented in the Institute of Transportation Engineers (ITE) Parking Generation report. The parking demand rate for General Office buildings located in downtown urban areas was used for the project. The 20% Zone of Benefit reduction factor was also applied to the parking demand calculation. Table 2 shows the parking demand estimate calculated for the project based on the rate derived from the Parking Generation Report.

Table 2
101 E. Victoria Project
Parking Demand Calculations - ITE Urban Rates

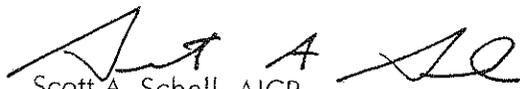
Land Use	Size	Rate	Parking Demand
Office	19,078 sf	2.40 spaces/1,000 sf	46 spaces
Zone of Benefit Reduction		20%	(9 spaces)
Total			37 spaces

Note - floor areas measured in gross square feet.

The data presented in Table 2 show that the parking demand for the project (excluding the Zone of Benefit spaces) is 37 spaces. The 37 spaces available for the project in the on-site parking garage would therefore satisfy the parking demand.

This concludes our parking analysis for the 101 E. Victoria Project.

Associated Transportation Engineers



Scott A. Schell, AICP
 Principal Transportation Planner

SAS/DLH/LDH

PRELIMINARY DRAINAGE ANALYSIS
FOR
PROPOSED COMMERCIAL OFFICE DEVELOPMENT
101 EAST VICTORIA STREET
SANTA BARBARA, CA

Prepared: September 7, 2007

By:

InsiteCivil, Inc.
1244 Pine Street, Suite 223
Paso Robles, CA 93446



RECEIVED

SEP 25 2007

CITY OF SANTA BARBARA
PLANNING DIVISION

EXHIBIT G

INTRODUCTION

The purpose of this report is to provide a preliminary drainage analysis for the proposed commercial office development at the northeast corner of Anacapa Street and E. Victoria Street in the City of Santa Barbara, CA. This report will address pre- and post development storm water runoff from the project site as well as storm water runoff quality.

I. EXISTING CONDITIONS

The site is bounded by Anacapa Street to the west, E. Victoria Street to the south, and existing buildings to the north and east. Site topography slopes gradually in a southerly direction towards the public streets. The site is currently developed and consists primarily of an approximately 9,529 square-foot office building and an approximately 11,700 square foot paved parking lot (includes 2,050 square feet of shared paved parking located on the adjacent property to the east).

Currently, site storm water runoff drains via surface flow to the public street gutters where it enters a 33" diameter and 66" diameter storm drain pipe through two drainage inlets located near the intersection of Anacapa Street and E. Victoria Street (Refer to Exhibit 1).

II. PROPOSED CONDITIONS

The project consists of a proposal to demolish the existing office building and parking lot and construct 50 condominium office units on three levels above an underground parking garage. In addition, the project proposes to demolish the shared paved parking area on the adjacent property to the east and replace it with a combination of decomposed granite paths, concrete walkways, and landscaping.

III. HYDROLOGY

Hydrology calculations for this site are based on the Rational Method, $Q=CIA$, where:

- Q = Peak Runoff (cubic feet per second)
- C = Runoff Coefficient
- I = Rainfall Intensity (inches per hour)
- A = Drainage Area (acres)

Rainfall intensities are based on County of Santa Barbara hydrologic data. Assuming a conservative time of concentration ($T_c = 12$ minutes), the 25-year rainfall intensity is 3.2 in/hr.

Runoff coefficients used are $C=0.90$ for paved and roof areas and $C=0.20$ for landscaped or pervious areas.

Pre-Developed Conditions (Refer to Exhibit 1)

TOTAL PERVIOUS AREA	915 SF
TOTAL DRAINAGE AREA	21,514 SF
TOTAL IMPERVIOUS AREA	20,599 SF
%PERVIOUS AREA	4%
%IMPERVIOUS AREA	96%

25-Year Peak Runoff = 1.4 cfs

Post-Developed Conditions (Refer to Exhibit 2)

TOTAL PERVIOUS AREA	4644
TOTAL DRAINAGE AREA	21,514
TOTAL IMPERVIOUS AREA	16,870
%PERVIOUS AREA	22%
%IMPERVIOUS AREA	78%

25-Year Peak Runoff = 1.2 cfs

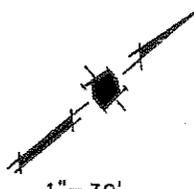
IV. CONCLUSIONS

The proposed project provides greater landscaping areas than currently exist on the site, reducing the overall impervious area. Therefore, the post-developed runoff will be less than the pre-developed runoff.

Area drains will be located on the ground level podium, plumbed into the garage basement below grade and connected to the existing underground public storm drain system in the street. This proposed on-site drainage system will be designed to convey the peak flow from a 25-year storm. Finished grades will be designed to allow for overland release of peak flows resulting from the 100-year storm event.

A trench drain will be provided at the bottom of the garage entry drive to capture and filter storm water before it is discharged into the public storm drain system.

Currently all parking is at grade and uncovered. Runoff flows overland and is not filtered before entering the public storm drain system. Since all proposed parking for the project will be at basement level, storm water quality should improve over existing conditions.



1"=30'

DRAINAGE BOUNDARY

TOTAL DRAINAGE AREA = 21,514 SF
TOTAL IMPERVIOUS AREA = 20,599 SF
TOTAL PERVIOUS AREA = 915 SF

EXISTING PLANTERS (TYP.)

109 EAST VICTORIA

PAVED PARKING LOT

FLOW DIRECTIONS
TYPICAL

PROPERTY LINE (TYP.)

EXISTING DRAIN INLET

Victoria Street

EXISTING DRAIN INLET

EXISTING DRAIN INLET

Anacapa Street

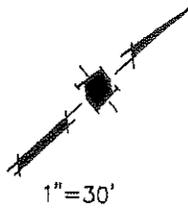
EXHIBIT 1
DRAINAGE AREA MAP
EXISTING CONDITIONS

Date:	9-7-07
Scale:	As Noted
Designed:	MA
Drawn:	MA
Draw Name:	VTEXDM

INSITE CIVIL, INC.
Professional Engineering Services
1244 Pine Street, Suite 223, Paso Robles, CA 93446 (805) 238-6840

Schaar/101 E. Victoria
Santa Barbara, CA 93101

TOTAL DRAINAGE AREA = 21,514 SF
 TOTAL IMPERVIOUS AREA = 16,870 SF
 TOTAL PERVIOUS AREA = 4,644 SF



DRAINAGE BOUNDARY

Anacapa Street

EXISTING DRAIN INLET

EXISTING DRAIN INLET

PLANTER-TYP.

109 EAST VICTORIA

EXISTING DRAIN INLET 8" PVC WATER

PROPOSED 12" STORM DRAIN LATERAL

CONNECT TO DRAINAGE STRUCTURE

Victoria Street

EXHIBIT 2
 DRAINAGE AREA MAP
 PROPOSED CONDITIONS

Date: 9-7-07
 Scale: As Noted
 Designed: MA
 Drawn: MA
 Desc Name: VTEXDM

INSITE CIVIL, INC.
 Professional Engineering Services
 1244 Pine Street, Suite 223, Paso Robles, CA 93446 (805) 236-6846

Schaar/101 E. Victoria
 Santa Barbara, CA 93101

101 E. VICTORIA STREET
FINAL MITIGATED NEGATIVE DECLARATION
RESPONSE TO COMMENTS
DECEMBER 8, 2008

INTRODUCTION:

An Initial Study was prepared for the 101 E. Victoria Street project because the California Environmental Quality Act (CEQA) requires that an environmental assessment of the proposed project be provided. The environmental analysis determined that the proposed project could potentially have significant adverse impacts related to air quality, hazards and water environment; however, mitigation measures described in the Initial Study and agreed to by the applicant would reduce potential impacts to less than significant levels. In addition, recommended mitigation measures were identified to further reduce less than significant impacts associated with air quality, cultural resources, noise, public services and water resources issues.

A Draft Mitigated Negative Declaration was prepared for the proposed project, and a public review period was held from November 10, 2008 to December 1, 2008. Comment letters were received from the following two members of the public during the comment period:

1. Trevor Martinson
2. Paula Westbury

On November 20, 2008 the Planning Commission conducted a public hearing to accept testimony regarding the Draft MND. The following individual provided verbal comments at the hearing:

1. Trevor Martinson

The Planning Commission did not provide any comments regarding the Draft MND.

Responses to the comments received regarding the Draft Mitigated Negative Declaration are provided below, and the comment letters received are attached.

The purpose of this document is to respond to specific comments received pertaining to environmental issues in the Draft MND. While letters of general support or opposition to the project are acknowledged and included in this document for the record, no formal response is provided. In addition, comments received not related to the environmental issues outlined in the Draft MND, such as land use issues and social or fiscal impacts of the project, are outside the scope and not addressed in this document. However, all comments will be forwarded to the City Council for consideration.

Letter No. 1
Trevor Martinson
December 1, 2008

1-1. **Comment:** Concerns regarding the proposed driveway location.

The comments express concerns regarding the location of the new driveway which is proposed on Anacapa Street rather than Victoria Street. The reasons stated are as follows: 1) that the speed limits and number of vehicles are higher on Anacapa Street; 2) that the proposed driveway is next to a residential driveway and that noise and exhaust fumes will be generated from vehicles exiting the garage; 3) that the project is located adjacent to a residential area; 4) that the driveway should be in a commercial area (Victoria St.) rather than a residential area; and 5) that this project should be required to locate the driveway as required for another project (210 W. Carrillo Street) to prevent impacts to the surrounding residential neighborhood.

Response: 1) City speed limits are 25 miles per hour on both Anacapa and Victoria Streets. While vehicle trips are higher on Anacapa Street than on Victoria Street, the proposed project will not negatively affect safety or service capacity in the vicinity. The relocation of the existing driveway on Anacapa Street to the northern property line will decrease unsafe vehicle conflicts by moving the potential vehicle conflict point further away from the Anacapa Street and Victoria Street intersection. The driveway location was reviewed and approved by the city's consulting traffic engineer. No significant traffic or circulation impacts were identified as a result of the proposed project.

2) With regard to vehicle exhaust fumes, the Initial Study evaluated the potential for the project to have long-term air quality impacts and it was determined that long-term emissions resulting from the proposed project would be substantially below significant thresholds adopted the Air Pollution Control District and the city of Santa Barbara. Therefore, no mitigation measures are required. In addition, no noise impacts from vehicles were identified as a result of the proposed project.

3) Refer to Response 1.

4) Refer to Response 1. Also, both potential driveway locations are in commercially zoned areas.

5) The 210 W. Carrillo Street project is not similar to the subject project in that the Carrillo St. project had the potential to change the circulation patterns in the surrounding residential neighborhood. The proposed project differs in that it maintains the existing circulation pattern, with access taken from the main corridor of Anacapa Street while moving the driveway further from the intersection. The city's consulting traffic engineer reviewed a potential Victoria Street access and recommended that it not be used due to the closer proximity to the intersection and the above mentioned vehicle conflicts.

1-2. **Comment:** Concerns regarding driveway location impacting historic resource.

The comments express concerns that the aforementioned issues with the driveway location impact the adjacent historic resource.

Response: As discussed in Response 1 above, the project is not projected to impact traffic or circulation in the surrounding neighborhoods. As stated on page 11 of the Mitigated Negative Declaration (MND), the existing residence north of the project site may be a historic resource

and is currently separated from the existing commercial building on the project site only by the residence's driveway. The proposed commercial building would be located farther away from the potentially historic residence than the existing building onsite. Impacts to historic resources from the project are considered to be less than significant.

1-3. **Comment:** Concerns regarding the contamination of the site.

Response: As discussed on page 14 of the MND, the property is an active leaking underground fuel tank (LUFT) site which is in the process of being remediated according to a Corrective Action Plan approved by the Santa Barbara County Fire Department, Fire Prevention Division. The site had been contaminated with hydrocarbons, VOCs, and lead. The remediation of the LUFT site has been ongoing and is near to meeting Federal, State and Local requirements. According to the Santa Barbara County Fire Department, the use of the existing commercial office building is not prohibited during remediation activities and the construction and operation of the new project would be allowed to occur concurrently with the remediation activities as well, if necessary.

At one point, it was thought that the project site may not be able to be cleaned to meet target cleanup goals and that either a deed restriction or notification may be required. A deed restriction is required on contaminated properties when there is an unacceptable cancer or health hazard risk which would prevent unrestricted use of the property. A deed notice is required when there is not a health risk associated with contamination, but the amount of contamination is above a de minimus standard. In this case, the contamination levels onsite have been reduced as a result of remediation activities to levels where the project is safe for commercial occupation and does not pose a health hazard that would likely require a deed restriction. It is the intent of the applicant to remediate the site to a level at which no deed notification is required as well. The applicant is currently working with the Fire Department to assess any residual contamination on the site and to determine any additional remediation that may need to occur. If deemed necessary by the Santa Barbara County Fire Department, the new building could require a vapor barrier to prevent migration of vapors into the building or parking structure; continued use of the vapor extraction system currently on the site; or excavation of contamination onsite prior to building. Implementation of the remediation action plan on the project site would mitigate any potential impacts related to exposure to hazardous materials to a less than significant level.

1-4. **Comment:** Concerns regarding driveway location and parking.

Response: Refer to response 1. Also, City staff verified that the parking rate data provided by ATE properly used the 3rd Edition of the Parking Generation Informational report of the Institute of Transportation Engineers (ITE). The ITE Parking Generation 3rd Edition is the standard reference material used by transportation professionals since 2004. The consulting transportation engineer, ATE, properly used land use code 701 from the Parking Generation Report (2007) developed for the project which defines offices uses in several categories. The Parking Generation Report states:

In reviewing the statistics for office parking demand, it was found that five of the basic office land uses had virtually no difference in parking demand characteristics.

The statement that the information of ATE's report was not based on the new edition database is incorrect.

- 1-5. **Comment:** Concerns regarding land use and zoning designations, general plan policies
Response: The project meets the projected parking demand as shown in the September 12, 2007 ATE Parking Study for the project. As discussed above and in Section 11 of the MND, no significant impacts are anticipated to the area parking supply as a result of the project.
- 1-6. **Comment:** Concerns that an Environmental Impact Report should be required
Response: The Initial Study determined that the proposed project may have a significant effect on the environment in regard to air quality (short-term), hazards and water resources; however, with the implementation of the mitigation measures, potentially significant impacts in all issue areas would be avoided or reduced to less than significant levels. Because there is no substantial evidence that the project may have a significant effect, CEQA Guidelines direct the preparation of a MND.

Letter No. 2
Paula Westbury
November 19, 2008

- 2-1. A handwritten letter was faxed to the City and is mostly illegible; however, it appears to be in opposition to the project. The comments appear to express general concerns regarding the proposed project and do not provide comments regarding the adequacy of the analysis provided by the Draft MND.

The following comments were provided by people who attended the environmental hearing on November 20, 2008.

Trevor Martinson. Comments provided by Mr. Martinson were similar to the comments provided in his letter dated December 1, 2008.

Response: Please refer to the responses provided for Letter No. 1 above.

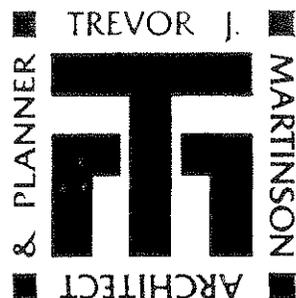
The following comments regarding the Draft MND were provided by the Planning Commission.

No comments were provided by the Planning Commission.

CONCLUSION

The environmental analysis demonstrates that, with the identified mitigation measures agreed to by the applicant, the project as proposed would not result in significant environmental impacts. The project therefore qualifies for a Mitigated Negative Declaration and no further analysis of alternatives is required as part of the environmental document. However, comments regarding the merits of the project, design alternatives, land use compatibility with surrounding residential uses and other planning issues are forwarded to decision-makers in the context of their consideration of project permits and planning policy consistency.

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DEC 01 2008
CITY OF SANTA BARBARA
PLANNING DIVISION



1849 Mission Ridge
Santa Barbara
California 93103
(805) 965-2385

01 December 2008

Kathleen Kennedy
Planning Division, City of Santa Barbara
Community Development Department
630 Garden Street
P. O. Box 1990
Santa Barbara, CA. 93102-1990

Re: 101 East Victoria Street

Subject: DRAFT Initial Study and proposed
Mitigated Negative Declaration MST2006-00758

Dear Ms. Kennedy:

A review of the above referenced matter, based upon the draft Initial Study, indicates an unmitigated and significant adverse impacts to the general public and my clients Mr. and Mrs. Rolf Kowal who own the adjacent property just North of the proposed project. This Initial Study did not indicate a California Environmental Quality Act (CEQA) mandated review of the entire project record and the requirements, under CEQA, for using the Initial Study to help focus an Environmental Impact Report (EIR) on this projects many significant and obvious environmental impacts.

As you well know, there are 14 General Legislative Policies mentioned in CEQA both Explicit and Implicit including these important two: *"To require all agencies that regulate activities to give major consideration to preventing environmental damage while providing a decent home and satisfying living environment for every Californian."* And *"To provide the people of the state with clean air and water, enjoyment of aesthetic, natural, scenic, and historical environmental qualities, and freedom from excessive noise."*

As previously mentioned, in our appeal to the City Council on this project, several issues have been identified in the Initial Study which are contrary to the above General Legislative Policies mentioned in CEQA and they are:

01 December 2008

Kathleen Kennedy

Page 2

DRIVEWAY LOCATION

11.b,c,e) Access/Circulation/Safety

The proposed Anacapa Street one point access/egress driveway to the new underground parking lot appears to ignore several important factors;

1. The speed limits and number of vehicles traveling downhill on Anacapa Street is much higher than the Victoria Street option.
2. The proposed driveway access is next to the residential driveway and residence of my clients at 1316 Anacapa and vehicles waiting to exit from this underground garage will generate noise and exhaust fumes while trying to merge into the crowded and fast one-way traffic flow. An example of this condition can be observed at the Wells Fargo Bank parking lot at 1036 Anacapa where traffic comes to a standstill while customers try to enter and exit the parking lot and thus, are effectively blocking one lane of traffic.
3. As this proposed project is adjacent to a residential area and furthermore, a historic resource at 1316 Anacapa these residential impacts can be avoided by relocating the access to the underground parking garage to Victoria Street where vehicle speeds and trips are much, much lower.
4. It makes clear sense, under CEQA, to place this driveway access on a commercially zoned area (Victoria Street) rather than the residential area.
5. Evidence to support item 4 above is the City response to comments on 210 West Carrillo Street, Radio Square Project, last April which said:
Comment 2-12, page 8 of 16, on concerns, regarding traffic, alternative transportation, access, cumulative traffic, trips associated with grading, interruption of traffic, noticing, alternate routes. Note the response which said: *"It was determined that ingress and egress from Carrillo Street would result in less traffic in the surrounding residential neighborhood than if ingress and egress were only allowed on De La Vina. Outbound turns onto Carrillo Street would be restricted to right turns only."* Clearly, the City here

01 December 2008

Kathleen Kennedy

Page 3

supported CEQA's General Legislative Policies mentioned at the beginning of this letter regarding residential areas. Why have you changed sides in this important issue in your Initial Study and evaluation of this project?

Changing the driveway location to Victoria Street and limiting exiting turns to a "right turn only" will result in less traffic and impacts to the surrounding residential neighborhood in compliance with CEQA Guidelines!

CULTURAL RESOURCES – EXISTING CONDITIONS and PROJECT IMPACTS

4.B) Historic Resources

The impacts and mitigation on 1316 Anacapa Street, which is mentioned, "may be an historic resource", in paragraph two of your report section is not factual. The increased separation of the historic building by the proposed underground driveway access does not begin to mitigate the impacts previously mentioned above in DRIVEWAY LOCATION 11.b,c,e) which addresses Access/Circulation/Safety; see my comment Items 1. to 5. Again, the higher speed and huge number of vehicles traveling down Anacapa Street to this new project will endanger and impact my client's property and the adjoining residential neighborhood as well.

HAZARDS – EXISTING CONDITIONS and PROJECT IMPACTS

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

The severe contamination of this site, as documented by numerous letters and reports by Thomas M. Rejzek, Professional Geologist #6461, Certified Hydrogeologist #601 of the County of Santa Barbara Fire Department, who is in charge of the Leaking Underground Fuel Tank (LUFT) program indicates the contamination of this site even extends off this property and into the

01 December 2008

Kathleen Kennedy

Page 4

public right-of-way. Clearly, an EIR would be prudent in this circumstance for the public good if for no other reason. CEQA states an EIR must be prepared if a project will result in reasonably foreseeable indirect physical changes that may have a significant adverse effect on the environment. 14 Cal Code Regs §15064(d). The environment to be considered includes the area in which significant effects would occur, directly or indirectly. 14 Cal Code Regs §15360.

HAZARDS – REQUIRED MITIGATION

H-1: This paragraph, citing remediation activities, "to the extent feasible" and implies future closure of this LUFT site is not acceptable under CEQA. The County Fire Department, in correspondence with the City and the applicant/owner, has indicated that this site would likely not be cleaned up to target cleanup goals and that mitigation measures shall be included in the proposed new building design. There is also mentioned the likelihood, due to the contamination of the public right-of-way, that a deed notification or deed restriction will be placed on this property and will require the City's agreement in this matter.

No mention of these issues in the Initial Study. Why have they been omitted or overlooked? CEQA surely will require a EIR on this issue alone!

TRANSPORTATION - EXISTING CONDITIONS and PROJECT IMPACTS

11.b,c,e Access/Circulation/Safety

See Driveway Location, page 2 and 3 of this letter.

For reasons mentioned above on page 2 and 3 we must respectfully disagree with staff that the Anacapa Street driveway ramp is a superior location. No

01 December 2008

Kathleen Kennedy

Page 5

consideration was given to the danger of higher vehicle speeds coming down Anacapa Street which, in fact, reduces the additional distance staff indicates as superior for the distance traveled to the intersection of Victoria Street. The only other reason for a Anacapa access is to allow this property the option to change its address to an Anacapa identity in the future.

11.d) Parking

We agree that the project should comply with the Zoning Ordinance requirements for parking of 58 spaces including the 8 spaces reserved for the adjacent parcel next door. The Parking Study, prepared by Associated Traffic Engineers, is based on the Institute of Transportation Engineers (ITE) publication of PARKING GENERATION. This 3 page letter from Associated Traffic Engineers did not indicate the edition of the publication they used. My sources of information indicates an updated 3rd edition includes significant amount of new data; reorganization of several existing land use categories; new presentation of peak demand rates based on time of day distribution; and additional quantitative and qualitative information on the influence of numerous factors on parking demand rates. The Parking Study identified a parking demand rate for General Office Buildings located in downtown urban areas. This project is a 50 unit Condominium Building located in a split residential and commercial use area. This report did not provide adequate information on the influences of numerous factors which are now part of the new edition database i.e.; Parking Demand Statistics and Data Plots; Study Sites/Years; Data Base Description, etc. This Parking Study is incomplete and useless for the intended project specific parking requirements. This project, under any given circumstances, should comply and meet the minimum Zoning Ordinance Parking requirements of the City of Santa Barbara.

This is not the City of Los Angeles, let's keep it that way!

01 December 2008

Kathleen Kennedy

Page 6

PLANS and POLICY DISCUSSION

Land Use and Zoning Designations:

The proposed project is **not** consistent with the C-2, Commercial Zoning as it cannot meet the minimum parking requirements for the size of the project. The parking modification, as proposed will create added impacts on the existing residential area by increasing traffic and competition for fewer street parking spaces on the adjacent streets surrounding this project. This project should be reduced to the appropriate size which will accommodate all required parking spaces on site!

General Plan Policies:

The Land Use Element statement appears to forget this site is located adjacent to the Downtown Area and is still is a residential neighborhood. The dividing line between the Downtown Commercial C-2 zone and the residential area is on Victoria Street on the South Side of that street. This project abuts existing residential areas to the North of the project site and must respect this adjacency.

The Size, Bulk and Scale of this project towers over the adjacent residential areas and should be reduced in size and height to respect the residential character of the neighborhood. A revised two story project with single story elements at the perimeter areas facing the residential neighborhood would allow this project to fit into the site and not be imposing on the existing single story residences on Anacapa Street.

01 December 2008

Kathleen Kennedy
Page 7

The Mandatory Findings of Significance a), b), c), and d) on this Initial Study and Conclusion are wrong. There are potential Significant Impacts on findings a), b), c) and d) which require a EIR per CEQA Guidelines.

Thank you for the opportunity to comment on this Draft Initial Study. Please feel free to contact me if there are any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Martinson", with a long horizontal line extending to the right.

Trevor J. Martinson
Architect, Planner and Forensic

1849 Mission Ridge Road
Santa Barbara, CA. 93103-1857

(805) 965-2385
FAX 965-5457

Xc: Mr. & Mrs. Rolf Kowal

11-19-2008
650 Miramonte Dr
Santa Barbara, Calif 93109

Exec. Planning Commission

This request requires special designation as Historic site to be preserved for forever. The office is 12,000 sq ft Redwood trees & oaks. The entire structure is of Redwood with few exceptions - no windows - The trees were big. Bigger than General Sherman tree of them - This is part of the unique character of Santa Barbara. Save the office building. Save the parking lot. They are safe in an Earthquake. 33 stories - office bldgs. - never ever, eliminate them. It is 1-6-08 March to put up unsafe 3 story commercial condos. Turn down the project. Underground garage is totally in a private as water seepage is huge here and the chemical waste dump area underneath is too dangerous for a 1st floor if it is exposed and dumped wherever. The ocean cannot handle any more pollution. The landfill cant. Leave all "insitu" forever. Never expose people to the previous toxic waste dump of centuries of human experiment & disease borne chemicals products of labs of long ago. Never disturb the human beings who died en masse in conducting long ago & a war house was built for someone so no one would inherit illnesses etc - Save the place of peaceful repose from Environment & Disaster

Pl: III 101 E Victoria St
Please read the Hearings etc - 11-20-08

GS Inks used to be here they would have changed. Now they are 40 Key from help Societies. By the way Society etc. etc. All fees + had the road to come. Never increase never 3 stories. New allow development never again can add kind 5,703 sq' never have so many people hold Beverly Hills than any other in California. Land can't take any more. Save lives. Pamela Weathers PANAMA CITY FL

This is a deep situation so no one ever tear down the "natural & historic character and beauty of Santa Barbara". Save it. The City Charter requires Architectural Board of Review to do that - "Protect & Preserve" S.B. It deserves saving. The view of the mountains is in danger of being lost from the door of Artessentials Art Store and from the street and sidewalk. The visual beauty of Santa Barbara is extraordinarily important. Save the view. Don't build. Congestion and overcrowding would be entirely to great. Condos would fall down. People would be hurt. never over build. The Centerblock is not good here - too high to wide, not enough parking, we don't need this complex it is outmoded. People need less + traffic not congestion. Please seriously Save S.B. from demolition. Save the native American Burial ground + ceremonial site of 50,000 plus years. never ever excavate what's never. The Anthropologists took many sacred objects from here. They are on display at the office. They are on the world. And many laboratories around using the rain + stone + rocks + stones which people. This site is a great disturbance from being filmed here. Disney ablat do it. Save the Rocker that is buried here. Daniel Boone was always trying to help people + the production. And keep be here but then Amas shine in Heaven + help the people + 1000's of ever used to at unless to help - They are in the sky. And they have exceptional knowledge. Save the Sacred Site in mediately. Thomas Welch here, born here - a famous explorer. Save the entire corner as it is. No Franchise Congestion etc etc