



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 12, 2009

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Introduction Of Ordinance Pertaining To Proposed Rezone And General Plan/Local Coastal Plan Map Amendments To 210 And 216 Meigs Road And 290 Lighthouse Road

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Rezoning of Property in the East Mesa Neighborhood; and
- B. At the time of Ordinance adoption, adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map and Coastal Plan Map for Certain Parcels Located in the East Mesa Neighborhood.

EXECUTIVE SUMMARY:

City staff and the Planning Commission support the proposed rezone to E-3/S-D-3 and General Plan and Coastal Plan land use designation amendment to residential, five units per acre based on the existing development pattern in this area and surrounding land uses. The proposed land use would be appropriate for this parcel and consistent with the purposes and intent of the City's General Plan and Coastal Plan. The amendments would provide the opportunity for additional housing in the Mesa neighborhood, which is a benefit to the City as a whole. Additionally, this resolves the prior appeal of the 210 Meigs Road project and has support from the School District and the Washington School Foundation. Therefore, staff recommends that the City Council adopt the ordinance and resolution affecting the rezone and redesignation.

DISCUSSION:

The applicants and staff request a Zone Change for 216 Meigs Road from PR/S-D-3, Park and Recreation and Coastal Overlay Zone to E-3/S-D-3, One-Family Residence and Coastal Overlay Zone; and a General Plan Map Amendment for the area identified as

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Adjusted Parcel 1 (see Attachment 1) from Major Public and Institutional to Residential, five dwelling units per acre, and a Coastal Plan Map Amendment for Adjusted Parcel 1 from Major Public and Institutional to Residential, five dwelling units per acre.

Project Description

The project area encompasses three lots located east of Meigs Road and south of the terminus of Lighthouse Road. Mr. Stevens and the School District (the "Applicants") are proposing a land swap so that the residential development desired by Mr. Stevens can be located adjacent to the existing condominium development north of the subject property, rather than at the existing 210 Meigs location, as was approved by the Planning Commission on October 20, 2005. That prior project (a 10-unit residential condominium development at 210 Meigs Road) was appealed to the City Council on October 26, 2005; however, the appeal was put on hold so that the Mr. Stevens and appellants (Santa Barbara School Districts and Washington School Foundation) could resolve the appeal issues. The current proposal is the result of those negotiations. Following Planning Commission approval of the current project, the prior project at 210 Meigs Road was withdrawn.

The current project proposes to merge 216 Meigs Road and 290 Lighthouse Road (Washington School property), and adjust the lot lines between this newly merged parcel and 210 Meigs Road. The newly adjusted parcel ("Adjusted Parcel 1") would then be subdivided into five single-family residential lots with vehicular access off Meigs Road. The Planning Commission approved the current project on March 5, 2009. The School District supports the proposed single-family subdivision and development as designed and conditioned because it would provide a buffer between the school and new residential uses, and would be less dense than the prior condominium development. The conditions of approval for the current project require the reconfiguration of the Washington School parking lot to be completed before the issuance of any grading or building permits for the single-family subdivision.

Planning Commission's approval of the project is contingent upon the City Council and the California Coastal Commission approving the rezone and Map amendments. The zone change is requested because a portion of the newly configured lot proposed for subdivision has a zoning designation of PR (Park and Recreation), which does not allow residential development. The General Plan and Local Coastal Plan Map amendment is requested because the current land use designation of the entire project site is Major Public and Institutional, which does not allow residential development. The Planning Commission recommended approval of the requested land use changes to the City Council on March 5, 2009 as part of their project approval.

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Issues

The project site is located in the East Mesa Neighborhood, which primarily has a density classification of five dwelling units per acre, which is consistent with E-3 zoning classification. The General Plan and Local Coastal Plan acknowledge that this neighborhood is almost entirely developed with single-family residences, with a few areas of multi-family residential developments around the commercial center at the intersection of Cliff Drive and Meigs Road. The General Plan and Local Coastal Plan has designated an area around the Mesa Shopping Center (which has a commercial designation) with a density classification of 12 dwelling units to the acre. Most of this area is now zoned R-2 and is developed with garden apartments, duplexes and condominiums. The subject parcel is located near the intersection of Cliff Drive and Meigs Road, south of the Mesa Shopping Center.

The proposed General Plan and Local Coastal Plan Map Amendment would encompass an area of approximately 1.51 acres because it would be for the adjusted lot area (Adjusted Parcel 1). The existing General Plan Designation for the entire site is Major Public and Institutional. It was likely anticipated that this land would be used for either park or school purposes, given its location. The proposed General Plan Map designation is Residential, 5 units per acre.

The 216 Meigs Road parcel is zoned for park and recreation uses (PR/S-D-3), and is surrounded by single-family zoning (E-3/S-D-3) to the south, east and northeast. To the north and northwest are properties zoned for two-family residential development (R-2/S-D-3). To the west, across Meigs Road, is La Mesa Park and the U.S. Coast Guard facility, which are zoned PR/SD-3. The 216 Meigs Road parcel was originally part of La Mesa Park, hence the PR/S-D-3 zoning (which was adopted in 1986). However, the site was declared excess land by the City Council in 1987 and was sold to the Santa Barbara School District in 1991. Prior to its sale, the Parks Department had proposed to revert the site's zoning back to E-3 (as it existed prior to the 1986 re-zone to PR/S-D-3); however, the City Council decided to retain the PR zoning, and expressed a strong interest in not rezoning the parcel for housing use.

The following table identifies the land use, zoning and land use designation of properties surrounding the project site:

	LAND USE	ZONING	GENERAL/COASTAL PLAN
Project Site	Elementary School and Residential (proposed)	E-3/S-D-3 (proposed)	Major Public and Institutional and Residential, 5 units per acre (proposed)
North	Residential	R-2/S-D-3 and E-3/S-D-3	Residential – 12 units per acre and Residential 5 units per acre
South	Meigs/Shoreline	PR/S-D-3	Open Space and Residential 5 units per acre

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East	Single-Family Residential	E-3/S-D-3	Residential 5 units per acre
West	La Mesa Park and Residential	PR/S-D-3 and R-2/S-D-3	Open Space and Residential – 12 units per acre

There was no opposition to the current project at the Planning Commission hearings, and potential land use compatibility concerns raised by the Washington School Foundation through the environmental review process are addressed in the project's conditions of approval.

Basis for the General Plan/Local Coastal Plan and Zoning Map Amendment

The proposed residential land use designation of five units per acre recognizes the fact that the property is in private ownership, and both the City of Santa Barbara and the Santa Barbara School District have declined to purchase the subject property for either school or park purposes. Designation of the property as Residential, five units per acre would allow for development of housing in an infill location close to services, recreation and transit opportunities. This designation would also be consistent and compatible with adjacent and nearby development and land uses.

The proposed residential zoning designation would be consistent with the proposed General Plan and Local Coastal Plan designation of Residential, five units per acre and would be consistent with the Local Coastal Plan text discussion of development in this area of the Mesa Neighborhood. Additionally, the proposed zone would be consistent with surrounding zoning designations and recognizes the fact that the parcel is in private ownership and both the City of Santa Barbara and the Santa Barbara School District have declined to purchase the subject property for either school or park purposes. Zoning the property for residential use would allow for development of housing in an infill location close to services, recreation and transit opportunities. This designation would also be consistent and compatible with adjacent and nearby development, land uses and zoning designations.

Additionally, the proposed rezone would allow new housing to be located in a more acceptable location relative to the school, as compared to building housing on the 210 Meigs Road property (currently zoned E-3/S-D-3).

Procedures

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

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Rezoning is carried out by Ordinance, and General Plan Amendments are adopted by Resolution. Coastal Plan Amendments are carried out in accordance with normal City procedures for zone changes and General Plan Amendments except that such changes will not go into effect unless they are certified by the California Coastal Commission.

NOTE: The following information has been provided to Councilmembers under separate cover and is available for review in the City Clerk's office:

- Final Mitigated Negative Declaration for MST2006-00476 (210 Meigs Road, 216 Meigs Road and 290 Lighthouse Road), dated December 12, 2008

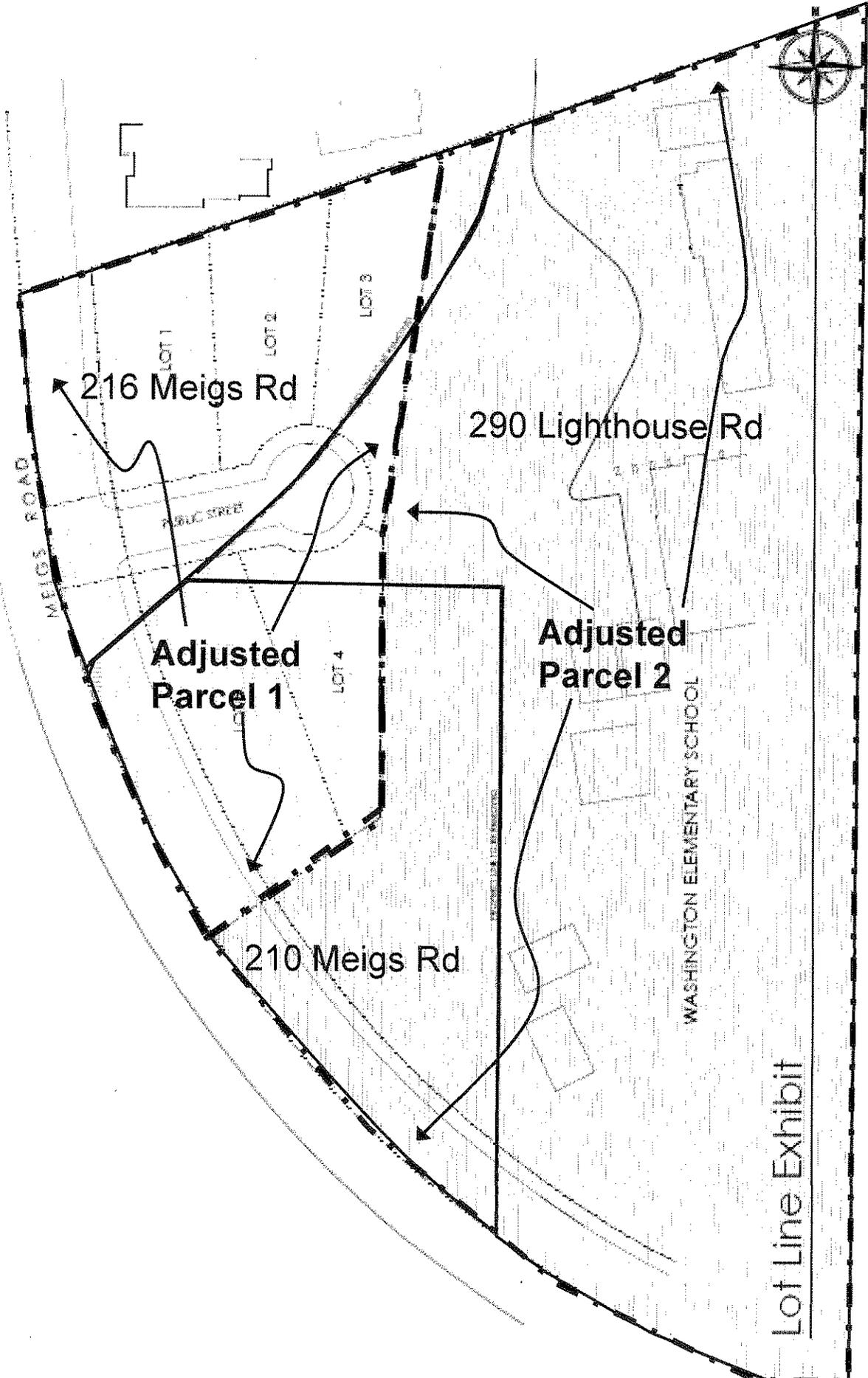
ATTACHMENTS:

1. Site Plan
2. Planning Commission Resolution 007-09, dated March 5, 2009
3. Planning Commission Minutes, dated March 5, 2009
4. Planning Commission Staff Report (without exhibits), dated March 5, 2008

PREPARED BY: Allison De Busk, Project Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office



Lot Line Exhibit



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 007-09

210 & 216 MEIGS ROAD AND 290 LIGHTHOUSE ROAD

RECOMMENDATIONS TO CITY COUNCIL

MARCH 5, 2009

APPLICATION OF BRENNAN DE RAAD, TYNAN GROUP, AGENT FOR MARY STEVENS AND SANTA BARBARA SCHOOL DISTRICT, 210 & 216 MEIGS ROAD AND 290 LIGHTHOUSE ROAD, APN 045-110-001, -013 AND -009, E-3/S-D-3 (ONE-FAMILY RESIDENTIAL/COASTAL OVERLAY) AND PR/S-D-3 (PARK AND RECREATION/COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2006-00476)

The project consists of a lot merger between 216 Meigs Road and 290 Lighthouse Road (no discretionary action by the City is required for this lot merger), and a lot line adjustment between this newly merged lot and 210 Meigs Road. This would result in two lots, identified as Adjusted Parcel 1 (1.51 gross acres) and Adjusted Parcel 2 (8.9 gross acres). Adjusted Parcel 1 is then proposed to be subdivided into five single-family residential lots ranging in size from 7,849 to 10,842 net square feet. The new residential lots would be served by a new public street with access off of Meigs Road. Appropriate public improvements, including sidewalk, parkway and utilities, and required retaining walls would also be constructed as part of the project. Construction of the single-family residences is not currently proposed. The project also requires a reconfiguration of the Washington School parking lot (under separate permit) on Adjusted Parcel 2.

Approximately 859 cubic yards of grading is anticipated in order to construct the new public street. The project includes the removal of approximately 40 existing trees (4 to 24 inches in diameter at breast height), primarily eucalyptus.

In order to allow the proposed single-family subdivision and future development, a General Plan and Local Coastal Plan Map amendment changing the land use designation from Major Public and Institutional to Residential, 5 units per acre is required for Adjusted Parcel 1, and a Zoning Map Amendment changing the zoning designation from PR/S-D-3 (Park and Recreation/Coastal Overlay Zone) to E-3/S-D-3 (One-Family Residence/Coastal Overlay Zone) is required for the existing area of 216 Meigs Road.

The discretionary applications required for this project are:

Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and/or Coastal Commission:

1. General Plan Amendment to change the land use designation of the reconfigured parcel (Adjusted Parcel 1) from Major Public and Institutional to Residential, 5 units per acre (SBMC §28.07);

2. Local Coastal Plan Amendment to change the land use designation of the reconfigured parcel (Adjusted Parcel 1) from Major Public and Institutional to Residential, 5 units per acre (SBMC §28.07) and to change the zoning map designation as described below;
3. Zoning Map Amendment to rezone APN 045-110-013 from PR/S-D-3 (Park and Recreation/Coastal Overlay) Zone to E-3/S-D-3 (One Family Residence/Coastal Overlay) Zone (SBMC, §28.92.020);

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

4. Approval of a Lot Line Adjustment to remove 7.67-acres from the newly merged APNs 045-110-009 and -013, and attach it to APN 045-110-011 (SBMC §27.40);
5. Approval of a Tentative Subdivision Map to divide one parcel (Adjusted Parcel 1) into five lots (SBMC Chapter 27.07); and
6. Approval of a Coastal Development Permit to allow the subdivision and development in the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060).

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

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

WHEREAS, 2 people appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 23, 2009
2. Site Plans
3. Correspondence received in support of the project:
 - a. Natasha Heifetz Campbell, Washington School PTO
4. Correspondence received in opposition to the project:
 - a. Cathie McCammon, La Mesa Neighborhood Association
 - b. Paula Westbury, Santa Barbara, CA

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

- I. Recommend to City Council and/or Coastal Commission the General Plan Amendment, Local Coastal Plan Amendment, and Zoning Map Amendment making the findings as outlined in the Staff Report.

This motion was passed and adopted on the 5th day of March, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jostes)

II. Approve the subject application making the following findings and determinations:

A. **Final Mitigated Negative Declaration Adoption**

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated December 12, 2008 for the 210 and 216 Meigs Road and 290 Lighthouse Road Project (MST2006-00476), and comments received during the public review process prior to making a recommendation on the project.
2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.
3. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated December 12, 2008, is hereby adopted.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval.
5. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.
6. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
7. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included which requires the applicant to pay the fee within five days of project approval.

B. **Lot Line Adjustment (SBMC §27.40.040)**

The parcels resulting from the lot line adjustment conform to both the existing and proposed General Plan, Local Coastal Plan and zoning and building ordinances, and specifically satisfy all lot area, street frontage and setback requirements as described in Section VI of the staff report.

C. **Tentative Map (SBMC §27.07.100)**

With the Rezone and General Plan and Local Coastal Plan Map Amendments, the Tentative Subdivision Map would be consistent with the General Plan, Local Coastal Plan and the Zoning Ordinance of the city of Santa Barbara. The site is physically suitable for the proposed development as it is relatively flat and is located adjacent to existing residential development. As identified in Section V of the staff report, the lot area proposed for subdivision is adequate to create five lots under the proposed E-3/S-D zoning in addition to the requisite public road to access the new lots. The design of the project will not cause substantial environmental damage and associated improvements will not cause serious public health problems (refer to adopted Mitigated Negative Declaration). The project and associated improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed development because there are no such easements affecting the subject parcels.

D. **Coastal Development Permit (SBMC §28.44.060)**

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan as amended.

1. The project is consistent with the policies of the California Coastal Act. Refer to Exhibit G for a complete analysis of the project's consistency with Coastal Act policies.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, as outlined in Exhibit H.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation. The project will not significantly impact existing recreation opportunities as there are no such activities currently occurring onsite and the project would not result in a negative impact to recreational activities at nearby La Mesa Park, and, due to its location on the northeast side of Meigs Road/Shoreline Drive, the project does not have the potential to affect public access to the coast.

III. Said approval is subject to the following conditions:

- A. **Approval Contingent Upon Adoption of Zoning and General Plan Map and Local Coastal Program Amendment.** Approval of the subject project is contingent upon City Council approval of the Zoning, General Plan Map and Local Coastal Program Amendments, and California Coastal Commission approval of the Local Coastal Program Amendment.
- B. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project

approval. The fee required is \$1,993.00 for projects with Mitigated Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.

C. **Design Review.** The project is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.

1. **Future Residences.** Any new residence constructed on one of the lots created by the proposed subdivision, or any other subdivision of Adjusted Parcel 1, shall be subject to the review and approval of the Single-Family Design Board (SFDB). (Mitigation Measure A-1)
2. **Design Components of Future Residences.** The following design components shall be incorporated into any subdivision or residential development of Adjusted Parcel 1 to minimize the potential for nuisance complaints between the school and residential uses:
 - a. Provision of an adequate, year-round landscape buffer between the new residence(s) and the existing school use.
 - b. The location and design of first floor decks, porches, patios, large windows, and similar features facing the school facilities and outdoor play areas shall consider the potential for exposure to noise associated with the adjacent elementary school.
 - c. On any floor above the first floor, decks, balconies, and similar features facing the school facilities shall be prohibited, unless the presence of an existing residential structure already fully obstructs the proposed deck, balcony or similar feature from the school.
 - d. All windows and ventilation features shall be oriented away from the school facilities and play areas, to the maximum extent feasible, to minimize noise exposure from school bells throughout the day, parking lot noise, and other activities associated with the school site as well as exposure of the school site to noise generated by the future residents. Where windows or other ventilation features are proposed on the sides of structures facing the school, they should be placed so as to minimize visibility into the school and conveyance of noise (i.e. clerestory windows).
 - e. Large windows on upper floors facing the school facilities and play areas are prohibited, unless windows are located a minimum of six feet in height above the associated floor level.
 - f. For each proposed house in the subdivision, an acoustical summary shall be submitted to the SFDB and to the Building & Safety Division

with each building permit application for new residential development. The summary shall identify the location of the following construction methods, which serve to minimize noise levels in indoor living areas in order to minimize the potential for exposure to noise from the adjacent school property and associated nuisance complaints. The following measures shall be incorporated into the development plans for the future residences:

- 1) Air conditioning or mechanical ventilation system installed so that exterior doors and windows may remain closed.
 - 2) Exterior walls facing the school property shall have a minimum STC rating of 50.
 - 3) Roof/ceiling assemblies shall have minimum STC rating of 50.
 - 4) Outside intakes for the mechanical ventilation system shall not be oriented towards the school property and shall have one-inch thick acoustical lining and at least one elbow.
 - 5) Fireplaces shall have glass doors and flue dampers.
- g. Consideration should be given to development on the two lots fronting on Meigs Road (Lots 1 and 5), such that their development does not preclude development on Lots 2, 3 and 4 from taking advantage of views over these lots, toward the southwest. The intent is to encourage views to the west and southwest, rather than views to the east and south (toward the school).

(Mitigation Measure N-8)

3. **Subdivision Design Review.** The subdivision grading plan, including, but not limited to, any landform alterations, public improvements, required street lighting, and landscaping, shall be subject to the review and approval of the Single-Family Design Board (SFDB) prior to recordation of the Map. (Mitigation Measure A-2)

The project grading plan shall incorporate the grading and drainage design recommendations identified in Mitigation Measures N-7, W-6 and W-7.

4. **Subdivision Layout.** The two lots fronting on Meigs Road shall be at a lower elevation than the remaining lots so as to allow the remaining lots to take advantage of park and ocean views to the west and southwest over the structures on these two lots. This will potentially reduce conflicts between the school and residential uses by reducing exposure between residential and school related noises and activities. The tract grading plan shall be revised as described prior to SFDB review and approval and prior to recordation of the Final Map to reflect lower elevations on these lots. An eight-foot tall wall shall be provided along the subdivision's common property line with the school and landscaping

shall be proposed to provide a clear physical and visual separation between the future housing and the existing school use. (Mitigation Measure N-7)

5. **Tree Planting.** Plant trees in zones designated on the site plan and install drip irrigation. Initially this may be along the eastern property line between Washington School and the new development. Other specific locations to the north, south and west should not be determined until approval of individual homes, to minimize or avoid view conflicts. A qualified arborist should supervise tree selection from the nursery, placement of trees, planting and irrigation specifications. Seacoast appropriate trees are recommended (such as Monterey Cypress, Torrey Pine or Coastal Redwood). Consideration should be given to potential views when locating new trees to avoid future topping or inappropriate pruning of the trees. Final tree species, quantity and size determinations shall be approved by the Single Family Design Board. (Mitigation Measure BIO-6)
 6. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures, intended to minimize impacts on trees:
 - a. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
 - b. **Arborist's Report.** Include a note on the plans that recommendations contained in the arborist's report prepared by Bill Spiewak, dated August 21, 2007, shall be implemented.
 7. **Oak Tree Protection/Replacement Measures.** The following provisions shall apply to existing oak trees on site and shall be included on the landscape plans for the project:
 - a. Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Single Family Design Board (SFDB). No irrigation system shall be installed under the dripline of any oak tree.
 - b. The oak sapling proposed for removal as part of the project shall be replaced at a three to one (3:1) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock. (Mitigation Measure **BIO-6**)
 8. **Retaining Walls.** Single Family Design Review Board to study minimizing or eliminating retaining walls on Lot #5 along Meigs Road.
- B. **Recorded Conditions 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 Planning Commission on March 5, 2009 is limited to the lot line adjustment and the five lot residential subdivision and associated improvements, including a new public street with sidewalk and parkway, shown on the tentative map and approved project plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Future Residential Units.** Any subdivision or other residential development of Adjusted Parcel 1 shall be subject to the review and approval of the Single-Family Design Board (SFBD) and shall incorporate the design review criteria specified in the Design Review section of the conditions of approval contained within the Resolution approving the subject project (MST2006-00476) in order to reduce nuisance noise to future residents and direct views away from the school.
3. **Passive Drainage Techniques - Residential Subdivision.** On each lot of the subdivision, passive/natural 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. (Mitigation Measure W-6)
4. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
5. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
6. **Landscape Plan Compliance.** The Owner(s) shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. 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 SFDB, the owner is responsible for its immediate replacement. The following tree protection measures shall be incorporated:
Tree Protection. The existing tree(s) shown on the Tree Removal Plan as to remain shall be preserved, protected, and maintained in accordance with the

recommendations contained in the arborist's report prepared by Bill Spiewak, dated August 21, 2007. A copy of this report shall be attached to the recorded conditions as an exhibit. Additionally, the following provisions shall apply to any oak trees to remain on the property:

- a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
- b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.

7. **Storm Water Pollution Control and Drainage Systems Maintenance.**

Owner(s) shall maintain any 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, if applicable, in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

8. **Disclosure of School Activities.** Future owners of each residential lot shall be made aware of the fact that Washington Elementary School is on the adjacent property and that various indoor and outdoor activities occur on said property, including, but not limited to outdoor play, organized games, and special events. Future school expansion projects should also be disclosed. The language of the disclosure shall be provided to the Washington School Principal and shall be approved by the School District prior to recordation of the final map for the subdivision. Future owners and tenants shall be required to review and acknowledge acceptance of such disclosure. Acknowledgement shall be notarized prior to close of escrow for future owners and as part of rental agreements for tenants.

- E. **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 Recordation.** The Final Map for the subdivision shall not be approved or recorded until the merger of 216 Meigs Road and 290 Lighthouse Road has been completed and the subsequent lot line adjustment between the merged parcel and 210 Meigs Road has been recorded and a Coastal Development Permit for the Washington School parking lot has been approved by the City of Santa Barbara.
2. **Lot Line Adjustment Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof* to the Public Works Department, including the legal description of the subject properties prior to and following the lot line adjustment. A licensed surveyor shall prepare the legal description and said Agreement shall be recorded in the Office of the County Recorder.
3. **Final Map.** The Owner shall submit to the Public Works Department for review and 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.
4. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - a. An easement for All Street Purposes along proposed new public Street in order to establish a forty-six-foot (46') wide public right-of-way and fifty-foot diameter (50') cul-de-sac for all street purposes including but not limited to new public road with a proposed name of Lighthouse Way, and easement for storm drain, sanitary sewer main and water main purposes.
 - b. A twenty-foot (20') wide sewer easement across School District property to accommodate relocation of the existing sewer main beginning at the end of Lighthouse Road to the property line of proposed subdivision, in alignment with proposed cul-de-sac of new public street with a proposed name of Lighthouse Way.
 - c. A twenty-foot (20') wide sewer easement beginning at property line and School District boundary traversing proposed subdivision to the proposed cul-de-sac, to accommodate relocation of the existing sewer main proposed.
 - d. A six-foot (6') wide drainage easement across Lot 5 for the benefit of Lot 4.
5. **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.

6. **Drainage Calculations.** The Owner shall submit updated drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site. Drainage calculations shall reflect the direction given in Mitigation Measures W-6 and W-7.
7. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Program. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
8. **Elise Way Public Improvements** The Owner shall submit C-1 public improvement plans prepared by a civil engineer registered in the state of California, for construction of improvements across the street from the property frontage at intersection of Elise Road adjacent to Meigs Road. As determined by the Public Works Department, the improvements shall include *two new cross walks - one crossing Elise Way and one crossing Meigs Road, two new planter bulb outs - one at intersection of Meigs Road and Elise Way and one adjacent to new crosswalk on the easterly side of Meigs Road, and install one new one-way access ramp on easterly side of Meigs Road*. The C-1 public improvement plans shall be prepared by a registered civil engineer, and reviewed and signed by the City Engineer.
9. **Meigs Road Public Improvements.** The Owner shall submit C-1 public improvement plans prepared by a civil engineer registered in the state of California, for construction of improvements along the property frontage on Meigs Road. As determined by the Public Works Department, the improvements shall include *new five-foot (5') sidewalk, three-foot (3') parkway, new street entrance to new public road with concrete cross-gutter, curb, gutter, slurry seal to the centerline of Meigs Road along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, connection to City water and sewer mains; public drainage improvements with supporting drainage calculations for installation of A470 curb drain outlets,;*

supply and install three residential dome style standard street lights and one street light meter pedestal to accommodate every three (3) street lights; coordinate with City staff to retire light standard from existing utility pole; preserve and/or reset survey monuments and contractor stamps; supply and install directional/regulatory traffic control signs per 2006 MUTCD with CA supplements; install roadway improvements along Meigs Road as part of the subdivision improvements in order to ensure proper sight visibility to allow safe vehicular movements at the new public street intersection including re-striping Meigs Road and improvements to the crosswalk at Elise Way (including curb extensions into the parking areas on either side of Meigs Road), all per City Transportation Division requirements (Mitigation Measure T-1); supply and install new street trees of minimum twenty-four inch (24") box size per approval of the City Parks Commission and City Arborist; supply and install new tree grates; and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit. The C-1 public improvement plans and hydrology report shall be prepared by a registered civil engineer, and reviewed and signed by the City Engineer.

10. **New Public Road Improvement Plans for Lighthouse Way.** The Owner shall submit C-1 public improvement plans prepared by a civil engineer registered in the state of California, for construction of improvements beginning at the property frontage accessed from Meigs Road for construction of a new public road with a proposed name of Lighthouse Way to City standards. As determined by the Public Works Department, the public improvements shall be constructed in accordance with the 2006 Edition of the Greenbook, 2006 MUTCD with CA supplements, ADAAG, 1998 Circulation Element, 2007 Pedestrian Master Plan, the 2008 Draft Engineering Design standards. Separate C-1 civil public improvement plans for the road construction shall be submitted directly to the Public Works Department. Public improvements shall include but not be limited to: *relocation of the existing 8 inch VCP public sewer main constructed under C-1-2802, construction of public water main, public sewer main, public storm drain, and connection to their respective City mains, install City standard street name sign with both Meigs Road and Lighthouse Way, construct asphalt concrete pavement on aggregate base to current design standards, install no less than one Filtera Treatment Unit as outlined in the Preliminary Drainage Study prepared by Flowers and Associates dated November 18, 2008, striping, stop bar, stop sign, red curb on one side of new road, concrete cross gutter at entrance to new road from Meigs Rd., one-way access ramps across new street entrance, new six-foot (6') wide sidewalk, new four-foot (4') wide parkway, driveway aprons constructed to Title 24 ADA standards, new curb and gutter, undergrounding of all service utilities including but not limited to gas, electric, telephone and cable, A470 curb drain outlets, preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs as determined by the 2006 MUTCD*

with CA supplements, supply and install Dome Style residential standard street lights, as determined by City Streetlight Guidelines, the Public Works Department and the SFDB, supply and install new street trees and tree grates per approval of the City Arborist, and provide adequate positive drainage from site. The C-1 public improvement plans and hydrology report shall be prepared by a registered civil engineer, and reviewed and signed by the City Engineer.

11. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division staff, based on an approved Engineer's Estimate which shall be signed, and stamped by a registered civil engineer in the State of California, and submit securities for construction of improvements prior to execution of the agreement.
 12. **Protection of Existing Public Street Improvements.** Provide a video tape to the Public Works Inspector of the existing road conditions along the anticipated haul routes to the subject site prior to issuance of any permits. Prior to Certificate of Occupancy repair any damage to Meigs Road, and damage to any other roads caused by construction. Submit a post-construction video of any and all affected roads to the Public Works Department, prior to acceptance of the road improvements.
 13. **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.
- F. **Community Development Requirements Prior to Final Map Approval.** The Owner shall submit to the Community Development Department, Planning Division, evidence of the following prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:
1. **Parking Lot CDP.** Evidence of City approval of a Coastal Development Permit for the Washington School parking lot reconfiguration.
 2. **Disclosure Language.** Evidence of School District approval of the disclosure information identified in condition D.8.
- G. **Community Development Requirements with the Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit:
1. **School Parking Lot Approval.** The Applicant shall submit to the Planning Division proof of approval of a Coastal Development Permit for the Washington School parking lot reconfiguration.
 2. **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 weekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
 - 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.
3. **Geotechnical Recommendations.** A Soils Engineering Report shall be prepared to address site preparation and project construction related to soil conditions. Compliance shall be demonstrated on plans submitted for grading and building permits. (Mitigation Measure G-1)
4. **Neighborhood Notification Prior to Construction.** At least thirty (30) days prior to commencement of construction (public improvements, grading associated with the subdivision and future construction of individual residences), the contractor shall provide written notice to all property owners, businesses, and residents within 450 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, a description of noise reduction measures and the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions and provide additional information or address problems that may arise associated with construction noise. A 24-hour construction hotline shall be provided. Any noise complaints received shall be documented, and as appropriate, construction activities shall be modified to the extent feasible to address such complaints. Informational signs with the PEC's name and telephone number shall also be posted at the site and shall be easily viewed from adjacent public areas. (Mitigation Measure N-1)

The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

5. **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.
 6. **Park Commission Tree Removal Approval.** Submit to the Planning Division evidence of approval from the Park Commission for the removal of trees in the front setback and any street trees.
 7. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all activities on the site during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
 8. **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 Architect, the Arborist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.
 9. **Final Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g. Final map submitted to Public Works Department for review), and attach documents as appropriate.
- H. **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 Single Family Design Board, outlined in Section C above.
 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. **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. (Mitigation Measure W-1)

4. **Erosion Control/Water Quality Protection Plan.** Prior to the issuance of a 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

(Mitigation Measure W-3)

5. **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. (Mitigation Measure W-5)

6. **Drainage Design – Residential Subdivision.** Each lot in the residential subdivision shall, at a minimum, handle its own drainage on-site so as to avoid concentrating flows and minimize future maintenance issues. The drainage plan shall be based on a 25-year storm event 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. (Mitigation Measure W-7)
7. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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 archaeological resources are encountered or suspected, work shall be halted or redirected immediately, the City Environmental Analyst shall be notified, and an archaeologist from the most current City Qualified Archaeologist List shall be retained by the applicant. The archaeologist shall be employed to assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

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

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all

further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

(Mitigation Measure CR-1)

8. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

9. **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.
10. **Recordation of Final Map.** After City Council approval, the Owner shall provide evidence of recordation of the Final Map to the Public Works Department prior to issuance of building permits for individual parcels.
- J. **Community Development Requirements Prior to Building Permit Issuance.** Prior to issuance of any grading or building permit for the subdivision, reconfiguration of the School parking lot must be complete.
- K. **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. **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 Architect, Arborist, Project Engineer, Project Environmental Coordinator, Contractor and each Subcontractor.

2. **Raptor Seasonal Restriction.** If construction, grading, or tree removal is to be conducted during raptor breeding season (February 1 - August 15th), a biologist shall conduct a survey of the site to locate active raptor nests. No construction, grading, or tree removal shall occur within a circle around any active raptor nest with a radius of 200 feet measured horizontally on the ground with a point directly below the active nest as the center, until fledglings leave. If no active nests are found, the construction, tree removal, or grading restrictions specified in this section shall not apply. (Mitigation Measure BIO-1)
3. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
4. **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., as well as consideration of peak school traffic hours) to help reduce truck traffic and noise on adjacent streets and roadways. (Mitigation Measure T-2)
5. **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 Transportation Manager. (Mitigation Measure T-2)
6. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager. (Mitigation Measure T-2)
7. **Construction Parking/Storage/Staging.** Construction parking and vehicle/equipment/materials storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers shall be provided on-site.
 - b. On-site storage shall be provided for construction materials, equipment and vehicles. Storage or staging of construction materials or equipment within the public right-of-way is prohibited. (Mitigation Measure T-3)

8. **Temporary Construction Access.** Temporary construction access via Lighthouse Road shall only occur during non-peak drop-off and pick-up school hours. Access via Meigs Road shall be utilized as soon as it is available. (Mitigation Measure T-4)
9. **Construction Activities Limitation.** Grading and related activities associated with development of the new school parking lot and tract improvements for the subdivision shall take place during the school's summer break (unless mutually agreed upon by developer and School District). To ensure that grading activities are completed prior to the beginning of the school year, some preparatory activities may be implemented outside of the summer break period. If grading activities or other excessively loud construction activities will take place while school is in session (for tract improvements or later development of homes), temporary sound walls or other methods of reducing exposure of the school site to excessive noise levels shall be incorporated (as determined necessary based on input from the School District). (Mitigation Measure N-2)
10. **Construction Hours.** Noise-generating construction activities (which may include preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 7:00 p.m. and Saturdays before 8:00 a.m. and after 5:00 p.m., and all day on Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day	January 1st
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31st
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th

No noise generating activities, including but not limited to activities using heavy equipment, framing, sheathing and roofing shall occur during any school-wide testing at Washington School. To the degree feasible, noisy construction activities shall be coordinated with Washington School.

Construction activities that do not generate noise may occur on holidays and Sundays between the hours of 8:00 a.m. and 5:00 p.m.

Occasional night work may be approved for the hours between 7 p.m. and 7 a.m. weekdays by the Chief of Building and Safety (per Section 9.13.015 of the Santa Barbara Municipal Code). In the event of such night work approval, the applicant shall provide written notice to all property owners and occupants within 450 feet of the project property boundary and the City Planning and

Building Divisions at least 48 hours prior to commencement of night work. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number. Night work shall not be permitted on weekends or holidays. (Mitigation Measure N-3)

11. **Construction Equipment Sound Control.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without said muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited. (Mitigation Measure N-4)
12. **Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dB(A) at the property boundaries shall be shielded with a barrier that meets a sound transmission class (STC) rating of 25. (Mitigation Measure N-5)
13. **Construction Noise Barrier.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools. (Mitigation Measure N-6)
14. **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. (Mitigation Measure AQ-1)
15. **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. (Mitigation Measure AQ-2)
16. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (Mitigation Measure AQ-3)
17. **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. (Mitigation Measure AQ-5)

18. **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.

(Mitigation Measure AQ-6)

19. **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. (Mitigation Measure AQ-8)

20. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector. (Mitigation Measure AQ-7)

21. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads. (Mitigation Measure AQ-4)

22. **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. (Mitigation Measure AQ-9)

23. **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/froal.pdf>.

(Mitigation Measure AQ-10)

24. **Construction Equipment Engine Size.** The engine size of construction equipment shall be the minimum practical size. (Mitigation Measure AQ-11)

25. **Construction 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. (Mitigation Measure AQ-12)
26. **Construction Equipment Maintenance.** All construction equipment shall be maintained in tune per the manufacturers' specifications. (Mitigation Measure AQ-13)
27. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (Mitigation Measure AQ-14)
28. **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. (Mitigation Measure AQ-15)
29. **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. (Mitigation Measure AQ-16)
30. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible (Mitigation Measure AQ-17).
31. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be prohibited; electric auxiliary power units shall be used whenever possible. (Mitigation Measure AQ-18)
32. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department.
33. **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 inch in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
34. **Tree Protection.** The following measures shall be incorporated into the project to protect and maintain all trees proposed to remain as part of the project:

- a. **Tree Protection Fencing.** Prior to any ground disturbances, install temporary chain link fencing, as designated on the site plan to establish tree protection zones (TPZs). These TPZs shall be as indicated on the site map and discussed in the tree inventory. After grading for the new driveway on Lot 5, fences should be relocated to position "B" (as shown in the Tree Assessment and Protection Plan prepared by Bill Spiewak and dated August 21, 2007) to protect trees on Lot 5. Fences must be maintained in upright positions throughout the duration of the project, and possibly through installation of landscaping, subject to a determination by the project arborist. No activity (including parking vehicles, storing equipment/materials/soils, etc.) shall occur within the TPZs. Utilities shall not run through the TPZs. If utilities must run into Lot 5 directly from the new public street, then utility trenches should be located in the center of the Lot 5 driveway. (Mitigation Measure BIO-2)
 - b. **Monitoring By Arborist.** The project arborist shall monitor activities on the site throughout the duration of the project. Monitoring shall be more frequent during fencing installation, excavation and grading, and less frequent as the project progresses, provided fences remain upright and tree protection zones are not violated. (Mitigation Measure BIO-3)
 - c. **Irrigation of Retained Trees.** Retained trees shall be irrigated monthly within tree protection zones to moisten soil 6-12 inches below the ground. Irrigation may not be necessary from November through March provided rainfall levels are normal. (Mitigation Measure BIO-4)
 - d. **Tree Maintenance.** Removal of trees shall not damage those trees to be retained. In some cases, stumps may not be removed if adjacent root systems are close by and at risk. Pruning shall be performed or supervised by a qualified Certified Arborist. The project arborist shall review the goals with workers prior to commencement of any tree pruning. Tree workers shall be knowledgeable of ANSI A300 Pruning Standards and ISA Best Management Practices for Tree Pruning. Crown cleaning and crown thinning shall be done as recommended in the Tree Assessment and Protection Plan prepared by Bill Spiewak and dated August 21, 2007, as amended December 6, 2007. Young eucalyptus shoots surrounding the significant trees to be protected shall be retained where possible to complement the grove. Due to the rustic characteristics of this species, care should be used during pruning that acknowledges this feature. (Mitigation Measure BIO-5)
35. **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.

36. **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.
- a. 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.
 - b. 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. (Mitigation Measure CR-1)

- L. **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 public improvement plans, including utility service undergrounding and installation of street trees.
 - 3. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.

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

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

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

Pursuant to Section 28.44.230 of the Santa Barbara Municipal Code, work on the approved development shall commence within two years of the **final action** on the application, unless a different time is specified in the Coastal Development Permit. Up to three (3) one-year extensions may be granted by the Community Development Director in accordance with the procedures specified in Subsection 28.44.230.B of the Santa Barbara Municipal Code.

NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Planning Commission'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.

This motion was passed and adopted on the 5th day of March, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jostes)

PLANNING COMMISSION RESOLUTION NO. 007-09
210 & 216 MEIGS ROAD AND 290 LIGHTHOUSE ROAD
MARCH 5, 2009
PAGE 27

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

Julie Rodriguez, Planning Commission Secretary

Date

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

environmental impacts (even if less than significant) in the staff report and outside of the DMND document.

Scott Vincent, Assistant City Attorney, reminded the Commission that the standard for preparation of an EIR is if an Initial Study shows there is a potential significant impact that cannot be mitigated either through a project description or conditions of approval. He also clarified that the size of a project does not determine the need for an EIR.

Chair Larson asked for a recess at 3: 09 P.M. and reconvened the meeting at 3:32 P.M.

I. NEW ITEM:

ACTUAL TIME: 3:33 P.M.

APPLICATION OF BRENNAN DE RAAD, TYNAN GROUP, AGENT FOR MARY STEVENS AND SANTA BARBARA SCHOOL DISTRICT, 210 & 216 MEIGS ROAD AND 290 LIGHTHOUSE ROAD, APN 045-110-001, -013 AND -009, E-3/S-D-3 (ONE-FAMILY RESIDENTIAL/COASTAL OVERLAY) AND PR/S-D-3 (PARK AND RECREATION/COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2006-00476)

The project consists of a lot merger between 216 Meigs Road and 290 Lighthouse Road (no discretionary action by the City is required for this lot merger), and a lot line adjustment between this newly merged lot and 210 Meigs Road. This would result in two lots, identified as Adjusted Parcel 1 (1.51 gross acres) and Adjusted Parcel 2 (8.9 gross acres). Adjusted Parcel 1 is then proposed to be subdivided into five single-family residential lots ranging in size from 7,849 to 10,842 net square feet. The new residential lots would be served by a new public street with access off of Meigs Road. Appropriate public improvements, including sidewalk, parkway and utilities, and required retaining walls would also be constructed as part of the project. Construction of the single-family residences is not currently proposed. The project also requires a reconfiguration of the Washington School parking lot (under separate permit) on Adjusted Parcel 2.

Approximately 859 cubic yards of grading is anticipated in order to construct the new public street. The project includes the removal of approximately 40 existing trees (4 to 24 inches in diameter at breast height), primarily eucalyptus.

In order to allow the proposed single-family subdivision and future development, a General Plan and Local Coastal Plan Map amendment changing the land use designation from Major Public and Institutional to Residential, 5 units per acre is required for Adjusted Parcel 1, and a Zoning Map Amendment changing the zoning designation from PR/S-D-3 (Park and Recreation/Coastal Overlay Zone) to E-3/S-D-3 (One-Family Residence/Coastal Overlay Zone) is required for the existing area of 216 Meigs Road.

The discretionary applications required for this project are:

Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and/or Coastal Commission:

1. General Plan Amendment to change the land use designation of the reconfigured parcel (Adjusted Parcel 1) from Major Public and Institutional to Residential, 5 units per acre (SBMC §28.07);
2. Local Coastal Plan Amendment to change the land use designation of the reconfigured parcel (Adjusted Parcel 1) from Major Public and Institutional to Residential, 5 units per acre (SBMC §28.07) and to change the zoning map designation as described below;
3. Zoning Map Amendment to rezone APN 045-110-013 from PR/S-D-3 (Park and Recreation/Coastal Overlay) Zone to E-3/S-D-3 (One Family Residence/Coastal Overlay) Zone (SBMC, §28.92.020);

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

4. Approval of a Lot Line Adjustment to remove 7.67-acres from the newly merged APNs 045-110-009 and -013, and attach it to APN 045-110-011 (SBMC §27.40);
5. Approval of a Tentative Subdivision Map to divide one parcel (Adjusted Parcel 1) into five lots (SBMC Chapter 27.07); and
6. Approval of a Coastal Development Permit to allow the subdivision and development in the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060).

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

Case Planner: Allison De Busk, Project Planner

Email: ADebusk@SantaBarbaraCA.gov

Allison De Busk, Project Planner, gave the Staff presentation joined by Melissa Hetrick, Project Planner/Environmental Analyst.

Dave Odell, Tynan Group, gave the applicant presentation joined by Pete Ehlen, Project Architect, Scott Schell, ATE; and Bill Spiewak, Arborist.

Chair Larson opened the public hearing at 3:56 P.M.

The following people spoke in support of the project:

1. Natasha Heifetz Campbell, Washington School Parent Teacher Organization, appreciated working with the applicant and the school district to mitigate concerns and would like to continue working with the district on the parking lot. Would like additional wording to the buyer disclosure condition in the last sentence of section D.8., to include approval by the school; and inclusion of language in the Local Coastal Plan

Amendment (LCP) to acknowledge existence of the adjacent school and compatibility. Also, submitted written correspondence.

2. Dave Hetyonk, Superintendent of Santa Barbara Schools District, expressed appreciation to Planning Commission and Staff; concurred with strengthening the buyer disclosure language and left it up to the Commission on how the language would be conveyed.

With no one else wishing to speak, the public hearing was closed at 4:03 P.M.

Mr. Ehlen answered additional Planning Commission questions about the removal of retaining walls if the grading will be lowered, stating that the retaining walls are based on the current site plan.

Regarding the parking lot, Mr. Hetyonk provided the Planning Commission with an update on the status of approvals required for a Coastal Development Permit, assuring the Commission that the process is nearly complete with the State, and noting that the parking lot improvements must occur prior to the lots being graded.

In response to the proposed addition to the buyer disclosure language, Scott Vincent, Assistant City Attorney, deferred to the Applicant for review. Mr. Odell had not yet reviewed the proposed language, but agreed with the intent and stated that a Memo of Understanding is being developed between the applicant and the School District that is contingent on the school parking lot to be completed, at which time a formal agreement will be written and contain language about the buyer noticing requirement.

The Commissioners made the following comments:

1. Commissioner White supports the project, but would like to see native plants as opposed to the Eucalyptus trees; appreciates the public improvements being made by the project and would want to see utility under-grounding included, if possible, but understands the financial constraints on this relatively modest project.
2. Commissioner Larson commented on the current traffic on Lighthouse Road and appreciated that the project did not add any additional traffic to Lighthouse Road.
3. Commissioners Larson and Bartlett would like to see pedestrian connectivity between the property and the school when City funding is available. Commissioner Lodge commented on the existing pathways of connectivity that now exist between the school and the surrounding neighborhoods.
4. Commissioner Bartlett would like to minimize the retaining walls and the hard edge that faces La Mesa Park.

Mr. Hetyonk added that any considerations for additional connectivity would have to include accessibility that could be challenging due to elevation differences between the properties.

MOTION: JacobsWhite

Assigned Resolution No. 007-09

Recommend to City Council and/or Coastal Commission the approval of the General Plan Amendment, Local Coastal Plan Amendment, and Zoning Map Amendment, making the findings outlined in the Staff Report.

This motion carried by the following vote:

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

MOTION: Jacobs/Bartlett

Assigned Resolution No. 007-09

Approve the project, making the findings for the Mitigated Negative Declaration, Lot Line Adjustment, Tentative Subdivision Map, and Coastal Development Permit as outlined in the Staff Report, contingent on the Council and Coastal Commission approval of the General Plan Amendment, Local Coastal Plan Amendment and Zoning Map Amendment, and the Conditions of Approval in Exhibit A of the Staff Report with added conditions: 1) Single Family Design Review Board to study minimizing or eliminating retaining walls on Lot #5 along Meigs Road; and 2) Amend Condition D.8 to include buyer notification language as agreed to by the applicant and the school.

This motion carried by the following vote:

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

Chair Larson announced the ten calendar day appeal period.

The following item was taken out of order:

II. ADMINISTRATIVE AGENDA

ACTUAL TIME: 1:16 P.M.

A. Committee and Liaison Reports.

1. Commissioner Larson reported on attending the March 4, 2009, Historic Landmarks Commission meeting and gave an update on the Arlington Village Project.
2. Commissioner Thompson reported on the Chair and Vice-Chair attending the bi-annual meeting of Commission Chairs of all Boards and Commissions. A suggestion was made to initiate a more formal liaison format with other Boards and Commissions as is currently used by the Planning Commission.



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: February 23, 2008
AGENDA DATE: March 5, 2009
PROJECT ADDRESS: 210 and 216 Meigs Road and 290 Lighthouse Road (MST2006-00476)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner
 Allison De Busk, Project Planner

I. PROJECT DESCRIPTION

The project consists of a lot merger between 216 Meigs Road and 290 Lighthouse Road (no discretionary action is required by the City to merge lots), and a lot line adjustment between this newly merged lot and 210 Meigs Road. This would result in two lots, identified as Adjusted Parcel 1 and Adjusted Parcel 2. Adjusted Parcel 1 is then proposed to be subdivided into five single-family residential lots ranging in size from 7,849 to 10,842 square feet. The new residential lots would be served by a new public street with access from Meigs Road. Approximately 859 cubic yards of grading is anticipated in order to construct the new public street. Appropriate public improvements, including sidewalk, parkway and utilities, and required retaining walls would also be constructed as part of the project. Construction of the single-family residences is not currently proposed.

In order to allow the proposed single-family subdivision and future development, a General Plan and Local Coastal Plan Map amendment changing the land use designation from Major Public and Institutional to Residential, 5 units per acre is required for Adjusted Parcel 1, and a Zoning Map Amendment changing the zoning designation from PR/S-D-3 (Park and Recreation/Coastal Overlay Zone) to E-3/S-D-3 (One-Family Residence/Coastal Overlay Zone) is required for the existing area of 216 Meigs Road.

The overall project also requires a reconfiguration of the Washington School parking lot on Adjusted Parcel 2. The reconfiguration would change the layout of the parking lot and increase the number of formal parking spaces from 25 to 65; however, it would eliminate an informal parking area (at 216 Meigs Road) that can accommodate approximately 65 vehicles. It should be noted that this parking lot reconfiguration requires a separate Coastal Development Permit and is not covered as part of the subject proposal. However, it has been analyzed in the environmental document prepared for the subject proposal as well as in project review due to the relationship of the two aspects of the overall project.

The project includes the removal of approximately 40 existing trees (4 to 24 inches in diameter at breast height), primarily eucalyptus. Thirty of the trees would be removed for the subdivision, and ten would be removed as part of the reconfigured school parking lot.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and/or Coastal Commission:

1. General Plan Amendment to change the land use designation of the reconfigured parcel (Adjusted Parcel 1) from Major Public and Institutional to Residential, 5 units per acre (SBMC §28.07);
2. Local Coastal Plan Amendment to change the land use designation of the reconfigured parcel (Adjusted Parcel 1) from Major Public and Institutional to Residential, 5 units per acre (SBMC §28.07) and to change the zoning map designation as described below;
3. Zoning Map Amendment to rezone APN 045-110-013 from PR/S-D-3 (Park and Recreation/Coastal Overlay) Zone to E-3/S-D-3 (One Family Residence/Coastal Overlay) Zone (SBMC, §28.92.020);

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

4. Approval of a Lot Line Adjustment to remove 7.67-acres from merged APNs 045-110-009 and -013, and attach it to APN 045-110-011 (SBMC §27.40);
5. Approval of a Tentative Subdivision Map to divide one parcel (Adjusted Parcel 1) into five lots (SBMC Chapter 27.07) contingent upon City Council approval of the Rezone, General Plan Map Amendment and Local Coastal Plan Map Amendment, and Coastal Commission approval of the Local Coastal Plan Amendment; and
6. Approval of a Coastal Development Permit to allow the subdivision and development in the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060), contingent upon City Council approval of the Rezone, General Plan Map Amendment and Coastal Plan Map Amendment, and Coastal Commission approval of the Local Coastal Plan Amendment.

The overall project would also require the following discretionary application for the School Parking Lot Reconfiguration (not a part of the subject application):

1. A Coastal Development Permit (CDP) to allow development in the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060).

III. RECOMMENDATION

City staff is supportive of the proposed five-lot subdivision and associated permit requests. With City Council and Coastal Commission approval of the requested re-zone from PR/S-D-3 to E-3/S-D-3 and accompanying General Plan/Local Coastal Plan land use designation amendment from Major Public and Institutional to Residential, 5 units per acre, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. The project would result in a net gain of five residential units in the City's housing stock, and the density of the proposed

subdivision would be compatible with the surrounding neighborhood. Future development of the individual lots would be subject to design review by the Single Family Design Board to ensure for compatibility with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission adopt the Final Mitigated Negative Declaration, recommend to the City Council approval of the re-zone and General Plan/Local Coastal Plan Map Amendment, and approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.

IV. BACKGROUND

On October 20, 2005, the Planning Commission approved a ten-unit condominium development at 210 Meigs Road (MST2002-00710), which was contingent upon the City Council and Coastal Commission approving the requested zone change from E-3/S-D-3 to R-2/S-D-3 and associated General Plan/Local Coastal Plan land use amendments. That Planning Commission approval was appealed to the City Council on October 26, 2005 by the Washington School Parent Teacher Organization and Santa Barbara School Districts. The appeal at City Council has been on an indefinite continuance in order to allow the appellants and the applicant to resolve the issues underlying the appeal. If approved, the subject proposal (MST2006-00476), which includes a lot line adjustment between Mr. Stevens (owner of 210 Meigs Road and applicant on the former proposal) and the School District (owner of 216 Meigs Road and 290 Lighthouse Road), would replace the prior project (MST2002-00710). With the lot line adjustment and subsequent subdivision of the resulting private parcel, the residential development desired by Mr. Stevens can be achieved while being located adjacent to an existing condominium development and further from the school and its associated activities, thus addressing concerns associated with the prior project.

V. SITE INFORMATION / PROJECT STATISTICS

SITE INFORMATION - EXISTING

EXISTING	216 MEIGS	290 LIGHTHOUSE	210 MEIGS
Property Owner	Santa Barbara School District		Stevens
Parcel Number	045-110-013	045-110-009	045-110-011
General Plan	Major Public and Institutional	Major Public and Institutional	Major Public and Institutional
Zoning	PR/S-D-3	E-3/S-D-3	E-3/S-D-3
Use	Vacant (overflow parking area for School)	Washington School	Vacant
Slope	8.9%	5.9%	7.7%
Lot Area	0.87 acre (gross)	8.31 acres (gross)	1.23 acres (gross)

SITE INFORMATION - PROPOSED

PROPOSED	Adjusted Parcel 1 (Approx. Area of Original 216 MEIGS)	Adjusted Parcel 2 (Approx. Area of Original 290 LIGHTHOUSE and 210 MEIGS)
Property Owner	Stevens	Santa Barbara School District
General Plan	Residential – 5 units per acre	Major Public and Institutional
Zoning	E-3/S-D-3	E-3/S-D-3
Use	5-lot single-family subdivision	Washington School
Slope	6.7%	5.7%
Lot Area	1.51 acres (gross)	8.9 acres (gross)

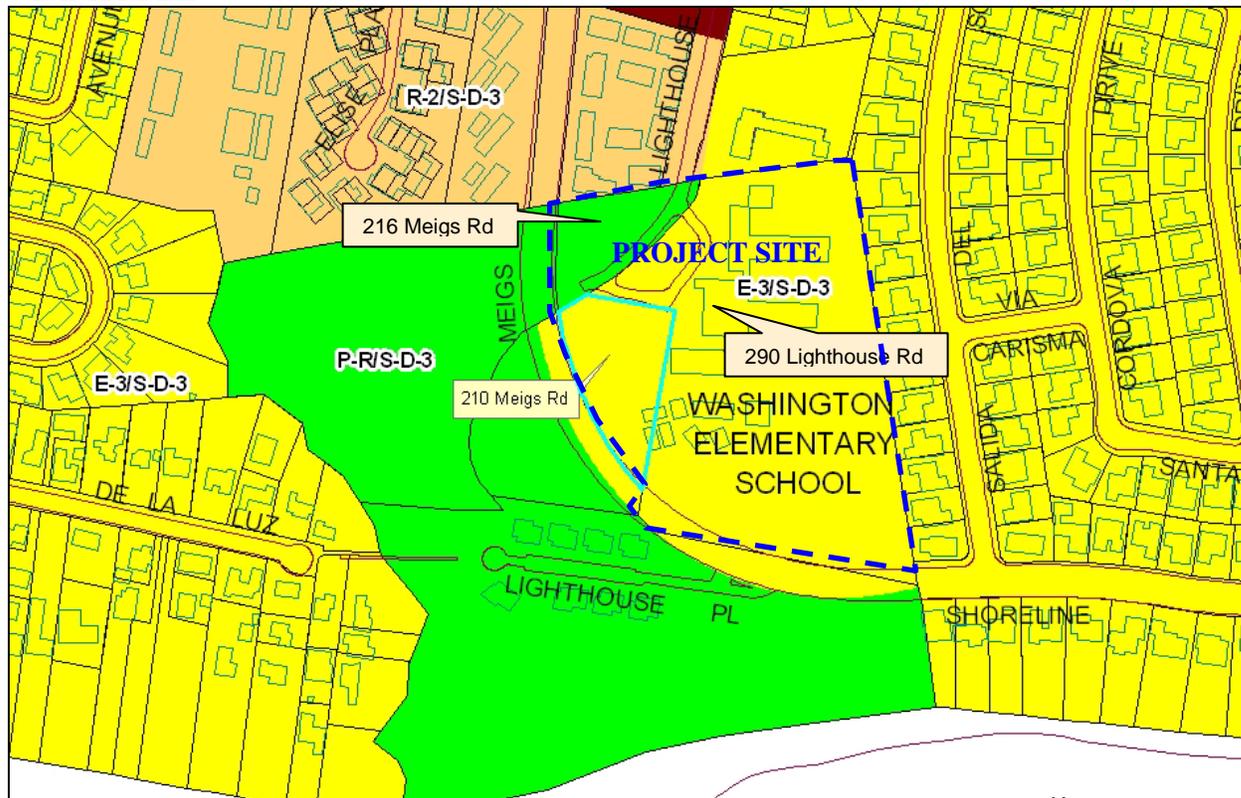
PROJECT STATISTICS

Adjusted Parcel 1 – 1.51 acres (gross)			
	Lot Size (min. = 7,500 net sq. ft.)	Lot Frontage (min. = 60 feet)	Slope
Lot 1	8,111 net sq. ft.	60 feet	7.8%
Lot 2	7,849 net sq. ft.	60 feet, 2 inches	7.7%
Lot 3	8,485 net sq. ft.	60 feet	6.9%
Lot 4	8,310 net sq. ft.	89 feet, 2 inches	5.1%
Lot 5	10,842 net sq. ft.	60 feet	5.5%
Adjusted Parcel 2 – 8.9 acres (gross)			

ADJACENT LAND USES, ZONING AND DESIGNATIONS

	LAND USE	ZONING	GENERAL/COASTAL PLAN
Project Site	Elementary School and Residential (proposed)	E-3/S-D-3 (proposed)	Major Public and Institutional and Residential, 5 units per acre (proposed)
North	Residential	R-2/S-D-3 and E-3/S-D-3	Residential – 12 units per acre and Residential 5 units per acre
South	Meigs/Shoreline	PR/S-D-3	Open Space and Residential 5 units per acre
East	Single-Family Residential	E-3/S-D-3	Residential 5 units per acre
West	La Mesa Park and Residential	PR/S-D-3 and R-2/S-D-3	Open Space and Residential – 12 units per acre

VICINITY MAP



VI. ISSUES

A. ZONE CHANGE AND ZONING ORDINANCE CONSISTENCY

A change of zone is a legislative process, and City procedures require that the Planning Commission or City Council initiate the rezone before the applicant can submit a formal application for rezoning. The Planning Commission initiated the rezone of 216 Meigs Road on March 6, 2008 (Exhibit E – Planning Commission Minutes).

Existing zoning surrounding the site is shown on the Vicinity Map above. The 216 Meigs Road parcel is zoned for park and recreation uses (PR/S-D-3), and is surrounded by single-family zoning (E-3/S-D-3) to the south, east and northeast. To the north and northwest are properties zoned for two-family residential development (R-2/S-D-3). To the west, across Meigs Road, is La Mesa Park and the U.S. Coast Guard facility, which are zoned PR/SD-3.

The 216 Meigs Road parcel was originally part of La Mesa Park, hence the PR/S-D-3 zoning (which was adopted in 1986). However, the site was declared excess land by the City Council in 1987 and was sold to the Santa Barbara School District in 1991. Prior to its sale, the Parks Department had proposed to revert the site’s zoning back to E-3 (as

it existed prior to the 1986 re-zone to PR/S-D-3); however, the City Council decided to retain the PR zoning, and expressed a strong interest in not rezoning the parcel for housing use.

Issues for consideration as part of the rezone request include: possible density under the proposed E-3/S-D-3 zone and whether the proposed zone (One Family Residence) is appropriate for the area.

The area to be rezoned is approximately 0.87-acre, which would allow five units under the proposed E-3 zone. The proposed E-3 zoning allows for single family development with a minimum of 7,500 net square feet of area required for each lot. The allowed density is based on net lot area versus gross lot area because the net lot area excludes the public right of way that cannot be developed with housing. The density would also be required to comply with the underlying land use designation. Assuming a General Plan/Local Coastal Plan designation of Residential – 5 units per acre (as currently proposed), a maximum of four market rate lots could be developed on the existing 0.87-acre lot.

As discussed when the proposed rezone was initiated by the Planning Commission, the area under consideration for the rezone (216 Meigs Road) could logically be considered for a rezone to E-3/S-D-3 or R-2/S-D-3, given the adjacent zoning designations. Under R-2 zoning (and a corresponding land use designation of Residential – 12 units per acre), the 0.87-acre site could be developed with a maximum of 10 market rate units. It should be noted that, as part of the prior proposal at 210 Meigs Road, the Planning Commission recommended approval of a rezone of 210 Meigs Road to R-2/S-D-3. The E-3/S-D-3 zoning was chosen by the two applicants as part of their negotiations because it was deemed to be more compatible with the school and consistent with the surrounding neighborhood. Staff concurs that the E-3/S-D-3 zone is appropriate for the site and would be compatible with surrounding uses.

Re-zoning the parcel could be considered an “upzone” because the intensity of development under the proposed single-family zoning could be greater than under the existing Park and Recreation zoning. Typically, when residential property is upzoned, staff recommends that any increase in allowed density be provided as affordable housing. However, there is no set calculation for determining the number of affordable units for rezones under the City’s density bonus policies and guidelines. In this particular case, staff does not recommend that any affordability requirements be placed on the development. The reason staff does not support the mandatory inclusion of affordable lots is because residential zoning is more appropriate for the site than Park zoning given that the land will be privately held (following the land swap), the proposed development is the result of successful and collaborative negotiations between the School District and a private property owner and results in a development that is more appropriately located than the approved development at 210 Meigs Road, the site and number of proposed lots is relatively small, and “dry lot” subdivisions (where construction of the housing is not proposed) such as this one are not ideal for implementing affordability restrictions.

Additionally, it should be noted that the proposed land swap and “upzone” of 210 Meigs Road does not increase the development potential of the larger site under consideration because the land use for the area currently identified as 210 Meigs Road has a General Plan/Local Coastal Plan designation of Major Public and Institutional. This means that the School District could not develop that area with residential uses without requesting and receiving a General Plan/Local Coastal Plan amendment from the City and Coastal Commission, in addition to the required Tentative Map and Coastal Development Permit.

The proposed project would meet all of the subdivision requirements of the proposed E-3/S-D-3 Zone, including lot size and street frontage. Future development of individual homes on the lots would be required to comply with the requirements of the E-3 zone.

B. GENERAL PLAN MAP AMENDMENT AND GENERAL PLAN CONSISTENCY

The proposed General Plan Map amendment would encompass an area of approximately 1.51 acres because it would be for the proposed adjusted lot area (Adjusted Parcel 1). The current General Plan Designation for the entire site is Major Public and Institutional. It was likely anticipated that this land would be used for either park or school purposes, given its location. The proposed General Plan Map designation is Residential, 5 units per acre.

The subject parcels are in the East Mesa Neighborhood as described in the Land Use Element of the General Plan. This area is described as mostly having a density classification of five dwelling units per acre, which would be consistent with the proposed E-3 zoning classification. The discussion in the General Plan of both the East and West Mesa neighborhoods is that, despite the predominant single-family development, there has been in the past pressure for rezoning to allow multi-family developments along Cliff Drive. The General Plan has shown an area around the Mesa Shopping Center in a density classification of twelve dwelling units to the acre. Most of this area is now zoned R-2 and is developed with garden apartments, duplexes and condominiums. The subject site is located near the intersection of Cliff and Meigs where the Mesa Shopping Center is located.

The project would result in a build out of 3.85 dwelling units per acre on Adjusted Parcel 1, which would be consistent with the Residential - 5 dwelling units per acre General Plan designation that is proposed. Based on the existing development pattern in this area, staff believes that a General Plan land use designation of Residential, five units per acre would be appropriate for this area.

1. **Housing Element**

The proposed project would result in a total of five lots available for development of single-family residences. Some primary goals of the Housing Element applicable to the subject proposal are: to ensure a full range of housing opportunities for all persons and to protect existing neighborhood character while encouraging compatible infill development. The project would implement

the goals of the Housing Element because it is an infill project that creates five new lots available for construction of single-family residences. These new homes would be compatible in scale, size and design with the surrounding neighborhood, and the project would be subject to design review by the City's Single Family Design Board (Policies 3.2, 3.3 and 4.3, and Implementation Strategy 4.1.10).

2. **Circulation Element**

The proposed project includes construction of a new public street to serve the proposed new lots. This new street would be located off of Meigs Road, in the approximate area of the existing boundary between 210 and 216 Meigs Road, and just north of the northernmost driveway entrance to La Mesa Park.

In order to access the property from Meigs Road, the project includes roadway improvements along Meigs Road to ensure proper sight visibility from the project site. Additionally, the project will include public improvements to the pedestrian facilities abutting the site frontage and at the crosswalk at Meigs Road/Elise Way. As identified in the project's Mitigated Negative Declaration, the project would not result in any significant, unmitigable impacts associated with traffic, circulation or parking. Therefore, staff believes the project would be consistent with the Circulation Element policies relative to traffic and circulation.

3. **Conservation Element**

The proposed project would not significantly impact cultural, visual or biological resources, as discussed in the project's Mitigated Negative Declaration. The project does include the removal of approximately 34 non-native trees. In particular, the following Conservation Element Goals, Policies and Implementation Strategies address tree protection.

Visual Resource Policy 4 - *Trees enhance the general appearance of the City's landscape and should be preserved and protected.*

Implementation Strategy 4.1 *Mature trees should be integrated into project design rather than removed. The Tree Ordinance should be reviewed to ensure adequate provision for review of protection measures proposed for the preservation of trees in the project design.*

Implementation Strategy 4.2 *All feasible options should be exhausted prior to the removal of trees.*

Implementation Strategy 4.3 *Major trees removed as a result of development or other property improvement shall be replaced by specimen trees on a minimum one-for-one basis.*

The project site is identified by the Arborist as “wooded yet unmanaged and has an accumulation of trees that that conflict with each other and pose risks to people and children who walk through the lot and travel along Meigs Road.” Most of the trees on site are healthy, although they have structural defects and many look drought stressed. The project has been revised to incorporate several existing trees into the project design, at the recommendation of the project Arborist. The Arborist Report concludes that no trees of “high value” will be removed for the project. Although the overall project (including the parking lot reconfiguration) involves removal of approximately 45 trees, which will change the visual character of the site, new trees will be planted on site to mitigate the loss of the trees (Mitigation Measure BIO-6). Therefore, staff believes the project would be consistent with Conservation Element policies relative to tree protection.

C. COASTAL PLAN MAP AMENDMENT / COASTAL DEVELOPMENT PERMIT

The project must be found consistent with the City’s Local Coastal Plan (LCP) because the site is located in the Coastal Zone. The Local Coastal Plan Map designation for the site is Major Public and Institutional. The proposed designation for Adjusted Parcel 1 is Residential, 5 units per acre. The project is located in Component Two of the LCP. The LCP acknowledges that this area is almost entirely developed with single-family residences with a few areas of multiple family residential located primarily around the commercial center at the intersection of Cliff Drive and Meigs Road.

Based on compatibility with the existing development pattern in this area, and because City policy has established the construction of housing as an important goal, staff believes that extending residential zoning, with a density of five units per acre, to Adjusted Parcel 1 is appropriate and would be consistent with the Coastal Plan.

The major coastal issues that are applicable to this project are neighborhood compatibility and preserving views. Please refer to Exhibits F and G for a complete analysis of the project’s consistency with both Local Coastal Plan and Coastal Act policies. It should be noted that construction of a single family residence on each of the newly created lots would not require a coastal development permit, pursuant to SBMC §28.44.070.C.

1. **Neighborhood Compatibility**

In accordance with LCP Policy 5.3, the proposal would be compatible in terms of design, scale and size with the character of the established neighborhood. Washington Elementary School immediately surrounds the site to the east and south. Immediately north of the site there is an existing 22 unit condominium complex. To the northeast are single-family residences. To the west, across Meigs Road, there is an affordable multi-family development, La Mesa Park and the U.S. Coast Guard facility. The project has received positive comments from the Single Family Design Board for the subdivision design. Neighborhood compatibility is discussed in detail in the Initial Study prepared for the project,

and mitigation measures have been identified to address potential land use/compatibility issues between the existing school and future residents of the proposed subdivision. Future construction of the individual homes would be required to receive approval from the Single Family Design Board. Additionally, each new lot would provide its required parking on site, and therefore would not overburden public circulation or the neighborhood's on-street parking resources.

2. **Visual Resources**

Vegetation within this disturbed site consists primarily of common ornamental shrubs (Pyranantha, Myoporum) and trees (Acacia, California Pepper, Eucalyptus), as well as some oak trees. Ground cover consists of non-native grasses (Bromus, Avena) and common weeds (mustard, radish, thistle). The overall project would remove approximately 45 existing trees (mostly Eucalyptus Trees and other non-native trees). The Arborist Report prepared for the project concludes that the project will, ultimately, result in an enhancement of the trees to remain due to proposed tree maintenance, protection and planting. The LCP includes discussion of existing plans and policies that have been adopted for preservation and enhancement of the City's coastal resources and its visual qualities. From a visual standpoint, the proposed project would result in a visual change from the public street and neighboring La Mesa Park with the loss of skyline trees. However, with the incorporation of new trees into the landscape plan for the subdivision, this adverse, but less than significant impact would be further reduced. The arborist's tree protection mitigations have been included in the Planning Commission Conditions of Approval.

D. LOT LINE ADJUSTMENT

The project includes a lot line adjustment in order to create a 1.51-acre parcel (Adjusted Parcel 1 – to be owned by Stevens) and an 8.9-acre parcel (adjusted Parcel 2 – to be owned by the Santa Barbara School District). The resultant lots would conform to applicable zoning regulations for lot size and minimum street frontage requirements as shown in the Project Statistics Table above (Section V), as well as with the General Plan and Local Coastal Plan, as described above (Section VI).

E. DRAINAGE

Storm water runoff is the single largest source of surface water pollution in the City. The City's Storm Water Management Program (SWMP) and the National Pollutant Discharge Elimination System (NPDES) Phase II regulations require that any increase in stormwater runoff be retained on-site and that projects be designed to capture and treat that calculated amount of runoff from the project site for a one-inch storm event over a 24-hour period. The purpose of the City's Storm Water Management Program is to implement and enforce a program comprised of "Best Management Practices" (BMPs) designed to reduce the discharge of pollutants to the "maximum extent practicable" to protect water quality. This goal can be met by preventing and

controlling the impacts of development, which increases storm water runoff volume, velocity, and pollution, using a sensible combination of pollutant source control, site design, and post-construction storm water runoff BMPs.

Adopted City General Plan policies, ordinances, and guidelines support implementation of design criteria to minimize water pollutants. Generally, the direction is to promote low impact designs and passive BMPs that require little maintenance, such as use of vegetated swales for site drainage, use of permeable types of paving, and minimizing hardscape areas. Since all projects are subject to the general policy of no increase or reduction in post-development run-off, if there is a detention requirement, it can be part of a treatment system. This may consist of BMPs such as vegetated swales and detention basins, or filters coupled with detention or infiltration BMPs, where the water is filtered through a manufactured filter before discharge to the vegetated swale or detention basin.

As originally submitted (and as reviewed in the Initial Study), the project proposed to direct the increased runoff resulting from development (0.15 cubic feet per second) to Lot 5, where it would be stored in a 35-foot long three-foot diameter pipe.

Although the drainage design proposed was technically responsive to the City's NPDES requirements, it missed an opportunity to incorporate a more passive, natural design which would be more in line with the City's policies relative to water quality. The Mitigated Negative Declaration prepared for the project recommends that a more natural drainage solution be used, and that each lot handle its own drainage.

The applicant has since revised the project to include a drainage plan that incorporates these recommended mitigation measures related to water quality by installing a detention/treatment device in the new public street to handle a portion of the runoff, and requiring each lot to detain a portion of the runoff. These improvements will not only accommodate the increased run-off from development, but also the runoff from a one-inch storm event. Refer to Exhibit E for the updated Drainage Study.

F. RELATIONSHIP TO SCHOOL PARKING LOT RECONFIGURATION

As discussed briefly in the project description, in order to carry out the proposed land swap and residential subdivision, the Washington School parking lot must be reconfigured. Because the school is located in the Coastal Zone, a Coastal Development Permit (CDP) is required for the reconfigured parking lot. In order to adequately review the subject project and its potential environmental impacts, the parking lot reconfiguration was preliminarily reviewed as part of the subject application. However, because the CDP for the parking lot was not formally included in the subject application, the proposed conditions of approval for the subject project tie it to approval and implementation of the school parking lot CDP. This is necessary because the school parking lot must be relocated onto school property before the Final Map for the subdivision records and lots are sold, to ensure that the school maintains adequate parking at all times.

VII. ENVIRONMENTAL REVIEW

Environmental review of the proposed project has been conducted pursuant to the California Environmental Quality Act (CEQA) and related Guidelines. An Initial Study and Mitigated Negative Declaration were prepared to evaluate the project's potential impacts on the physical environment. The analysis identified potentially significant but mitigable environmental effects in the following issue areas: air quality, biological resources, geophysical conditions, noise, transportation/circulation and water environment. Also evaluated in the document as less than significant impacts are visual aesthetics, air quality (long-term), cultural resources, hazards, population and housing, and recreation. The analysis concludes that no significant environmental impacts would result from the project as mitigated.

A Draft Mitigated Negative Declaration (MND) was prepared and released for public review. During the public review period (from September 12, 2008 to October 17, 2008), public comment on the draft MND was taken. Environmental concerns related to land use compatibility, air quality, noise, and traffic/circulation were raised. These issues are outlined in the Staff response to public comments incorporated into the proposed Final Mitigated Negative Declaration (Exhibit D).

The primary concern raised is the potential for future homeowners to impact the operation of the school by complaining about noise generated by the school. The Washington School Foundation and the project applicant have worked collaboratively to draft mitigation measures that would minimize the potential for nuisance complaints to the school. The land use compatibility issue raised is an important policy consideration. However, staff does not believe that it represents a significant impact from an environmental standpoint. Therefore, the mitigation measures designed to address long-term land use compatibility issues have been included as *recommended* mitigation. These recommended mitigation measures are included as proposed conditions of approval for the project. Staff applauds the applicant and Washington School Foundation members for working together to develop design techniques to address this issue, and finds that they provide appropriate ways to address potential adverse land use compatibility issues.

The proposed Final Mitigated Negative Declaration includes required mitigation measures to mitigate potentially significant impacts to a less than significant level, and recommended mitigation measures to further reduce adverse, but less than significant impacts. The analysis concludes that no significant environmental impacts would result from the project as mitigated. Below is a brief summary of the Final Mitigated Negative Declaration evaluation.

A. AESTHETICS

The project site is not located along an existing or proposed scenic highway. Although the site is located across Meigs Road from La Mesa Park, the primary views from the park are directed toward the ocean. Public views to the north and toward the project site are considered somewhat degraded due to the urban setting. Ultimate build-out of the subdivision would include landscaping and architecture that would be consistent with the design guidelines and standards that the Single Family Design Board uses to assure compatibility.

The portion of the site proposed for development (Adjusted Parcel 1) consists of vacant land used for overflow parking, and a mature stand of eucalyptus trees, many of which

are proposed to be removed. The project would result in a visual change from the street and La Mesa Park due to the removal of the trees and eventual construction of five single-family residences. About 30 existing trees, mostly eucalyptus and other non-natives, would be removed for the proposed development. Additionally, approximately 10 trees, mostly eucalyptus and other non-natives, would be removed for the school parking lot reconfiguration. No specimen or skyline trees would be removed. Planting of new trees is recommended to further reduce any adverse visual impact associated with the loss of existing trees.

The Single Family Design Board (SFDB) has reviewed the subdivision plans and has made generally positive aesthetic comments. It is recommended that the subdivision and design of individual homes on the new lots be reviewed by the SFDB to ensure that the recommended design techniques/considerations to address land use compatibility issues (see Noise discussion below) associated with locating residences adjacent to an existing school use are incorporated into the project.

B. AIR QUALITY

This project will not result in long-term air quality impacts. The primary concerns related to air quality impacts are pollutant emissions from vehicle exhaust or other stationary sources, particulates and nuisance dust associated with grading and construction. Long-term emissions are much less than the Santa Barbara County Air Pollution Control District threshold of impact significance for air quality impacts; therefore long term project air quality impacts are less than significant. However, sensitive receptors (children) located on the school site could be affected by fugitive dust and diesel particulate matter (diesel PM) from construction equipment and vehicle exhaust during project site grading (both for the subdivision improvements and reconfiguration of the school parking, and, to a lesser extent, from construction of the individual homes). Impacts associated with nuisance dust and diesel PM are considered potentially significant, mitigable through application of the identified mitigation measures. Also, the Noise section includes restrictions on grading activities such that, in general, they may only take place during the school's summer break.

C. BIOLOGICAL RESOURCES

The project would not result in significant impacts to biological resources and habitat. The proposed subdivision would remove approximately 30 existing trees (mostly eucalyptus trees and other non-native trees). According to the biologist, the removal of the eucalyptus grove would not result in a significant impact because no sensitive, endangered, rare or threatened species are known to use or be established at the subject site. The trees provide potential roosting habitat for raptors (birds of prey). However, their use as a nesting site at this location is extremely limited due to the location and size of the grove. Raptors are protected by laws and regulations administered by the US Department of Fish and Wildlife Service and the Department of Fish and Game. To ensure that any raptors or other migratory birds are not harmed, a mitigation measure has been included that limits construction unless a survey to locate active raptor nests is conducted and either no nests are found or the nesting areas are avoided until fledglings

leave. Mitigation measures have also been included to ensure that existing trees to remain are protected and maintained, and that new trees are planted to replace those trees removed as part of the project. A group of six oaks located near the northern property boundary is proposed to be protected; however, one oak sapling is proposed to be removed. A mitigation measure to replace that oak sapling at a 3:1 ratio has been recommended.

D. CULTURAL RESOURCES

The project site is not located within any of the cultural sensitivity zones, based on the City Master Environmental Assessment (MEA) *Cultural Resources Sensitivity Map*. The project impacts to archaeological resources are less than significant. The site is vacant and no known historic resources or ethnic or religious resources are known to exist on the site. The project would have no impact related to historic, ethnic or religious resources.

E. GEOPHYSICAL CONDITIONS

Project impacts related to ground subsidence and expansive soils would be minimized to less than significant levels by complying with grading and recompaction recommendations included in a soils engineering report prepared for the site.

F. HAZARDS

The project site is not on any lists for known contaminated soils, groundwater, or hazardous materials use; project impact relative to hazardous material exposure is less than significant. The project would be subject to standard conditions to address the possibility of encountering hazardous materials during construction.

G. NOISE

The proposed project is not anticipated to have significant short- or long-term noise impacts. Due to the project location adjacent to a school, noise generated during project grading activities has more potential to result in a short-term impact to sensitive receptors in the area. However, the applicant has incorporated noise attenuation measures into the project to address this issue, and these measures have been included as recommended mitigation measures to ensure that these measures (coordination with Washington School related to school-wide testing, requiring grading to occur during the school's summer break, provision of a noise control plan that would incorporate noise shields and blankets, etc.) are implemented.

The proposed subdivision would be adjacent to an existing school. In order to reduce nuisance noise for the new residents of the subdivision, design techniques have been included as recommended mitigation measures. These mitigation measures would further reduce adverse long-term noise impacts.

H. POPULATION AND HOUSING

The project would not involve substantial employment growth that would increase population and housing demand. Growth-inducing impacts would be less than significant.

I. PUBLIC SERVICES

Public services in the project vicinity are in place. There would be no project impacts related to fire or police protection, schools, roads, or utilities.

J. RECREATION

The project may result in a very small increase in the demand for recreational facilities, but is considered an incremental increase in the number of potential users for existing facilities. There are various recreational facilities in the project area including La Mesa Park, Shoreline Park, and the beach. Project impacts related to recreational demand would be less than significant.

K. TRANSPORTATION/CIRCULATION

The project is expected to generate approximately 4 additional a.m. peak hour trips, 5 p.m. peak hour trips and 50 average daily trips. When these trips are added to the existing street network, they would not result in significant traffic impacts. The Level of Service of the intersections would remain at B operating levels after development of this project; project impacts related to long term project traffic impacts would be less than significant.

Short term construction traffic would not result in a significant impact to the traffic network because of the temporary nature of the trips generated and the size of the project. Standard mitigations include restrictions on the hours permitted for construction trips and approval of routes for construction traffic. Also, during initial construction and until access directly off of Meigs Road can be constructed, trips along Lighthouse Road would be scheduled to avoid peak drop-off and pick-up times at Washington School.

The project applicant submitted a sight visibility analysis to demonstrate that safe access could be provided off of Meigs Road to the project site. To ensure safe access and proper visibility, the project would incorporate the following improvements: re-striping Meigs Road, installation of sidewalk and parkway along the project site, prohibiting parking along Meigs Road for at least 250 feet south of the new public street and 30 feet north of the new public street, and improvements to the crosswalk at Elise Way (including curb extensions into the parking areas on either side of Meigs Road). Also, sight lines shall not be obstructed by street furniture, poles, bus stops or vegetation. With incorporation of these public improvements, project impacts relative to access and circulation would be mitigated to less than significant.

L. WATER ENVIRONMENT

The existing onsite drainage sheet flows southeasterly down the property, down an embankment, over an existing curb and gutter and onto Meigs Road. Drainage on Meigs Road surface flows in existing curb and gutter southeasterly down the street into an existing drop inlet. Drainage from the inlet is conveyed in a 24-inch reinforced concrete pipe and eventually outlets at the beach on the south side of Meigs Road. The subdivision drainage plan would retain its increased stormwater runoff on-site. Therefore, the project would not result in a significant impact related to runoff.

The MND has recommended mitigation measures directing the project to retain water in a more passive/natural way, and for the drainage plan to be revised such that each lot accommodates its own drainage on-site. The applicant has since revised the drainage study and drainage plan to incorporate these mitigation measures (refer to Exhibits B and E).

Proposed grading for the subdivision would consist of 859 cubic yards of cut and fill. Standard erosion and dust control measures have been included in the project conditions to minimize potential short term adverse impacts to water and air quality.

The proposed Final Mitigated Negative Declaration has identified no significant and unavoidable impacts related to the proposed project. Pursuant to CEQA and prior to approving the project, the Planning Commission must consider the Mitigated Negative Declaration. For each mitigation measure adopted as part of a Mitigated Negative Declaration, the decision makers are required to make the mitigation measure a condition of project approval, and adopt a program for monitoring and reporting on the mitigation measures to ensure their compliance during project implementation [PRC Sec.21081.6]. The mitigation measures described in the proposed Final Mitigated Negative Declaration have been incorporated into the recommended conditions of approval for this project. In addition, a mitigation monitoring and reporting program (MMRP) is included in the project's Final Mitigated Negative Declaration.

VIII. RECOMMENDATIONS TO COUNCIL

Staff recommends that the Planning Commission make the following recommendations to the City Council for the following reasons:

A. GENERAL PLAN AND LOCAL COASTAL PLAN AMENDMENTS

Change the land use designation of the area identified as Adjusted Parcel 1 from Major Public and Institutional to Residential - 5 units per acre. This residential designation recognizes the fact that the property is in private ownership, and both the City of Santa Barbara and the Santa Barbara School District have declined to purchase the subject property for either school or park purposes. Designation of the property as Residential, 5 units per acre would allow for development of housing in an infill location close to services, recreation and transit opportunities. This designation would also be consistent and compatible with adjacent and nearby development and land uses.

B. ZONING MAP AMENDMENT

Change the zoning designation for property located at 216 Meigs Road from PR/S-D-3, Park and Recreation Zone/Coastal Overlay Zone to E-3/S-D-3, One Family Residence Zone/Coastal Overlay Zone. This residential zoning designation would be consistent with the proposed General Plan and Local Coastal Plan designation of Residential, 5 units per acre and would be consistent with the Local Coastal Plan text discussion of development in this area of the Mesa Neighborhood. Additionally, the proposed zone would be consistent with surrounding zoning designations and recognizes the fact that the parcel is in private ownership and both the City of Santa Barbara and the Santa Barbara School District have declined to purchase the subject property for either school or park purposes. Zoning the property for residential use would allow for development of housing in an infill location close to services, recreation and transit opportunities. This designation would also be consistent and compatible with adjacent and nearby development, land uses and zoning designations.

IX. FINDINGS

The Planning Commission finds the following:

A. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated December 12, 2008 for the 210 and 216 Meigs Road and 290 Lighthouse Road Project (MST2006-00476), and comments received during the public review process prior to making a recommendation on the project.
2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.
3. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated December 12, 2008, is hereby adopted.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval.
5. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.

6. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
7. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included which requires the applicant to pay the fee within five days of project approval.

B. LOT LINE ADJUSTMENT (SBMC §27.40.040)

The parcels resulting from the lot line adjustment conform to both the existing and proposed General Plan, Local Coastal Plan and zoning and building ordinances, and specifically satisfy all lot area, street frontage and setback requirements as described in Section VI of the staff report.

C. TENTATIVE MAP (SBMC §27.07.100)

With the Rezone and General Plan and Local Coastal Plan Map Amendments, the Tentative Subdivision Map would be consistent with the General Plan, Local Coastal Plan and the Zoning Ordinance of the city of Santa Barbara. The site is physically suitable for the proposed development as it is relatively flat and is located adjacent to existing residential development. As identified in Section V of the staff report, the lot area proposed for subdivision is adequate to create five lots under the proposed E-3/S-D zoning in addition to the requisite public road to access the new lots. The design of the project will not cause substantial environmental damage and associated improvements will not cause serious public health problems (refer to adopted Mitigated Negative Declaration). The project and associated improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed development because there are no such easements affecting the subject parcels.

D. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.060)

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan as amended.

1. The project is consistent with the policies of the California Coastal Act. Refer to Exhibit G for a complete analysis of the project's consistency with Coastal Act policies.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, as outlined in Exhibit H.

3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation. The project will not significantly impact existing recreation opportunities as there are no such activities currently occurring onsite and the project would not result in a negative impact to recreational activities at nearby La Mesa Park, and, due to its location on the northeast side of Meigs Road/Shoreline Drive, the project does not have the potential to affect public access to the coast.

Exhibits:

- A. Conditions of Approval
- B. Project Plans
- C. Applicant's letter, dated February 5, 2009
- D. Final Mitigated Negative Declaration, dated December 12, 2008 (previously distributed and available online at http://www.santabarbaraca.gov/Resident/Environmental_Documents/Meigs_and_Lighthouse_Road/)
- E. Preliminary Drainage Study, prepared by Flowers & Associates, Inc. and dated November 18, 2008
- F. Planning Commission Minutes, March 6, 2008
- G. Coastal Act Consistency Analysis
- H. Local Coastal Plan Consistency Analysis