



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: March 1, 2007
AGENDA DATE: March 8, 2007
PROJECT ADDRESS: 1829 State Street & 11 W. Pedregosa Street (MST2004-00132)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Irma Unzueta, Project Planner

I. PROJECT DESCRIPTION

The subject property is located at the southwest corner of State and Pedregosa Streets and is currently developed with a 1,180 square foot single family dwelling unit, which is proposed to be removed as part of the project. The proposed project involves the development of a three-story mixed use building on two parcels located at 1829 State Street and 11 W. Pedregosa Streets. The project would provide 2,725 (net) square feet of commercial space and six residential condominiums. The commercial space is proposed to be divided into six commercial condominiums, four of which will be located on the ground floor and two on the second floor. All commercial units are proposed to front on State Street or are located at the corner of State and Pedregosa Streets. The six residential condominiums consisting of two two-bedroom units, one three-bedroom unit, and three four-bedroom units are proposed on the second and third floor and range in size from 1,681 to 2,514 net square feet. One residential unit would front on State Street and the remaining five units would either front on Pedregosa or be located within the project's interior. Twenty-three parking spaces are proposed in a ground level garage, including six, two-car garages for the residential units, one guest parking space and 10 parking spaces for the commercial uses. Multiple pedestrian entry points are proposed along State and Pedregosa Streets and vehicular access would be located on Pedregosa Street. The merger of APN 027-031-006 and 027-031-007 is also proposed. (Exhibits B and C)

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Modification to allow less than the required guest parking for the project (SBMC §28.90.100.G.3.d.);
2. Modification for front yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);

3. Modification for interior yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
4. Modification for rear yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
5. Tentative Subdivision Map to create a one-lot subdivision for six commercial and six residential condominium units (SBMC§27.07 and 27.13);
6. Conditional Use Permit to allow a driveway and parking area for non-residential uses in a residential zone (SBMC § 28.94.030.H); and
7. Development Plan Approval allow the construction of 2,725 net square feet of nonresidential development (SBMC §28.87.300).

III. RECOMMENDATION

Upon approval of the requested modifications, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



VICINITY MAP FOR 1829 STATE STREET AND 11 W. PEDREGOSA STREET

APPLICATION DEEMED COMPLETE: February 1, 2007
DATE ACTION REQUIRED PER MAP ACT: March 24, 2007

IV. SITE INFORMATION AND PROJECT STATISTICS

B. SITE INFORMATION

Applicant: Tom Ochsner	Property Owner: Hawkes Family Trust
Parcel Number: 027-031-006, 027-031-007	Lot Area: 18,548 sq. ft.
General Plan: General Commerce and Offices	Zoning: C-2/R-4
Existing Use: Vacant	Topography: 3%
Adjacent Land Uses: North - Commercial South - Commercial/Residential East - Residential/Parking Lot West - Commercial	

C. PROJECT STATISTICS

Units	# of Bedrooms	Unit Size (net)	Private Outdoor Living Space
Commercial Unit A	N/A	537 sq. ft.	N/A
Commercial Unit B	N/A	535 sq. ft.	N/A
Commercial Unit C	N/A	332 sq. ft.	N/A
Commercial Unit D	N/A	356 sq. ft.	N/A
Commercial Unit 201	N/A	350 sq. ft.	N/A
Commercial Unit 202	N/A	316 sq. ft.	N/A
Residential Unit 1	2	2,329 sq. ft.	703 sq. ft.
Residential Unit 2	4	2,176 sq. ft.	526 sq. ft.
Residential Unit 3	4	2,514 sq. ft.	499 sq. ft.
Residential Unit 4	3	1,555 sq. ft.	241 sq. ft.
Residential Unit 5	2	1,681 sq. ft.	198 sq. ft.
Residential Unit 6	4	2,110 sq. ft.	132 sq. ft.

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
C-2 Setbacks -Front -Interior -Rear	None	N/A	None

R-4 Setbacks -Front	10' for 1-2 stories 23' for 3 stories	N/A	Front Yard 10' for 1 st & 2nd stories 15' for 3 rd story
-Interior	6' for 1-2 stories 10' for 3 stories		Interior & Rear Yards Varies from 0' – 6'
-Rear	6' for 1st floor 10' for 2+ floors		
Building Height	C-2=4 stories/60' R-4=3 Stories/45'	N/A	3 stories/43' maximum height
Parking	Residential = 12 spaces + 1 guest parking space Commercial = 11 spaces	N/A	Residential=12 spaces Commercial=11 spaces
Lot Area Required for Each Unit (Variable Density)	2 bedrooms=2,320 sq. ft. 3+ bedrooms=2,800 sq. ft.	N/A	(2) 2,320 sq. ft. (4) 2,800 sq. ft. Req'd = 15,840 sq. ft.
10% Open Space	1,855 sq. ft.	N/A	2,623 sq. ft.
Private Outdoor Living Space	72 sq. ft. = 2 bdrms 96 sq. ft. = 3+ bdrms	N/A	Unit 1 = 703 sq. ft. Unit 2 = 526 sq. ft. Unit 3 = 499 sq. ft. Unit 4 = 241 sq. ft. Unit 5 = 198 sq. ft. Unit 6 = 132 sq. ft.
Lot Coverage -Building -Paving/Driveway -Landscaping	N/A N/A N/A	1,454 sq. ft. 7.84% Developed with single story dwelling unit, the majority of property vacant	13,449 72.52% 2,935 15.82% 2,164 11.66%

The proposed project would meet the requirements of the C-2/R-4 Zones, with the exception of structural encroachments within the R-4 front yard setback on Pedregosa Street, as well as the interior and rear yard setbacks within the R-4 portion of the project site. The requested modifications are discussed in Section VI below.

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed by the Historic Landmarks Commission (HLC) on four separate occasions (meeting minutes are attached as Exhibit D). The project initially proposed eight residential units and approximately 2,849 square feet of retail and 1,772 square feet of office space. On May 11, 2005, the HLC expressed some concern regarding the size, bulk and scale of the project, and directed the applicant to increase the landscaping by reducing the hardscape.

The Commission also stated that the interior yard setback to the adjacent residential unit on Pedregosa should be respected.

On June 22, 2005, the project returned to the HLC with a revised proposal containing seven residential units, 2,849 square feet of retail space and 1,272 square feet of office space. The HLC recommended that the applicant consult with the Planning Commission regarding the mix of commercial and residential units. The HLC also expressed a preference for a scenario where the majority of the parking is not visible from the street. On August 31, 2005, the HLC directed the applicant to continue to reduce the size, bulk and scale. The Commission recommended that the verticality of the elevations on State Street be broken up and that the Pedregosa elevation be more balanced and less symmetrical.

On September 14, 2005, the project received positive comments and was continued indefinitely to the Planning Commission. The HLC felt that the parking had been resolved positively by "hiding it" from public view and that pedestrian access on both State and Pedregosa is well designed. The Commission also found that the interface between the residential and the commercial use of the property is balanced and expressed support for the conceptual landscape plan. Refinement of the corner stairs, the windows at the tower element and second floor was requested.

B. COMPLIANCE WITH THE GENERAL PLAN AND ZONING ORDINANCE

Land Use Element

The project site is located in the Oak Park Neighborhood and has a General Plan designation of General Commerce and Office and is zoned C-2/R-4, Commercial and Hotel/Motel/Multiple Residence. The Oak Park Neighborhood is an area delineated in the City's General Plan by Mission Creek on the west, Sola Street on the east, State Street on the north and Highway 101 on the west. This neighborhood is characterized by both commercial and residential development as well as numerous public and institutional uses. The residential portion of the mixed-use development would be subject to the density requirements of the R-3/R-4 Multiple Family Residential Zones, which allow 12 dwelling units to the acre. However, the General Plan Land Use and Housing Elements recognize that, in zones where variable density standards apply, development may exceed the limit of 12 units per acre without causing an inappropriate increase in the intensity of activities. The proposed project would result in a density of approximately 14 units per acre, which, based on the above discussion, would be consistent with the Land Use and Housing Elements of the General Plan.

Housing Element

Santa Barbara has very little vacant or available land for new residential development. Therefore, City housing policies support build out of infill housing units in the City's urban areas. The City's Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. The project would be consistent with the Housing Element as it will contribute six additional residential units to the City's existing housing stock. The Planning Commission has recently expressed concern about the large size of proposed condominium units. The Commission has established an informal "guideline

limited condominium sizes to 85% of the lot area required under variable density. The mix of units in this project includes two two-bedroom, one three-bedroom and three four-bedroom units. Although one of the two-bedroom units is a little larger than the informal “rule of thumb” established by the Commission, the three-bedroom unit is well under that “rule of thumb” and two of the three four-bedroom units are under the guideline. On average, the six units are about 78% of the lot area required for the units under variable density.

Neighborhood Compatibility

In accordance with Housing Element Policy 3.3, which requires new development to be compatible with the prevailing character of the neighborhood, the proposed building would be compatible in scale, size and design with the surrounding neighborhood. The surrounding neighborhood is comprised of a mix of office, residential and commercial buildings, with a wide range of heights. Along State Street, the uses are a mixture of offices and commercial uses with residential. The proposed three-story building has been broken up to reduce the verticality of the structure on both the State and Pedregosa Street elevations. Multiple entrance points front directly along State and Pedregosa Streets providing additional massing relief at street level.

One of the goals of the Urban Design Guidelines is compatibility of new development with the character of the City, the surrounding neighborhood, and adjacent properties. The HLC considers the Urban Design Guidelines in reviewing development proposals. As discussed above, the HLC is supportive of the site plan, and the size, bulk and scale of the project.

Noise Element

The City’s Noise Element indicates that exterior noise levels up to 60 dBA L_{dn} (average A-weighted sound level over a 24-hour day) are considered “normally acceptable” within residential land uses. These Land Use Compatibility Guidelines identify outdoor noise levels greater than 60 to 75 dBA L_{dn} as “normally unacceptable” for residential land uses. Maximum interior noise levels of 45 dBA L_{dn} are also required. The City’s interpretation of these guidelines is that all outdoor living spaces required by the Zoning Ordinance must be designed to meet 60 dBA L_{dn} or less and that any additional outdoor living spaces not required by the Ordinance should be assessed on a case by case basis, but should not exceed 75 dBA L_{dn} .

Outdoor living spaces for the project would be provided primarily in the form of upper level terraces. Each unit would contain at least one terrace which complies with the City’s private outdoor living space and noise exposure level requirements. The exterior noise levels for the second floor balcony and third floor terrace of Unit 1 were calculated at 69 and 62 dBA L_{dn} . However, because these outdoor living spaces are considered in excess of what is required by the Zoning Ordinance, they could be allowed to exceed the City’s 60 dBA L_{dn} exterior noise level, as long as they do not exceed the “normally unacceptable” noise exposure level of 75 dBA L_{dn} . Based on this, the project could be found consistent with the General Plan Noise Element.

Modifications

Guest Parking Modification: The residential parking requirement for the project is two covered spaces per residential unit and one guest space for every four units. Because the total square footage of the residential area exceeds the square footage of the proposed commercial area, the project does not qualify for the one space per unit provision for mixed-use developments. The commercial requirement for the project is one space per 250 square feet of space. Therefore, the project requires 13 spaces for the six residential units (12 spaces for residents and 1 space for guests) and 11 parking spaces for the proposed 2,725 square feet of commercial use, for a total of 24 spaces. A modification to allow no guest parking for the project is being requested by the Applicant. Staff has reviewed this request and can support it based on the fact that the guest parking space can be shared with the commercial spaces being provided. Shared parking recognizes and factors in the peak parking demands that occur during the day and evening for various land uses.

Front Yard Modification: The front yard setback for three-story structures in the R-4 Zone is 15', unless the total floor area of the third story is one half or less of the total floor area of the first floor, then the setback is 10' for the first and second floors, and the setback for the third floor is based on an equation which generally results in greater than a 15' setback. Because the third floor of the proposed building is less than one-half of the total floor area of the first floor, the front yard setback has been calculated to be 23'. A front yard setback modification is being requested to allow the third story element within the R-4 portion of the project site to encroach approximately 8' into the required 23' setback from Pedregosa Street. Staff can support this modification since the resulting setback would be approximately 15' which provides adequate relief from Pedregosa Street and is consistent or exceeds the setbacks for other structures in the area. In addition, Staff anticipates future amendments to the Zoning Ordinance which would change the required third story setback requirement to 15'. Therefore the 15' setback for the third story element would be consistent with future amendments to the front yard setback requirement of the R-4 zone.

Interior Yard Modification: In the R-4 Zone, the interior yard setback for three-story buildings is 10'. However, if a building is designed so that the total floor area of the third story is one-half or less of the total floor area of the first floor, then the setback is 10' for the third story and 6' for the first and second floors. The interior yard setback modification would allow the ground floor parking garage to encroach approximately three feet into the required six-foot interior yard setback. The adjacent apartment complex which would be directly affected by this structural encroachment is oriented away from the proposed building, with the rear of the apartment building devoted to bathrooms. Staff is supportive of this modification as it is minor in nature, allows the provision of enclosed parking and enhances the usefulness of the project.

Rear Yard Modification: In the R-4 Zone, the rear yard setback for three-story buildings is 10'. However, if a building is designed so that the total floor area of the third story is one-half or less of the total floor area of the first floor, then the setback is 10' for the third story, and 6' for the first and second floors. A rear yard modification is being requested to allow the ground floor parking garage and an electrical buttress to encroach into the required rear yard setback for the first floor. The electrical buttress, which would extend approximately three-feet into the

required six-foot rear yard setback, is mainly for aesthetics. The parking garage would extend to the rear property line. This portion of the garage abuts the parking lot for the adjacent property to the west and therefore would not negatively impact this use. Staff can support this modification because the structural encroachment is not habitable space and is enclosed, therefore not creating privacy issue for either the proposed project or adjoin property.

Measure E

A portion of the project site (11 W. Pedregosa Street) is currently developed with a 1,180 square foot single-family dwelling that will be removed as part of the proposed project. The remainder of the site, which was previously developed with a gas station, is currently vacant. The project proposes to construct approximately 2,725 square feet of commercial space. A demolition credit of 1,564 square feet for the gas station has been allocated to the project. In addition, pursuant to the provisions of SBMC §28.87.300, the project would be allocated a total of 1,000 square feet of Measure E nonresidential square footage from the Minor Addition category for each parcel. Development Plan findings for this square footage are included in Section VII below.

Conditional Use Permit

Pursuant to § 28.94.030.H a Conditional Use Permit (CUP) is required for driveways and parking areas proposed for non-residential uses in residential zones. Because the parking garage driveway entrance would be located on the R-4 portion of the project site and because the commercial parking spaces would be accessed via this driveway, a CUP is required. Staff prefers that the driveway entrance to the parking garage be located on Pedregosa Street in order to reduce conflicts between ingress and egress maneuvers as well as traffic flow on State Street which carries a heavier volume of vehicles than Pedregosa Street. Based on this, Staff can support approval of a CUP for the purposes of allowing the driveway entrance to be on Pedregosa Street, rather than State Street.

C. ENVIRONMENTAL REVIEW

Staff and the Environmental Analyst have determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15303, New Construction of Small Structures.

Noise Analysis

Noise Analysis: The Land Use Compatibility Guidelines of the Noise Element identifies up to 60 dBA L_{dn} as the maximum compatible exterior noise level for residential uses and 45 dBA L_{dn} for interior noise levels. The Noise Study prepared for this project concluded that the exterior noise levels for all the designated required private outdoor living spaces would be within the City's 60 dBA L_{dn} guideline, ranging between 47 and 56 dBA L_{dn} . Additionally, the Promenade area located at the second-level of the development, which would serve as a common open space area for the project, was calculated to have an exterior noise level of 47 to 60 dBA L_{dn} , therefore complying with the City exterior noise exposure level (Exhibit E). Based on this, noise impacts to outdoor living spaces are not expected to occur.

The Noise Study also found that the second floor balcony and third floor terrace for Unit 1 would be exposed to noise levels above the 60 dBA L_{dn} standard; with exterior noise exposure levels of 69 dBA L_{dn} for the second floor balcony and 62 dBA L_{dn} for the third floor terrace. These outdoor areas would be in addition to the required private outdoor living spaces per the zoning ordinance. It should also be noted that the second floor balcony does not meet the square footage requirement of a private outdoor living space as it is only 29 square feet. Although these spaces exceed the 60 dBA L_{dn} standard for exterior noise levels, for CEQA purposes, outdoor areas with noise levels lower than 75 dBA L_{dn} will not be considered a significant noise impact. A condition of approval requiring the installation of mechanical ventilation and/or air conditioning systems as well as sound rated windows for the residential units exceeding the 60 dBA L_{dn} has been included to ensure compliance with the 45 dB L_{dn} interior noise standard.

Hazardous Materials: The project site was previously developed with a gas station, which was removed in 1989. The site has been undergoing soils remediation to clean up petroleum hydrocarbon impacted soils approximately 40 feet below ground surface and more than 20 feet above the recorded water table. In a letter dated July 3, 2006, the County of Santa Barbara Fire Prevention Department (FPD) cleared the site for redevelopment pending additional information (Exhibit F). The letter also confirms that the site does not have to be closed to proceed through the City's development review and approval process. A subsequent letter dated January 8, 2007, from the FPD states that based on supplemental information prepared by Delta, consultant to the Shell Oil Company; several areas of contaminated soils continue to exist on the project site. The FPD has therefore required additional information in order to close the case (Exhibit G).

At a meeting held with the FPD and the applicant on February 27, 2007, it was reaffirmed that the project could proceed through the City's review and approval process and that the mixed use development was acceptable. It was also determined that two options could be pursued in order to close the case. The applicant would be required to file a deed notification (Exhibit H), which notes the existence of contaminated soils on the property or further remediate the soils to acceptable levels. The deed notification is intended to ensure that no health hazard will exist if land use changes occur in the future. Either of these options would result in the issuance of a No Further Action (NFA) letter from the FPD. A condition of approval has been included to require the applicant to submit evidence that the County FPD has issued a NFA letter prior to the issuance of demolition or grading permits.

VII. FINDINGS

The Planning Commission finds the following:

A. GUEST PARKING MODIFICATION (SBMC §28.90.100)

The Planning Commission finds that the requested guest parking modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. Additional parking demand would be met.

B. FRONT YARD SETBACK MODIFICATION (SBMC §28.21.060)

The Planning Commission finds that the requested front yard setback modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. The front yard setback modification would allow the third story element within the R-4 portion of the project site to encroach approximately 8' into the required 23' setback from Pedregosa Street. This modification can be supported since the resulting setback would be approximately 15' and provides adequate relief from Pedregosa Street. Also, this setback is consistent with or exceeds the setbacks for other structures in the surrounding area. Further, future Zoning Ordinance amendments would result in a 15' setback for the third floor element of the proposed building which is consistent with the setback distance being proposed by the project.

C. INTERIOR YARD SETBACK MODIFICATION (SBMC §28.21.060)

The Planning Commission finds that the requested interior yard setback modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. The rear yard modification would allow the parking garage to be constructed three-feet into the required six-foot interior yard setback. This structural encroachment can be supported because the adjacent apartment complex is oriented away from the proposed building, with the rear of the apartment building devoted to bathrooms. In addition this modification is minor in nature, allows the provision of enclosed parking and enhances the usefulness of the project.

D. REAR YARD SETBACK MODIFICATION (SBMC §28.21.060)

The Planning Commission must find that the requested rear yard front yard setback modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. The rear yard modification would allow the ground floor parking garage and an electrical buttress to encroach into the required six-foot setback for the first floor. The rear yard modification can be supported since the electrical buttress, which is closest to the adjacent residential structure to the west and would extend approximately three-feet into the required six-foot rear yard setback is, mainly for aesthetics. The parking garage would extend to the rear property line and abut the parking area for the adjacent property to the west and therefore would not negatively impact this use.

E. THE TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause

substantial environmental damage, and associated improvements will not cause serious public health problems.

F. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.

The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.

2. The proposed development is consistent with the General Plan of the City of Santa Barbara.

The project can be found consistent with policies of the City's General Plan including the Housing Element and Land Use Element. The project will provide infill mixed-use development that is compatible with the surrounding neighborhood.

3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

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

G. FOR THE DEVELOPMENT PLAN (SBMC §28.87.300)

1. The proposed development complies with all provisions of the Zoning Ordinance.

Upon approval of the requested parking and yard modifications, the proposed development complies with all provisions of the Zoning Ordinance, specifically the provisions of the R-4, Multi-Family Residential and C-2, Commercial Zone designations.

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

The project site is located in the Land Use Element's Oak Park Neighborhood and has a General Plan Designation of General Commerce and Office and a Zoning Designation of C-2/R-4, Commercial and Hotel/Motel/Multiple-Family Residential. The Oak Park Neighborhood is characterized as an area containing older homes that are being replaced with apartments. South of Mission Street, the existing mixture of cottages, Victorian homes, and older apartments is being changed by new small-scale apartment developments. It is

recognized that State Street between Mission and Micheltorena Streets is substantially developed in accordance with the General Offices and Hotel designation given by the General Plan. The project is a mixed-use proposal and represents an infill development on the subject site. Parcels immediately adjacent to the site are developed with commercial uses, including offices, retail and mixed-use.

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

The HLC conceptually reviewed the project and found the design and land use to be appropriate. The project is compatible with the surrounding area's aesthetics and character and is consistent with other two and three story commercial and mixed-use buildings in the immediate area.

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

The proposed project would contribute 6 units to the City and South Coast housing stock and thus, would result in a positive impact to the region's housing stock.

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

The proposed project is estimated to demand 1.58 AFY, which would not significantly impact the City's water supply. There is adequate water to meet the needs of the proposed development. The proposed project receives water service from the City of Santa Barbara and is within the anticipated growth rate for the City. Therefore, the City's long-term water supply and existing water treatment and distribution facilities would adequately serve the proposed project.

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

Transportation Staff has reviewed the project and determined that the project would not result in significant project or cumulative impacts to any impacted intersection.

H. CONDITIONAL USE PERMIT (SBMC §28.94)

1. The use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.

The project site will be developed with a mixed-use project that will provide retail and office space to local professionals and businesses. The parking

garage will provide adequate enclosed parking for the residential unit and commercial space and is intended to allow the sharing of the commercial parking spaces with residential guests.

2. The uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

The project site has been vacant for numerous years. The proposed mixed use project is expected to aesthetically enhance the site and be compatible with the surrounding neighborhood.

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

The setback modifications being requested for the project are necessary to secure an appropriate improvement on the lot and are not expected to result in significant detrimental impacts to the surrounding properties. The adjacent properties are currently developed with commercial, mixed use, or residential uses and the proposed project is designed to be compatible with the character of the surrounding area.

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

The project will provide 23 parking spaces on site. Each residential unit will be provided with a two-car garage and commercial space will be provided with eleven parking spaces. The guest parking space required for the project will be shared with the commercial spaces.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area.

The proposed project has been designed to be compatible with the neighborhood in terms of size, bulk and scale and architectural style. The project was reviewed by the HLC, which found the design and land use to be appropriate. The project is compatible with the surrounding area's aesthetics and character and is consistent with other two and three story commercial and mixed-use buildings in the immediate area.

6. The proposal is in compliance with any additional specific requirements for a conditional use permit. The Planning Commission may impose such other conditions and restrictions upon the proposed use consistent with the

Comprehensive General Plan and may require security to assure satisfactory performance of all conditions and restrictions.

The project will comply with the conditions of approval as outlined in Exhibit A.

Exhibits:

- A. Conditions of Approval
- B. Site Plan and Elevations
- C. Applicant's letter, dated February 22, 2007
- D. HLC Minutes, dated May 11, 2005, June 22, 2005, August 31, 2005, September 14, 2005
- E. Noise Study prepared by Dudek, dated February 1, 2007
- F. Santa Barbara County Fire Prevention Division letter, dated July 3, 2006
- G. Santa Barbara County Fire Prevention Division letter, dated January 8, 2007
- H. Sample Soil Contamination Notice

PLANNING COMMISSION CONDITIONS OF APPROVAL

1829 STATE STREET AND 11 W. PEDREGOSA STREET
PARKING MODIFICATION, FRONT YARD MODIFICATION, INTERIOR YARD MODIFICATION, REAR YARD
MODIFICATION, CONDITIONAL USE PERMIT, DEVELOPMENT PLAN AND TENTATIVE SUBDIVISION MAP
MARCH 1, 2007

- I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:
- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property", which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. 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.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the (HLC). The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official, in consultation with the Parks and Recreation Department, Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control devices fail to capture, infiltrate and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.

5. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 8, 2007 is limited to approximately 2,725 net square of commercial building area that can be subdivided into as many as six commercial condominiums and six residential condominiums and the improvements shown on the Tentative Subdivision Map and the Development Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 6. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium parcels.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Unassigned Parking.** All parking spaces other than those designated for residential purposes shall remain unassigned and available to all occupants and visitors to the site.
 - d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - e. **Trash and Recycling.** Adequate space shall be provided and maintained for trash and recycling purposes.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
 7. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
 8. **Street Tree Protection.** The street trees within the City's right-of-way shall be preserved and protected.
- B. **Design Review.** The following is subject to the review and approval of the Historic Landmarks Commission (HLC):

1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with a minimum 24-inch box sized tree of an appropriate species or like species.
 2. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 3. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided to the units at the rear of the property from the sidewalk through the use of a different paving material.
 4. **Existing Tree Preservation.** The existing tree shown on the approved demolition plan to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
 5. **Minimize Visual Effect of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
 6. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
 7. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
- C. Public Works Submittal Prior to Final Map Approval. The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:
1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval by the Public Works Department and/or the Building and Safety Division:
 - a. An easement for all street purposes along State Street in order to establish a minimum of a four-foot wide clearance at the back of corner access ramp to accommodate ADA requirements for the public right-of-way.
 3. **Land Development Agreement.** The Owner shall submit an executed "Land Development Agreement" for Land Development Improvements, prepared by Engineering Division Staff, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement. This agreement shall be recorded concurrently with

the map and Agreement Relating to Subdivision Conditions Imposed on Real Property.

4. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights". Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
5. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project.
6. **Drainage Calculations or Hydrology Report.** The Owner shall submit drainage calculations or a hydrology report 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 as designed by a registered civil engineer.
7. **Drainage and Water Quality.** The first 1" of stormwater runoff shall be retained and treated on-site in accordance with the City's NPDES Storm Water Management Permit. Runoff shall be directed into passive water treatment methods such as a bioswale landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater devices, and project development shall be subject to review and approval by the Building and Safety 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 quality pollutants, or groundwater pollutants would result from the project. The Owners shall maintain the drainage system and storm water pollution control devices in a functioning state.
8. **State Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on State Street. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: *seven-foot (7') sidewalk, four-foot (4') parkway, provide an MTD approved bus stop, supply and install 2 bicycle hitching posts in parkway, curb, gutter, access ramp at corner of State Street and Pedregosa Street, underground service utilities, connection to City water and sewer mains, drainage system including Type B and Alhambra A470 and/or Type B curb drain outlets, supply and install one Type A commercial style standard street light as determined by Public Works, apply slurry seal to centerline of the street along entire property frontage and a minimum of twenty-feet (20') beyond the limits of all trenching, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs, drought-tolerant landscaping in parkway, and provide adequate positive drainage from site.* The C-1 public improvement plans shall be prepared by a registered civil engineer and reviewed by the City Engineer.

9. **Pedregosa Street Improvement Plans.** The Owner shall submit C-1 public improvement plans for construction of improvements along the subject property road frontage on Pedregosa Street. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: *ten-foot (10') sidewalk, with tree wells and tree grates, one new 36" box size street tree as determined by the City Arborist, maximum twenty-foot (20) driveway apron modified to meet Title 24 requirements, curbs, gutters, apply slurry seal to centerline of the street along entire subject property frontage and a minimum of twenty-feet (20') beyond the limits of all trenching, underground service utilities, connection to City water and sewer mains, construct plus/minus (+/-) 45 linear feet of eight-inch (8") PVC sewer main extension, drainage system (curb drain outlets, slot/trench drain, drop inlet), preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs, on-site pollution prevention interceptor device, drought-tolerant parkway landscaping, and provide adequate positive drainage from site.* The C-1 public improvement plans shall be prepared by a registered civil engineer and reviewed by the City Engineer.
 10. **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.
- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
 3. **Storm Drain Operation and Maintenance Plan Required.** The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing filters, etc.) for the operation and use of the storm drain system. The Plan shall be approved by the Creeks Division, Building and Safety Division, and the Public Works Department.
 4. **Trash and Recycling.** Trash and recycling containers shall contain equal volume, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no containers are used for multi-unit residential developments, include an item in the CC&Rs stating that the green waste will be hauled off site

- E. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **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.
 2. **Soil Contamination.** Prior to the issuance of a demolition or grading permit for the proposed project, the applicant shall provide evidence to the City that the Santa Barbara County Fire Prevention Division has issued a No Further Action (NFA) letter for the project site. If required, proposed building plans shall include measures approved by the SBC FPD to reduce potential health risk impacts to occupants of the proposed building to a less than significant level. All approved mitigation measures shall be depicted on proposed building plans prior to the approval of a building permit.
 3. **Soils Report.** Submit to the Building and Safety Division a soils report.
 4. **Final Planning Commission 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.
- F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Historic Landmarks Commission, outlined in Section B above.
 2. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and/or rate of water run-off conditions from the site. The Owner shall install bioswales, catch basins, storm drainage interceptors or clarifiers on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including but not limited to hydro-carbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed interceptors or clarifiers shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition D.3 above, which shall include the regular sweeping and/or vacuuming of parking areas where interceptors and clarifiers are located and a catch basin cleaning program.

3. **Technical Reports.**
 - a. All recommendations of the noise study prepared by Dudek and dated February 1, 2007, shall be incorporated into the construction plans. Mechanical ventilation and/or air condition systems as well as sound rated windows for all residential units exceeding the 60 dBA L_{dn} shall be installed to ensure compliance with the 45 dB L_{dn} interior noise standard.
 - b. All recommendation of the Foundation Exploration Report prepared by Coast Valley Testing, Inc., and dated July 7, 2005, shall be incorporated into the construction plans.
4. **Fire Sprinkler System.** A fire sprinkler system shall be provided.
5. **Fire Alarm System.** A fire alarm system shall be provided pursuant to City requirements.
6. **Bicycle Parking.** Four bicycle parking spaces shall be provided.
7. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
8. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficient for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.
9. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
10. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
11. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
12. **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.

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

1. **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.
2. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
3. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.
5. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day..... January 1st*

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

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

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

6. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
 - b. Storage or staging of construction materials and equipment and parking for construction workers within the public right-of-way is prohibited.
7. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur. 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.
8. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.

9. **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.
10. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
11. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
12. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
13. **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) name, contractor(s) telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
14. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
15. **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.
16. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the

remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

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

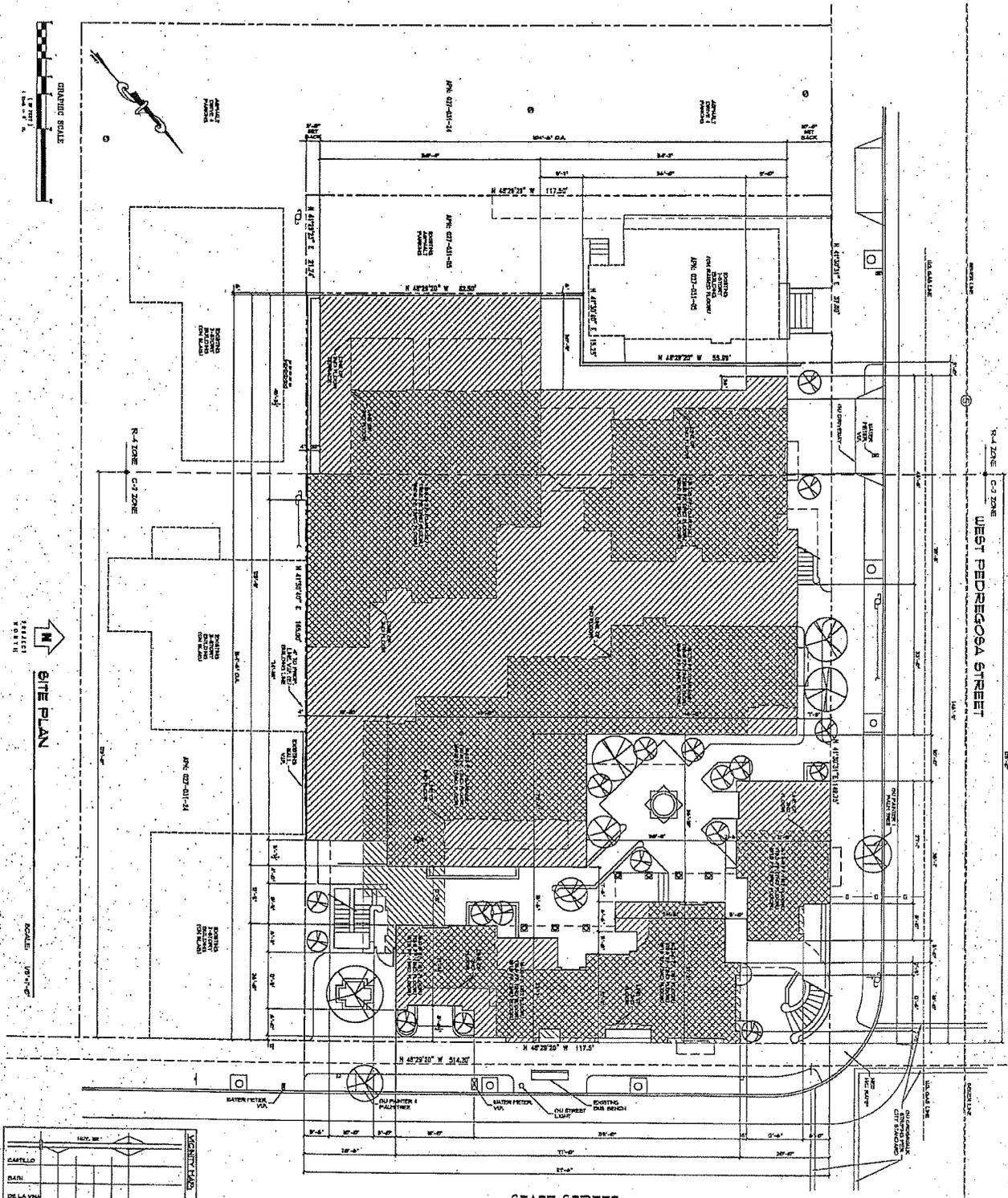
- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) caused by construction subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility undergrounding and installation of street trees.
 3. **Backwater Valve or Backflow Device.** Provide an approved (backwater valve) (backflow device) placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120.
 4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
 5. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Historic Landmarks Commission (HLC).
 6. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street trees have been properly pruned and trimmed.
 7. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
- I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal

and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

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

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



SITE PLAN

SCALE: 1/8" = 1'-0"

NO.	DESCRIPTION	DATE	BY
1	CASTLE		
2	BAIN		
3	DE LA VNA		
4	CHAPALA		
5	STATE ST.		
6	ANACAPA		

TM-2

WEST F

11 WEST F

EXHIBIT B

THOMAS OCHSNER
Architect

DUDEK

621 CHAPALA STREET
SANTA BARBARA, CALIFORNIA 93101
T 805.963.0651 F 805.963.2074

February 27, 2007

City of Santa Barbara Planning Commission
P. O. Box 1990
Santa Barbara, CA 93102-1990

**SUBJECT: Hawkes Mixed Use Project at 1829 State Street & 11 W. Pedregosa
(MST # 2004-00132)**

Members of the Planning Commission:

Thank you for the opportunity to present for the Commission's consideration the Hawkes Mixed Use Project at 1829 State Street & 11 W. Pedregosa Street. Hawkes Family Trust is proposing to redevelop the subject property, which currently consists of a former gas station site and a dilapidated single family residence, into a beautiful mixed use development consisting of six commercial and six residential units. The project's architecture, with its variation of massing and rich Spanish detail, coupled with a lushly landscaped paseo and courtyards, will truly be an architectural gem for the neighborhood; its location within the Downtown and pedestrian-friendly design will allow residents, customers, and passers-by to enjoy the project for years to come. We are excited to be able to present this project to you and look forward to your thoughtful consideration of our request for project approval.

PROJECT SUMMARY

The Hawkes Mixed Use Project consists of a proposed mixed use development on two parcels at 1829 State (APN 027-031-007) and 11 W. Pedregosa Streets (also addressed as 1835 State Street, APN 027-031-006). The subject property sits at the southwest corner of the State Street and Pedregosa. Currently, there is a small single family, one-story residence on a portion of the property (11 W. Pedregosa) that will be removed; the remainder of the site was until several years ago developed with a gas station and now sits vacant. The two parcels will be merged into one parcel, with the proposed mixed-use building subdivided into airspace condominium units.

Briefly, the proposed project consists of six (6) residential condominium units (each provided with a separate two-car garage), four (4) ground-floor commercial units, and two (2) second-floor commercial. Separate from the residential garage parking spaces, the project will provide an additional 11 surface parking spaces to be utilized primarily by the project commercial units during the day, with the use transitioning to more of a residential visitor use on nights and weekends. Total parking spaces provided is 23 spaces.

The discretionary applications requested for the proposed project are:

- **Voluntary Lot Merger:** Approval of a Voluntary Lot Merger of existing APN 027-031-007 and 027-031-006.
- **Tentative Tract Map:** Approval of a Tentative Tract Map for Subdivision of one parcel into Airspace Condominiums for Residential and Commercial Purposes. The Map includes six (6) commercial condominium units and six (6) residential condominium units.
- **Conditional Use Permit:** Approval of a driveway for non-residential uses in a residential zone (SBMC 28.94.030.H).
- **Development Plan:** Approval of a development plan (SBMC 28.87.300) to allow the construction of 2,725 net square feet of non-residential development. The proposal is a mixed-use project with six (6) commercial condominium units and six (6) residential condominium units. The three-story building will be 25,935 net square feet (Net Commercial: 2,725 SF/ Net Residential: 12,938 SF/ Net Garage: 10,272 SF) and will be provided with 23 parking spaces total, twelve of which will be garage spaces for the exclusive use of the residential project component. Prior to construction, an existing home (c. 1923) will be demolished; the City has identified this structure as NOT being historically significant.¹
- **Modification (Parking):** Approval of a Modification of SBMC 28.90.100 to not require one residential guest parking space for the project. The project proposes 23 parking

¹ Source: City of Santa Barbara Website, http://www.secure.ci.santa-barbara.ca.us/tm_bin/tmw_cmd.pl?tmw_cmd=ParcelViewParcel&shl_prc_parcel_no=027-031-006, June 14, 2006.

spaces; twelve of which will be garage spaces for the exclusive use of the residential project component.

• **Modifications (Yard Requirements):**

- Approval of a Modification of SBMC 28.21.060.1 to allow an approximate eight-foot encroachment into the R-4 Front Yard Setback for the Third Floor only, resulting in a 15-foot third-floor setback for Pedregosa Street in the R-4 zone.
- Approval of a Modification of SBMC 28.21.060.3 to allow structural encroachments within the R-4 Rear Yard for one-story parking garage elements.

EXISTING PROPERTY INFORMATION

	1829 State Street	11 W. Pedregosa Street
APN	027-031-007	027-031-006
Land Area	10,313 SF (0.24 acres)	8,236 SF (0.19 acres)
General Plan Designation	General Commerce/ Offices	General Commerce/ Central Business District
Zoning	C-2, Commercial Zone R-4, Multi-Family Residential	C-2, Commercial Zone R-4, Multi-Family Residential

As indicated above, the existing parcels are subject to a split zoning designation; C-2 and R-4. Although these parcels will be combined through a Voluntary Lot Merger as a result of the project approval, the split zoning would remain. From a planning perspective, this is a unique situation and provided the design team some challenges in trying to design a single project that meets the specific requirements of two separate and distinct residential and commercial zones. With respect to this issue, we are very much appreciative of City Staff's comments, critiques and in-depth analysis throughout the permit process which helped instrumentally to elevate the design to the well-honed project that is before you today.

EXPANDED PROJECT DESCRIPTION

The Hawkes Mixed Use Project will consist of a three-story mixed-use building with total of six (6) commercial condominiums (four units on the ground floor and two on the 2nd floor) and six (6) residential condominiums (all located on the second and third floors). All commercial units either front on State Street or are located at the corner of State and Pedregosa. One residential unit will front on State Street; the remainder of the units will either front on Pedregosa and/ or will be located within the project's interior.

The intent of the design of the commercial condominiums is to encourage occupancy with smaller neighborhood-serving retail uses (deli, café, salon, etc.) on the ground floor, with the second floor units intended for use as office space by individual professionals (attorneys, architects, planners, dentists, photographers, etc). The six separate commercial units are sized to encourage owner-occupancy.

The residential condominium units vary in is size and number of bedrooms; there are two (2) two-bedroom units, one (1) three-bedroom unit and three (3) four-bedroom units which range in size from 1,681 square feet (SF) to 2,514 SF.

The project is pedestrian-oriented with multiple entry points fronting directly along State and Pedregosa Streets. The project also includes three ground-floor courtyards, a mini-paseo bisecting the primary commercial and residential components (linking State and Pedregosa Streets), and a private second story open-air promenade providing primary access to five of the six residential units. There are four staircases and two elevators which would be accessible to the public and which would facilitate access to the second floor commercial/ residential entry points. The northeast spiraling stairwell and planter will be completed in the Spanish vernacular and will serve as a project focal point. One elevator will serve all three levels of the State Street frontage building, including both levels of the single residential condominium within that building, while a second elevator will serve the remaining five residential condominiums for the building in the rear, providing access from the parking garage below up to the pedestrian promenade on the second level.

A total of 23 parking spaces will be provided by the project. The project includes six (6) standard 20' by 20' enclosed garages (two parking spaces each) which are intended to satisfy

both the City's storage and parking requirements. One garage unit will be included within the legal description for each residential airspace condominium unit. The remaining eleven (11) unenclosed parking spaces provided for the project are located behind the main commercial area and beneath the five residential condominium units (all with vehicular access off Pedregosa Street); these unenclosed spaces are available to be shared by the commercial users and residential visitors.

The project will be consistent with Santa Barbara's Historic District's requirements, including exterior lighting and landscaping. A preliminary landscape plan has been submitted with our request for approval. No unusual, smoke, odors, or noise will be created as a result of this project.

The duration of construction, including demolition and grading will take approximately 20 months. Demolition and grading will take approximately 4-5 weeks, leaving the balance of the time for the conventional construction process. The partial underground garage, along with the need for shoring will take most of the time. The first level of the garage structure will be constructed of concrete and concrete block; the remaining construction will be of steel frame, light framing, and stud infill.

PROJECT ANALYSIS

Although the City staff have prepared an exhaustive and thorough analysis, please find below a summary of the proposed project's consistency with the R-4/C-2 zoning requirements. Any potential inconsistencies and/or requests for modifications from zoning standards are further explored in the paragraphs beyond.

Zoning Requirements	R-4 Zoning	C-2 Zoning	Proposed Project	Consistent?
Uses Permitted	Multi-family dwellings	Retail Restaurants Offices Multi-family dwellings	Mixed Use Commercial & Residential	YES
Building Height	3 stories 45'	4 stories 60'	Max. three (3) stories & max. height is 43'.	YES

Zoning Requirements	R-4 Zoning	C-2 Zoning	Proposed Project	Consistent?
	Solar Access Ord.	Adjacent to Resdntl: Resdntl Zone Height Max. w/i 30' or ½ height of proposed structure, whichever is less	Approx. 35' height w/i 21.5' of off-site residential Solar Compliance (see Sheet A-6.2)	
Yards				
Front	10' for 1-2 stories 15' for 3 stories (SBMC 28.21.060.1)	None	1-2 story: 10' in R-4 3 story: 15' in R-4 0' in C-2	Front Yard Mod. req'd for R-4 Building Portions
Interior	6' for 1-2 stories 10' for 3 stories (SBMC 28.21.060.2)	Adjacent to Resdntl: 10' or ½ height of building, whichever is greater (SBMC 28.66.060)	N/A	N/A
Rear	6' for 1 st Floor 10' for 2 nd Floor & above (SBMC 28.21.060.3)	None	Garage: 0' to 6' 2 nd Floor: 10'-18' 3 rd Floor: 10'-18'	Rear Yard Mod. req'd for 1st Floor Parking Garage (R-4)
Other		Adjacent to Resdntl: Driveways & parking—5' from resdntl P.L. Area shall be landscaped and 6' fence on P.L. (SBMC 28.66.060)	Driveway in R-4 Zone Commercial Parking: 6'+from R-4 split	YES
Distance Between Buildings	15' for 3 stories	None, except portions used for resdntl: 15' for 3 stories	Single Building	YES

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Hawkes Mixed Use Project

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Zoning Requirements	R-4 Zoning	C-2 Zoning	Proposed Project	Consistent?
Min. Lot Area	14,000 SF	None, except portions used for resdntl: 14,000 SF	18,549 SF	YES
Min. Street Frontage	60'	None, except portions used for resdntl: 60'	Pedregosa: 150' State: 117'	YES
Max. Residential Units (Variable Density)	2 bed: 1 unit/ 2,320 SF lot area 3 bed+: 1 unit/ 2,800 SF lot area	None, except portions used for resdntl: 2 bed: 1 unit/ 2,320 SF lot area 3 bed+: 1 unit/ 2,800 SF lot area	Project: (2) 2 beds, (1) 3 beds, & (3) 4 beds on 18,459 SF lot 2 units x 2,320 lot SF/unit +4 units x 2,800 SF/unit = 15,840 SF req'd Req'd < 18,459 SF proposed lot	YES
Open Space	≥10% of lot area (excluding req'd yards) See Ch. 28.21.080.F	None, except portions used for resdntl: ≥10% of lot area (excluding req'd yards)	10% of lot is 1,846 SF Project provides 2,623 SF (14%) open space. See Sheet A-2.1	YES
Private Outdoor Living Space 2nd-3rd Floor Units	2 bed: 84 SF 3 bed+: 96 SF Min. Dimension: 6'	None, except portions used for resdntl: 2 bed: 84 SF 3 bed+: 96 SF Min. Dimension: 6'	Unit #1 (2 bd): 703 SF Unit #2 (4 bd): 526 SF Unit #3 (4 bd): 499 SF Unit #4 (3 bd): 241 SF Unit #5 (2 bd): 198 SF Unit #6 (4 bd): 132 SF	YES

Zoning Requirements	R-4 Zoning	C-2 Zoning	Proposed Project	Consistent?
Off Street Parking (Ch. 28.90)	No Parking in Front Yard; 5% allowance for parking in interior yards. <u>Residential</u> 2+ beds: 2 spaces/ unit Guest parking: 1 space/ 4 units <u>Office/ Commercial</u> 1 space / 250 SF Bike Parking 1 bike space/ 7 vehicle spaces	No Parking in Front Yard; 5% allowance for parking in interior yards. <u>Residential</u> 2+ beds: 2 spaces/ unit Guest parking: 1 space/ 4 units <u>Office/ Commercial</u> 1 space / 250 SF Bike Parking 1 bike space/ 7 vehicle spaces	TOTAL: 23 spaces <u>Residential</u> 6 resdntl units x 2 spaces/ unit + 6 resdntl units x 1 guest space/ 4 units = 13 spaces <u>Office/ Commercial</u> 2,725 SF x 1 space / 250 SF = 11 spaces req'd 11 spaces provided <u>Bike Parking</u> 23 spaces x 1 bike space/ 7 vehicle spaces = 4 bike spaces req'd 4 spaces provided	Mod. Req'd for not providing one (1) resdntl guest space
Driveway Width	<25 spaces: 10' or greater	<25 spaces: 10' or greater	16'6"	YES

Setbacks/ Yards (Section 28.21.060):

The proposed project would require approval of a Modification of SBMC 28.21.060.1 to allow an eight-foot encroachment into the R-4 Front Yard Setback for the Third Floor only, resulting in a 15-foot third-floor setback for Pedregosa Street. The setbacks for the first and second floors (R-4 portion) would be ten feet from the property line and over twenty-one feet from the street and would be consistent with R-4 zoning requirements.

The project would also require approval of a Modification of SBMC 28.21.060.3 to allow structural encroachments within the six-foot R-4 Rear Yards for one-story parking garage elements.

In support of our request for modifications to required yard setbacks, please consider the following:

- Both the existing and proposed parcels are subject to a split zoning designation of C-2 and R-4. While the C-2 zone requires virtually no front, rear, or interior yard setbacks, the R-4 zone calls for setbacks of 10 feet to 15 feet (typical) for the front yard. Because of a unique provision within the zoning ordinance within the R-4 zone district, if the third floor of a building is half the square footage of the ground floor or less (as is the case with the proposed project), then the ground and second floors can be setback 10 feet from the front property line while the third floor is required to be setback 10 feet plus one-third the building height. In this case, the third floor is required to be setback 23 feet [10 feet + (1/3 x 39 feet)] from the property line in the R-4 zone; the proposed project is setback 15 feet from the property line. We feel this 15-foot third story setback, particularly in light of the building's diversity of massing, provides adequate vertical relief at the pedestrian street level and meshes well with the adjacent C-2 zoned portion of the property. It should be noted that the third-story setbacks on the Pedregosa elevation within the C-2 zoned portion of the property (where no setbacks are required) actually increases to over 18 feet on the opposite side of the building located across the second story open-air promenade. A balance is, therefore, created.
- The current plans have been modified several times in order to better respect the adjacent existing single story structure. The HLC minutes of September 14, 2005, in fact, reflect positive comments from the HLC regarding the project's progress in satisfying this concern.
- Significant efforts have been made to reduce the size, bulk, and scale of the proposed development as well as to limit intrusion of the proposed development into the setbacks. It should especially be noted that within the R-4 zoned portion of the subject property, the single-story garage is only portion of the proposed structure which extends into the rear yard setback; all other floors respect, or exceed the R-4 rear yard setback.
- The garage location at the western property line will create a greater level of privacy for the current single family neighbor to the west; the only encroachment near the house is for an electrical buttress, which is mainly for aesthetics. The building located to the south would not be greatly affected by the garage encroachment as it is oriented away from the subject property, with the primary use of the rear of the building being devoted to bathrooms.

- Finally, it should also be noted that the project would result in a net gain of five (5) additional residential units within the City of Santa Barbara, thus, achieving greater consistency with the City's Housing Element goals while also helping the City to meet the State's Regional Housing Needs Assessment (RHNA) numbers.

Based on the above considerations, we feel that consistent with SBMC 28.92.110, the finding that the requested modification of yard and lot regulations is "consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot" can and should be made.

Parking (Section 28.90.100):

According to City Staff, the project would require approval of a Modification of SBMC 28.90.100 such that we would not be required to provide one guest parking space for the residential portion of the project. The project proposes 23 parking spaces; twelve of which will be garage spaces for the exclusive use of the residential project component. Separate from the residential garage parking spaces, the project will provide an additional 11 surface parking spaces to be utilized primarily by the project commercial units during the day, with the use transitioning to more of a residential visitor use on nights and weekends. Given the parking calculations identified in the table above, there should be a significant comfort level in granting a one-space modification. Consistent with SBMC 28.92.110, we kindly request that the Commission make the finding that the requested modification of parking regulations is "consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot".

Driveway Access (Section 28.94.030.H):

To address the split R-4/ C-2 zoning on-site, we have requested a Conditional Use Permit (consistent with SBMC 28.94.030.H) to allow a driveway for non-residential uses in a residential zone. The driveway would be shared by a small number of residential and commercial site users; we do not believe any significant land use conflicts would arise from this situation. Given the unique zoning situation which exists on the property, we kindly request that the Commission approve this requested Conditional Use Permit.

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On behalf of the Hawkes Family Trust, I would like to thank the Commission for its time and consideration, and respectfully request the Commission's support of the requested approvals for the Santa Hawkes Mixed Use Project at State and Pedregosa. Should you have any questions or concerns regarding this application prior to the hearing date, please do not hesitate to contact me at (805) 963-0651, ext. 3528.

Most sincerely,



Troy A. White, AICP
Senior Environmental Planner

cc: Emmet Hawkes, *Hawkes Family Trust*
Tom Ochsner, *Tom Ochsner-Architect*
Jan Hubbell/ Irma Unzueta, *City of Santa Barbara Planning*

CONCEPT REVIEW - NEW

13. 1829 STATE ST

C-2/R-4 Zone

Assessor's Parcel Number: 027-031-007
Application Number: MST2004-00132
Owner: Emmet Hawkes Family Trust
Applicant: Tom Ochsner

(Proposal for a mixed-use development on two separate parcels (027-031-007 for 1829 State and 027-031-006 for 11 W. Pedregosa Street). The commercial portion of the project would be located on the first and second floors of the three-story building facing State Street consisting of 2,849 square feet of retail space and 1,772 square feet of office space, with two of the residential units on the second and third floors. The remaining residential units would be contained in a three-story building facing Pedregosa Street. The proposed residential unit mix includes three, three-bedroom units, three, two-bedroom units, one, one-bedroom unit, and one studio unit. The project includes 18 parking spaces, eight of which are open spaces to allow for shared use. In addition, an existing single-family residence on the Pedregosa St. parcel is proposed to be demolished. The project requires Planning Commission approval for a Tentative Subdivision Map, modifications for parking and open space, and a Development Plan.)

(COMMENTS ONLY, PROJECT REQUIRES PLANNING COMMISSION APPROVAL FOR A TENTATIVE SUBDIVISION MAP, MODIFICATIONS, AND ENVIRONMENTAL ASSESSMENT.)

CONCEPT REVIEW - CONTINUED11. **1829 STATE ST**

C-2/R-4 Zone

Assessor's Parcel Number: 027-031-007
Application Number: MST2004-00132
Owner: Emmet Hawkes Family Trust
Applicant: Tom Ochsner

(Proposal for a mixed-use development on two separate parcels (027-031-007 for 1829 State and 027-031-006 for 11 W. Pedregosa Street). The commercial portion of the project would be located on the first and second floors of the three-story building facing State Street consisting of 2,849 square feet of retail space and 1,272 square feet of office space, with two of the residential units on the second and third floors. The remaining residential units would be contained in a three-story building facing Pedregosa Street. The proposed residential unit mix includes three, three-bedroom units, three, two-bedroom units, and one, one-bedroom unit. The project includes 17 parking spaces, eight of which are open spaces to allow for shared use. In addition, an existing single-family residence on the Pedregosa St. parcel is proposed to be demolished. The project requires Planning Commission approval for a Tentative Subdivision Map, modifications for parking and open space, and a Development Plan.)

(Second Concept Review.)

(COMMENTS ONLY, PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL FOR A TENTATIVE SUBDIVISION MAP, AND MODIFICATIONS.)

(4:31)

Tom Ochsner, Applicant; and Emmet Hawkes, Owner, present.

Motion: Continued indefinitely to the Planning Commission with the following comments: 1) The Commission encouraged the applicant to consult with the Planning Commission regarding the mix of commercial and residential units. 2) The Commission prefers a solution in which the majority of the parking is not visible from the street. 3) The Commission had various architectural comments but would like to see the planning issues resolved before giving further direction.

Action: Hausz/Pujo, 6/0/1. Suding stepped down.

CONCEPT REVIEW - CONTINUED

6. 1829 STATE ST C-2/R-4 Zone

Assessor's Parcel Number: 027-031-007
Application Number: MST2004-00132
Owner: Emmet Hawkes Family Trust
Applicant: Tom Ochsner
Architect: Tom Ochsner

(Proposal for a mixed-use development on two separate parcels (027-031-007 for 1829 State Street and 027-031-006 for 11 W. Pedregosa Street). The commercial portion of the project would be located on the first and second floors of the three-story building facing State Street consisting of 2,849 square feet of retail space and 1,272 square feet of office space, with two of the residential units on the second and third floors. The remaining residential units would be contained in a three-story building facing Pedregosa Street. The proposed residential unit mix includes three, three-bedroom units, three, two-bedroom units, and one, one-bedroom unit. The project includes 17 parking spaces, eight of which are open spaces to allow for shared use. In addition, an existing single-family residence on the Pedregosa Street parcel is proposed to be demolished. The project requires Planning Commission approval for a Tentative Subdivision Map, modifications for parking and open space, and a Development Plan.)

(Third Concept Review.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL OF A TENTATIVE SUBDIVISION MAP, AND MODIFICATIONS.)

(3:23)

Emmet Hawkes, Owner; and Tom Ochsner, Applicant and Architect, present.

Public comment opened at 3:42 p.m.

Kellem De Forest, resident, asked if the applicant can provide street trees to the corner to add greenery.

Public comment closed at 3:43 p.m.

Motion: Continued two weeks with the following comments: 1) The Commission appreciates the presentation and the direction of the project. 2) Continue to reduce the size, bulk, and scale. 3) Restudy the three foot landscape strip along the southern property line adjacent to the parking garage to provide more landscaping in the street frontage and courtyard interior. 4) Provide a landscape plan. 5) Break up the verticality of the elevations on State Street and the northern side of W. Pedregosa Street to be more organic, balanced, and less symmetrical. 6) Restudy the cornice at the entry tower. Use of a genoise detail is not recommended. 7) The stair design at the corner is moving in the right direction. 8) Provide the other elevations.

Action: Rager/Naylor, 6/0/0.

CONCEPT REVIEW - CONTINUED

9. 1829 STATE ST

C-2/R-4 Zone

Assessor's Parcel Number: 027-031-007
Application Number: MST2004-00132
Owner: Emmet Hawkes Family Trust
Applicant: Tom Ochsner
Architect: Tom Ochsner

(This is a revised project description. Proposal for a mixed-use development on two separate parcels (027-031-007 for 1829 State Street and 027-031-006 for 11 W. Pedregosa Street). The commercial portion of the project would be located on the first and second floors of the three-story building facing State Street consisting of 3,000 square feet of retail space and 1,600 square feet of office space, with one residential unit on the second and third floors. The remaining residential units would be contained in a three-story building facing Pedregosa Street. The proposed residential unit mix includes four, three-bedroom units and three, two-bedroom units. The project includes 21 parking spaces, 14 of which are open spaces to allow for shared use. In addition, an existing single-family residence on the Pedregosa Street parcel is proposed to be demolished. The project requires Planning Commission approval for a Tentative Subdivision Map, modifications for parking and open space, and a Development Plan.)

(Fourth Concept Review.)

(COMMENTS ONLY, PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL FOR A TENTATIVE SUBDIVISION MAP, AND MODIFICATIONS.)

(5:10)

Philip Suding, Landscape Architect; Tom Ochsner, Architect; and Emmet Hawkes, Owner, present.

Straw vote: How many Commissioners can support the State Street chimney with a volute bottom design in some form? 6/0.

Motion: Continued indefinitely to the Planning Commission with the following positive comments: 1) The Commission appreciates the applicant's progress. 2) The parking is resolved in a positive manner in that it is hidden from public view. 3) The Pedestrian access on both State Street and W. Pedregosa Street is well defined and well designed. 4) The interface between the commercial and residential portions of the project is well balanced. 5) The Commission can support the conceptual landscape plan. 6) In general, the project needs more architectural refinement. 7) The corner stair needs to be restudied. The Commission does not support the option of the rail on top of the stair. 8) Restudy the windows at tower element on the State Street elevation. 9) Eliminate the cornice and restudy the window proportions at the second floor.

Action: Hsu/Rager, 6/0/0. Suding stepped down.

DUDEK

621 CHAPALA STREET
SANTA BARBARA, CALIFORNIA 93101
T 805.963.0651 F 805.963.2074

February 1, 2007

5211-01

Mr. Tom Ochsner
c/o On Design Architects
829 De la Vina Street
Santa Barbara, CA 93101

SUBJECT: Mixed Commercial and Residential Project
1829 State Street & 11 West Pedregosa, Santa Barbara
REVISED Environmental Noise Study

Dear Mr. Ochsner:

This revised report contains our assessment of the future traffic-related noise environment at the proposed new commercial and residential condominium structures to be located at 1829 State Street and 11 West Pedregosa Street in the City of Santa Barbara, based upon the Architecture Plans dated November 7, 2006; revisions have been included to respond to the City of Santa Barbara 15 December 2006 DART Letter. The assessment has been conducted in conformance with the City of Santa Barbara's requirement that the Community Noise Equivalent Level (CNEL) not exceed 60 dB within any exterior living spaces of the project which are necessary to meet the minimum space requirements of the Santa Barbara Municipal Code. The report also contains a preliminary analysis of interior noise levels based upon the conceptual building designs, for comparison with the City's 45 dB CNEL residential interior noise criterion.

The project would provide outdoor living space primarily in the form of private upper-level balconies or decks pursuant to City of Santa Barbara Municipal Code Section 28.21.081. The future noise levels from Year 2030 traffic volumes on State Street and Pedregosa Street are calculated to range up to 56 dB CNEL within the project's *required* outdoor living areas for each of the six residential condominium units. These exterior noise levels would be within the acceptable range for new condominium residences, and therefore no mitigation would be required for exterior noise exposure.

Private outdoor living space in excess of the Zoning Ordinance requirement would also be provided in the proposed development; the City of Santa Barbara has determined excess exterior living areas should be evaluated on a case-by-case basis with respect to allowable noise

Environmental Noise Study

1829 State Street, Santa Barbara

exposure, but that noise exposure in exterior areas should not exceed 75 dB CNEL in all cases (Santa Barbara 2006). This evaluation concludes the noise exposure within the proposed, excess, exterior living spaces would be well below the 75 dB CNEL guideline recommendation.

To comply with the City's 45 dB CNEL residential interior noise standard, an interior noise analysis will be required for the dwelling units adjacent to State Street project prior to issuance of building permits. Based on a preliminary review, the dwelling units immediately adjacent to State Street would most likely require sound-rated windows; such windows would also need to be in the closed position in order to achieve compliance with the interior noise standard of 45 dB CNEL. As such, a mechanical ventilation system or air conditioning would be required so that the occupants could keep the windows closed at their discretion.

1.0 BACKGROUND

1.1 Project Setting

The subject property is currently identified as 1829 State Street and 11 West Pedregosa Street. The two project parcels are currently vacant. The proposed development is essentially composed of two separate structures. Fronting State Street, a three-story structure is proposed which would contain retail commercial space on the ground floor, residential space and two separate commercial office spaces on the second floor, and residential space on the third floor. The one residence in this structure has interior living space on the second and third levels of the building, and a roof-top terrace as the primary designated exterior living space. This State Street structure is separated from the second structure by a ground-level courtyard or paseo feature which leads from Pedregosa Street behind the first structure and outlets to State Street just south of the State Street structure.

The second structure of the proposed project is also three stories in height. An at-grade parking garage forms the first level of the structure, above which are two levels of residential space. There would be an exterior promenade running north/south at the second level, separating two parallel wings of residences. Primary exterior living space for the residences in this structure is comprised of terraces at the second level. Terraces for Units 4-6 are at the rear of the structure (facing west), while terraces for Units 2-3 are oriented into the courtyard which separates the two project structures. Units 2-3 also have a proposed roof-top terrace as part of their exterior living area. In general, the State Street structure would provide shielding of the remainder of the property from State Street traffic noise.

Environmental Noise Study **1829 State Street, Santa Barbara**

The project site is located at the southwest corner of the intersection of State Street and Pedregosa Street in Santa Barbara. The regional location and project vicinity are depicted in *Figures 1 and 2*. The site plan and first level floor plan for the proposed project are graphically depicted on *Figure 3*. The proposed floor plans are illustrated on *Figures 4, 5 and 6*.

As part of the application review process by the City of Santa Barbara, an acoustical study is required. The updated analysis is based on the *Site Plan, Floor Plan, and Elevations*, November 7, 2006, by Thomas Ochsner Architecture.

The City of Santa Barbara Zoning Ordinance (Section 28.21.081) stipulates the minimum mandatory outdoor living space to be provided per each residence in a multi-family residential project. The requirement can be met through the provision of a private outdoor space per condominium, or via common outdoor living spaces available for use by the residents. The project will provide primary outdoor living space in the form of upper level terraces (decks). For Unit 1, exterior living space to meet Municipal Code Requirements will be provided on the roof-top; the roof-top deck is accessible from an interior spiral stair case in Unit 1. For Units 2-6, terrace area on the second-level has been provided to meet exterior space requirements of the Municipal Code. Please refer to *Figures 3 - 6* for the location of proposed exterior living areas.

With respect to exterior living space in excess of the Zoning Ordinance Requirement, many of the proposed units would have surplus or excess exterior living space. Unit 1 would include exterior living area in excess of the minimum requirements (a terrace and balcony on level 2 and a terrace on level 3). Unit 2 and Unit 3 would also include excess exterior living space (a balcony facing Pedregosa Street on Level 2).

1.2 City Noise Criteria

The City of Santa Barbara requires that the noise level within required outdoor living spaces for new single family and multiple family residential development not exceed 60 dB CNEL (City of Santa Barbara, 1979). The City of Santa Barbara has indicated exterior living space in excess of the Zoning Ordinance requirements should be evaluated on a case by case basis, with a recommended guideline that these spaces not have noise exposure above 75 dB CNEL (City of Santa Barbara, 2006). Last, interior noise levels are not to exceed 45 dB CNEL (City of Santa Barbara, 1979). All sound levels discussed in this report are A-weighted. The acoustical terminology used in this report is defined in *Attachment 1*.

Environmental Noise Study

1829 State Street, Santa Barbara

2.0 EXISTING CONDITIONS

The project site is exposed primarily to traffic noise from State Street with traffic noise from Pedregosa Street a secondary contributor to the noise environment at the site.

Pedregosa Street carries a current volume of approximately 1,600 average daily trips (ADT), according to the City Transportation Division (Sissler 2006); State Street carries a current volume of approximately 15,900 ADT (Sissler 2006).

Ambient Noise Monitoring

Noise measurements were conducted adjacent to Pedregosa Street in the immediate vicinity of the subject property and adjacent to State Street along the subject property boundary, to determine the existing noise level resulting from traffic on Pedregosa Street and State Street at the project site. The measurements were made using a calibrated Larson-Davis Laboratories Model 820 (S.N. 1534) integrating sound level meter equipped with a Type 2551 1/2-inch pre-polarized condenser microphone with pre-amplifier. When equipped with this microphone, the sound level meter meets the current American National Standards Institute standard for a Type 1 precision sound level meter. The sound level meter was positioned at a height of approximately five feet above the ground. *Table 1* shows the measured noise levels and concurrent traffic volumes on the two roadway facilities.

Table 1
Measured Average Sound Level

Site	Description	Date/Time	L_{eq}^1	Cars	MT ²	HT ³
1	Approximately 25 feet to center line of Pedregosa Street	6/20/06 10:40 to 11:10 a.m.	56 dB	58	1	0
2	Approximately 40 feet to center line of State Street	6/20/06 11:15 to 11:35 a.m.	66 dB	321	8	0

- Notes:
- ¹ Equivalent Continuous Sound Level (Time-Average Sound Level)
 - ² Medium Trucks
 - ³ Heavy Trucks

General Notes: Temperature 72 degrees, partly cloudy, 1 mph southwesterly wind.

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5211-01

Environmental Noise Study 1829 State Street, Santa Barbara

The noise measurement locations are depicted as Site 1 and Site 2 on *Figure 7*. Site 1 is approximately 25 feet from the center line of Pedregosa Street. Site 2 is approximately 40 feet from the center line of State Street. The measured average noise level was 56 dB at Site 1; the measured average noise level was 66 dB at Site 2.

Traffic Noise Modeling

The Caltrans' Sound 32 model was calibrated first, before using the model to evaluate existing and future noise levels from traffic. The same traffic volume and vehicle composition ratios counted during the noise measurements were used to calibrate the model and verify the input used in the noise model. The modeled existing traffic speed was 30 mph along Pedregosa Street and 35 mph along State Street.

The modeled L_{eq} for both Site 1 and Site 2 are within one dB of the measured noise levels. This result generally confirms the assumptions used in the noise model.

Based upon information provided by the City traffic engineer (Sissler 2006), a vehicle mix of 2 percent medium trucks and 0.01 percent heavy trucks was employed in the model for evaluation of existing and future anticipated noise levels from the adjacent segment of Pedregosa Street. For State Street, a vehicle mix of 1.5 percent medium trucks and 0.5 percent heavy trucks was employed in the model for evaluation of existing and future anticipated noise levels, in accordance with information provided by the City traffic engineer (Sissler 2006).

The modeled existing noise level is 58 dB CNEL at Site 1. The modeled existing noise level is 68 dB CNEL at Site 2. It should be noted that these noise levels are in terms of the CNEL and not the L_{eq} as shown in Table 1.

3.0 ANALYSIS

State Street is classified as a Major Arterial in the City's General Plan and will be one of the primary noise sources at the project site in the future. In the year 2030, State Street south of Pedregosa Street will carry approximately 18,600 ADT (Sissler 2006). Pedregosa Street is classified as an arterial in the City's General Plan, and will be a secondary noise source at the project site. The year 2030 traffic volume for Pedregosa Street west of State Street is projected to be 1,950 ADT (Sissler 2006).

Environmental Noise Study

1829 State Street, Santa Barbara

Exterior Noise

Based upon the proposed project design, the future exterior noise level from Year 2030 traffic along State Street and Pedregosa Street within the designated exterior living areas of the project residences would be as follows.

Outdoor Space	Modeled Future Sound Level
Unit 1 – Roof-top Deck / Terrace	56 dB CNEL
Unit 2 – Pedregosa Terrace	54 dB CNEL
Unit 2 – Courtyard Terrace	47 dB CNEL
Unit 2 – Roof-top Deck / Terrace	55 dB CNEL
Unit 3 – Terrace	47 dB CNEL
Unit 3 – Roof-top Deck / Terrace	55 dB CNEL
Unit 4 – Terrace	51 dB CNEL
Unit 5 – Terrace	51 dB CNEL
Unit 6 – Terrace	48 dB CNEL
Common Area – Promenade	47 – 60 dB CNEL

The designated outdoor living area for each unit, which would meet the space requirements under the Zoning Ordinance (Section 28.21.081), would have future noise levels ranging up to 56 dB CNEL; future noise levels within these exterior living areas would be within the City's adopted exterior noise criteria of 60 dB CNEL maximum, without the need for any mitigation.

The Promenade area at the second-level within the development would serve as common open space for project residents as well. The calculated future noise levels for different portions of the Promenade range from 47 to 60 dB CNEL from Year 2030 traffic along State Street and Pedregosa Street. Therefore, the common open space within the Promenade area would also meet the City's adopted exterior noise criteria of 60 dB CNEL maximum, without the need for any mitigation.

The proposal does include exterior living space in excess of that required under the Zoning Ordinance. The City has indicated such space is to be evaluated on a cases to case basis with respect to allowable noise exposure, if predicted noise exposure would exceed 60 db CNEL. In

Environmental Noise Study 1829 State Street, Santa Barbara

no case should excess exterior living areas be allowed where noise exposure is predicted to exceed 75 dB CNEL. Table 3 below provides the predicted noise levels within exterior living areas proposed to be provided in excess of the Zoning Ordinance space requirements.

TABLE 3
Calculated Future Sound Levels
Surplus or Excess Exterior Living Spaces

Outdoor Space	Modeled Future Sound Level
Unit 1 – Second Floor Terrace	69 dB CNEL
Unit 1 – Second Floor Balcony, State Street	59 dB CNEL
Unit 1 – Third Floor Terrace	62 dB CNEL
Unit 2 – Second Floor Balcony, Pedregosa	60 dB CNEL
Unit 2 – Third Floor Terrace, Interior	56 dB CNEL
Unit 4 – Second Floor Balcony, Pedregosa	58 dB CNEL

Interior Noise

A detailed interior noise analysis was not conducted at this preliminary project design phase. However, the following conceptual discussion is provided for interior noise concerns.

Standard construction materials and techniques for a multiple family development normally result in a minimum exterior to interior noise attenuation of 15 dB. Therefore, an exterior noise exposure not exceeding 60 dB CNEL would result in interior noise levels of 45 dB CNEL or less.

Exterior noise levels for the State Street façade of the proposed development are expected to range up to approximately 69 dB CNEL. With the windows open or closed, the interior noise level within the residences adjacent to State Street could exceed the City and State's interior residential noise standard of 45 dB CNEL, unless mitigation measures are provided.

Exterior noise levels for the Pedregosa Street façade of the proposed development are expected to range up to approximately 59 dB CNEL. Standard construction materials and techniques should therefore be adequate for future residences fronting Pedregosa Street or within the interior of the project, in order to achieve the City and State's interior residential noise standard of 45 dB CNEL.

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Construction Noise

There are existing residences immediately adjacent to the westerly property boundary of the subject property, as well as generally along the opposite side of Pedregosa Street from the project site. These residences are considered noise-sensitive land uses for the purposes of construction-related noise impact assessment. The City of Santa Barbara does not have an adopted criterion with a specific threshold for construction related noise, but does have a standard limitation for construction project schedules within areas containing residential uses.

Construction would involve several phases including grading, foundation construction and finish construction. The noise levels generated by construction equipment would vary greatly depending upon factors such as the type and specific model of the equipment, the operation being performed and the condition of the equipment. Based on typical construction operations involving scrapers, dozers, water truck, blades and loaders, noise levels in excess of 95 dB (A) measured 50 feet from the noise source could be produced during demolition and grading phases of the project.

Construction noise in a well defined area typically attenuates at approximately six dB per doubling of distance. Therefore, at a distance of 100 feet the maximum noise level would be approximately six dB less (or 89 dB (A)). This assumes a direct line-of-sight from the receiver to the construction area. Intervening buildings would limit the noise level for residential properties not immediately adjacent to the subject property boundary.

When construction equipment is operating, existing residences immediately west and north of the project site could be disturbed by the activities. Because of the relatively short-term to moderate duration of construction activities, the City's existing restrictions on periods when construction can occur, and the common incorporation of routine construction noise controls, potential noise impacts upon adjacent existing residences are considered adverse, but not significant. However, a strict construction schedule which adheres to the City's adopted standard schedule should be enforced for the project development.

Construction activities would also generate short-term traffic as workers, equipment and materials are brought to the site. The daily transportation is expected to cause short-term traffic-related noise increases along the project roadways. However, this traffic would not be a significant percentage of the daily volumes in the area and would not increase the noise levels by more than three dB CNEL. Therefore, the construction-related traffic noise impacts are

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Environmental Noise Study 1829 State Street, Santa Barbara

considered to be less than significant. A mitigation to minimize non-significant construction-related noise is provided in the mitigation discussion.

4.0 MITIGATION

Exterior Noise

The designated primary exterior living area for each unit would be within the City's exterior noise criterion of 60 dB CNEL without any need for mitigation.

Proposed excess or surplus exterior living areas, where provided, would have calculated future noise levels not greater than 69 db CNEL, which would meet the recommended guideline for noise exposure within excess exterior living areas.

In response to the City of Santa Barbara, December 15, 2006, Final DART Comment Letter, 1829 State Street & 11 West Pedregosa Street, this noise report has been supplemented with additional figures that provide greater detail pertaining to the size and type of each of the proposed exterior living areas. Please refer to *Figures 8-10* for color-coded representation of the proposed exterior living areas of the project, broken into "Required" versus "Additional" space, consistent with the discussion in the *Analysis* section.

Interior Noise

To comply with the City's 45 dB CNEL interior noise standard, an interior noise analysis will be required for the residential units fronting State Street, prior to issuance of building permits. Based upon exterior noise levels calculated in this report, the State Street fronting residences would appear to require mechanical ventilation and/or air conditioning systems and sound-rated windows. The interior noise analysis will refine the construction materials and ventilation system requirements for these project residential units.

Construction Noise

To avoid nuisance noise impacts, the following adopted City of Santa Barbara construction schedule limitation shall be incorporated into all construction contracts for the project, and posted at the site:

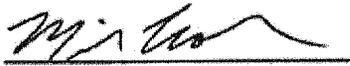
Environmental Noise Study
1829 State Street, Santa Barbara

Future project-related site preparation and construction activities shall be limited to non-holiday weekdays between the hours of 8 AM and 5 PM only. Construction equipment maintenance shall be limited to the same hours. Non-noise-generating construction activities such as interior painting are not subject to these restrictions.

This concludes our noise assessment, if you have any questions please call me.

Very truly yours,

DUDEK & ASSOCIATES, INC.



Mike J. Komula
Acoustician

att.: Figures 1-10

Environmental Noise Study

1829 State Street, Santa Barbara

REFERENCES

California Department of Transportation (Caltrans), June 1983, *User's Instructions for SOUND32 (FHWA/CA-83/06)*.

California Department of Transportation (Caltrans), 1987, *California Vehicle Noise Emission Levels, (FHWA/CA/TL-87/03)*.

City of Santa Barbara, August 1979. *City of Santa Barbara General Plan Noise Element*.

City of Santa Barbara, Transportation Division, Steve Sissler (Traffic Engineer) June 2006, email.

City of Santa Barbara, October 30, 2006, *DART Comment Letter, 1829 State Street & 11 West Pedregosa Street*.

City of Santa Barbara, December 15, 2006, *Final DART Comment Letter, 1829 State Street & 11 West Pedregosa Street*.

Tom Ochsner Architects, November 2006, *Site Plans, Floor Plans, and Elevations for 1829 State Street & 11 West Pedregosa*.

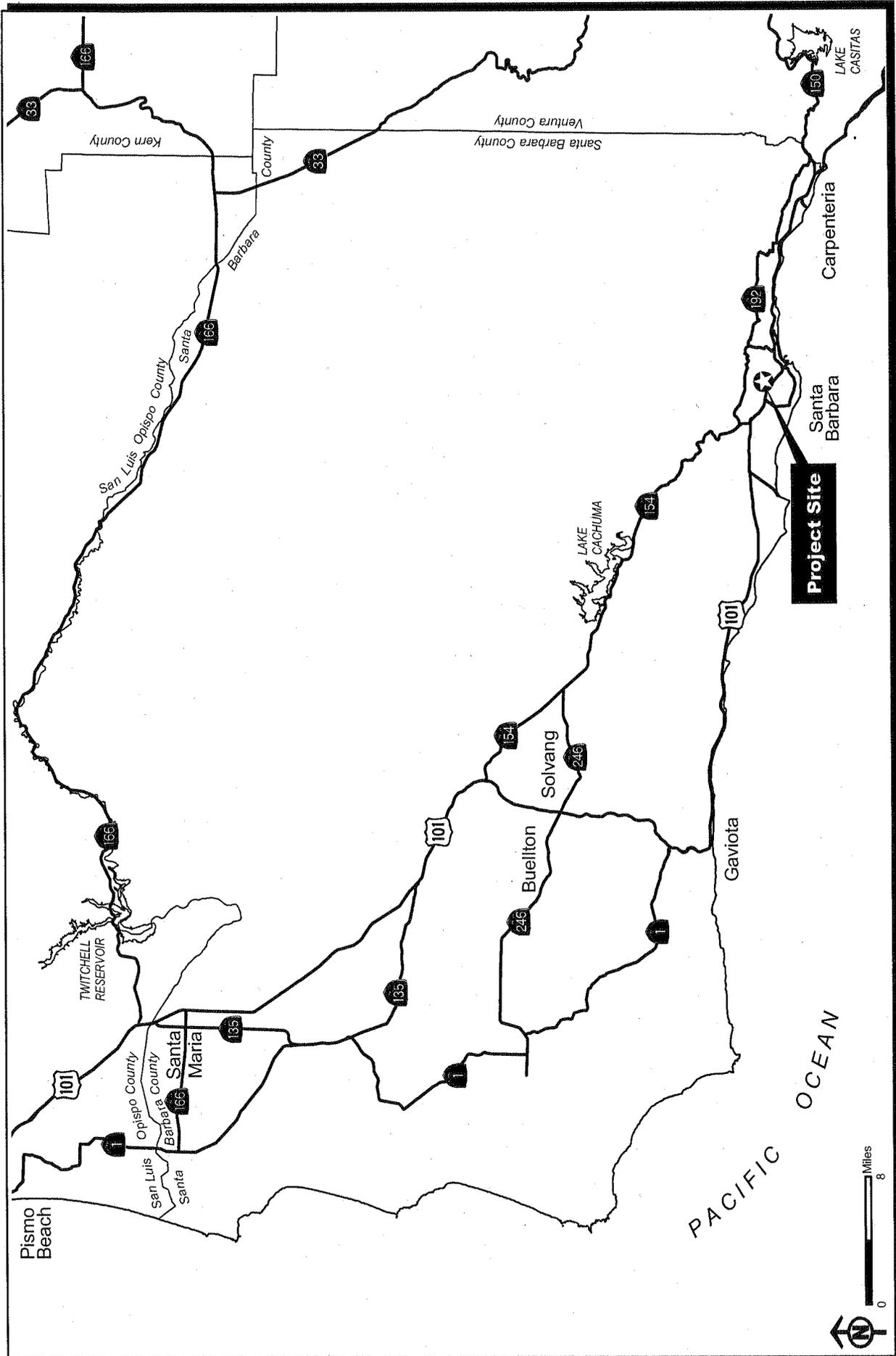
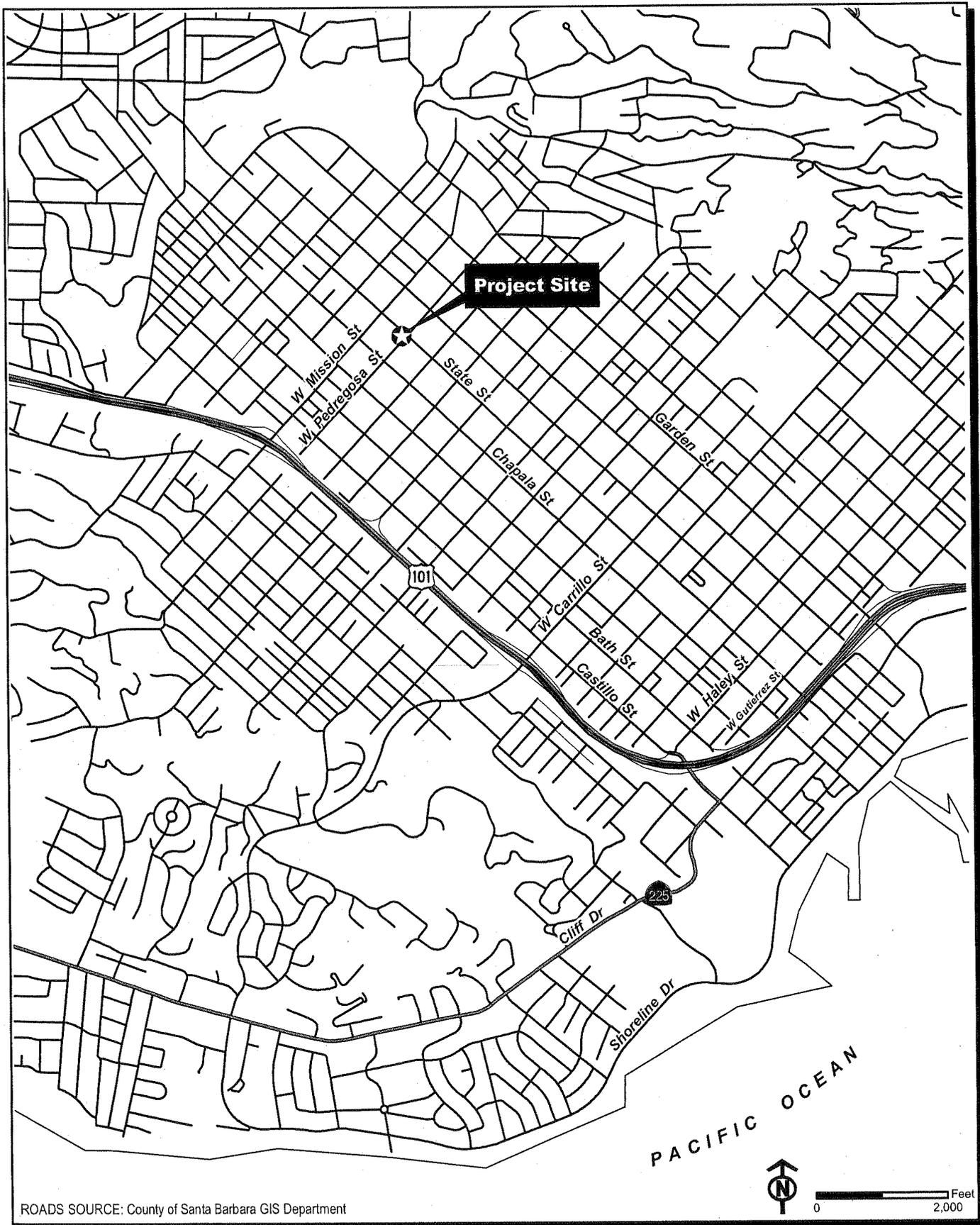


FIGURE 1

1829 State Street Environmental Noise Study
Regional Setting



1829 State Street Environmental Noise Study
Local Setting

FIGURE
2

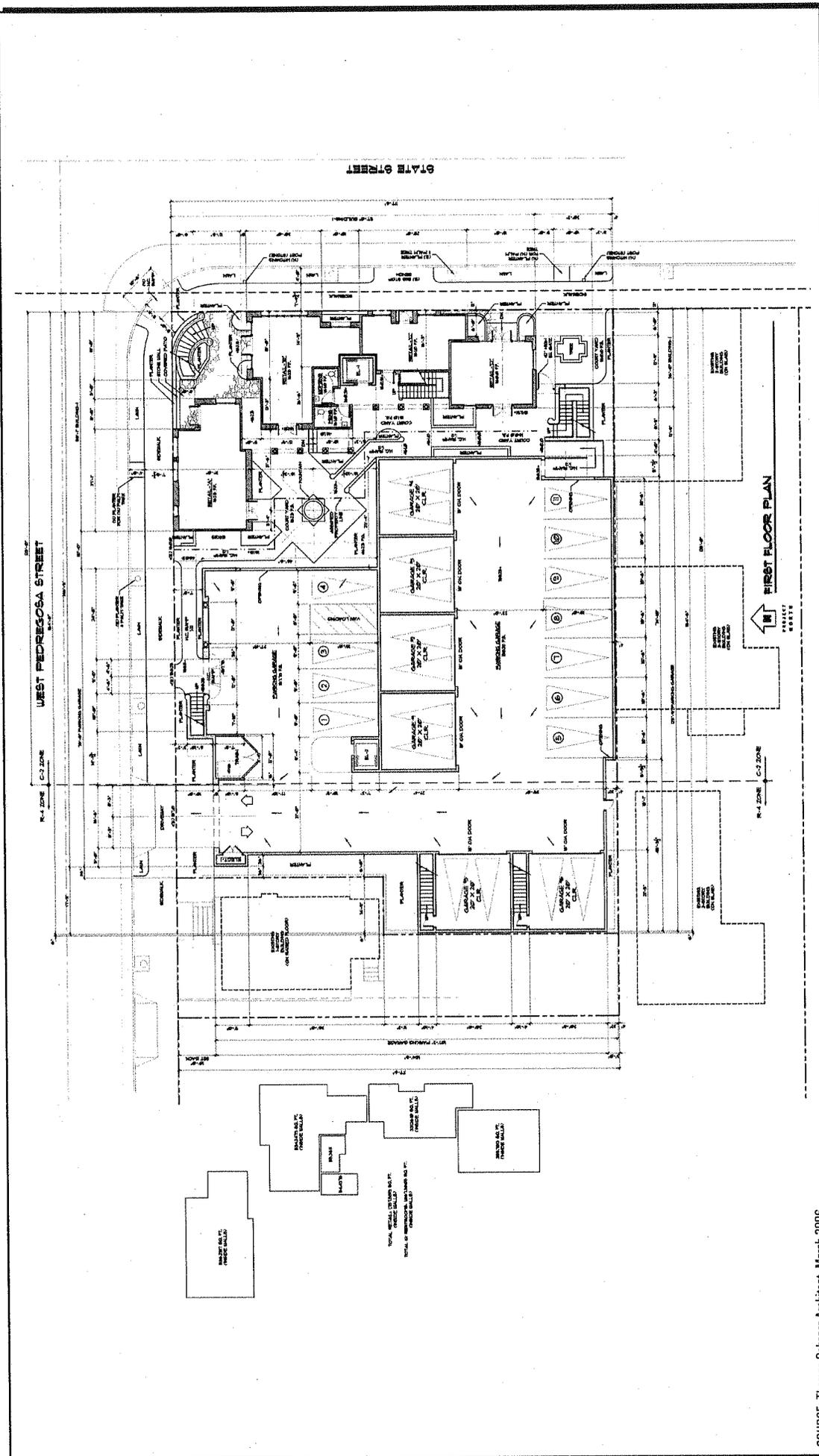
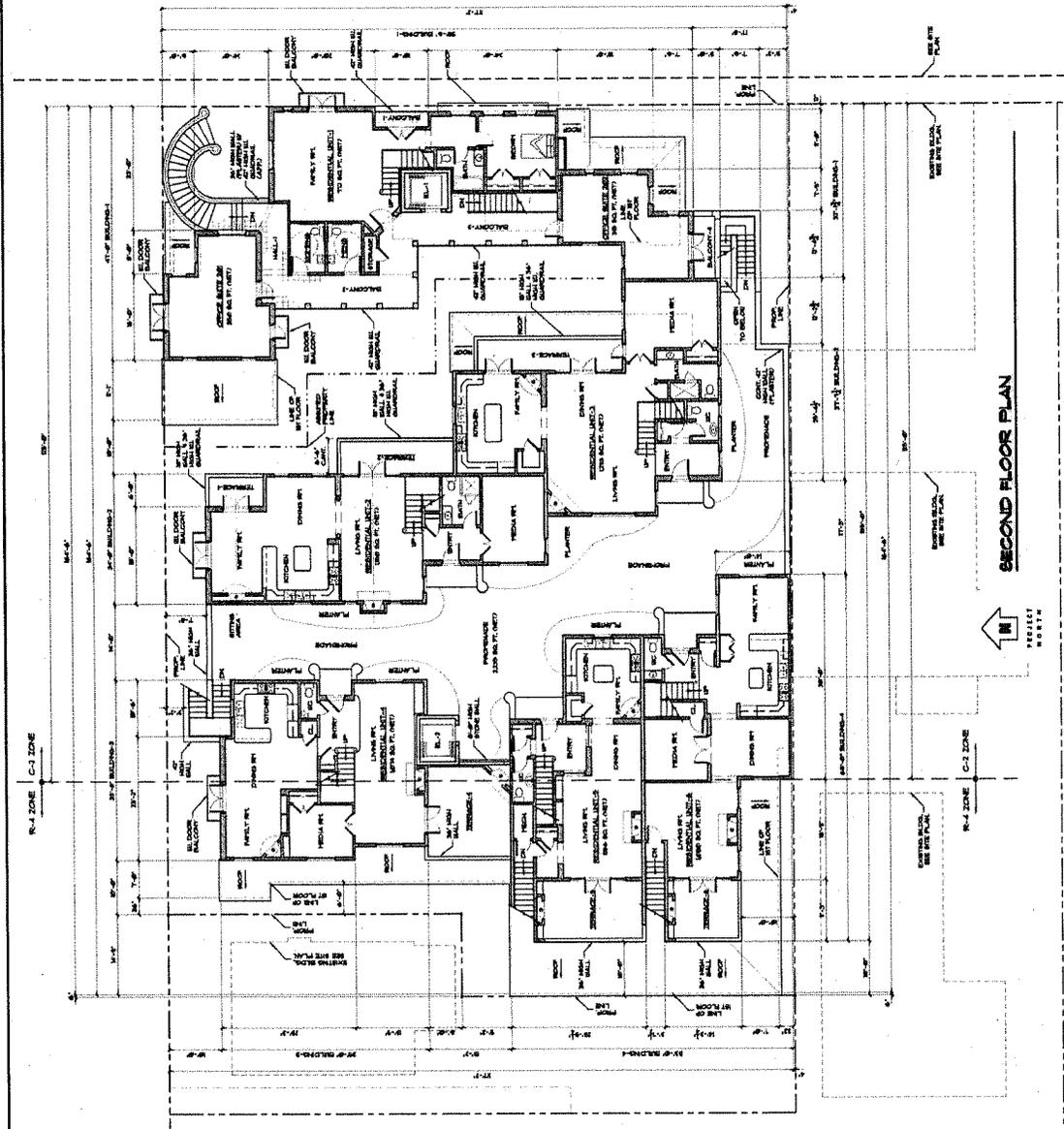


FIGURE 3

1829 State Street Environmental Noise Study
Site Plan / First Floor

SOURCE: Thomas Ochsner Architect, March 2006



SECOND FLOOR PLAN



SOURCE: Thomas Octjans Architect, March 2006

FIGURE
4

1829 State Street Environmental Noise Study
Second Floor Plan

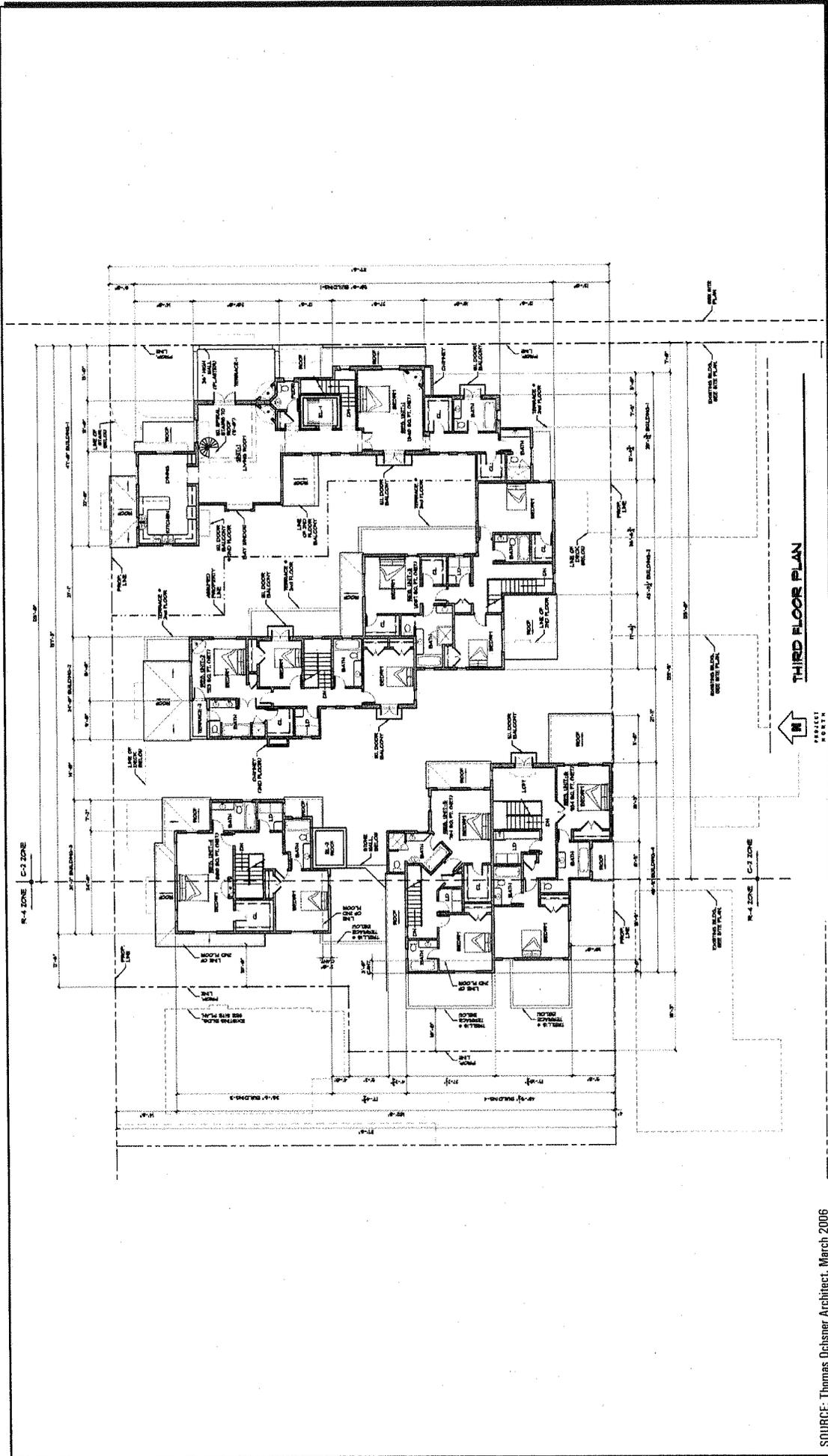


FIGURE 5

1829 State Street Environmental Noise Study
Third Floor Plan

SOURCE: Thomas Ochsmier Architect, March 2006

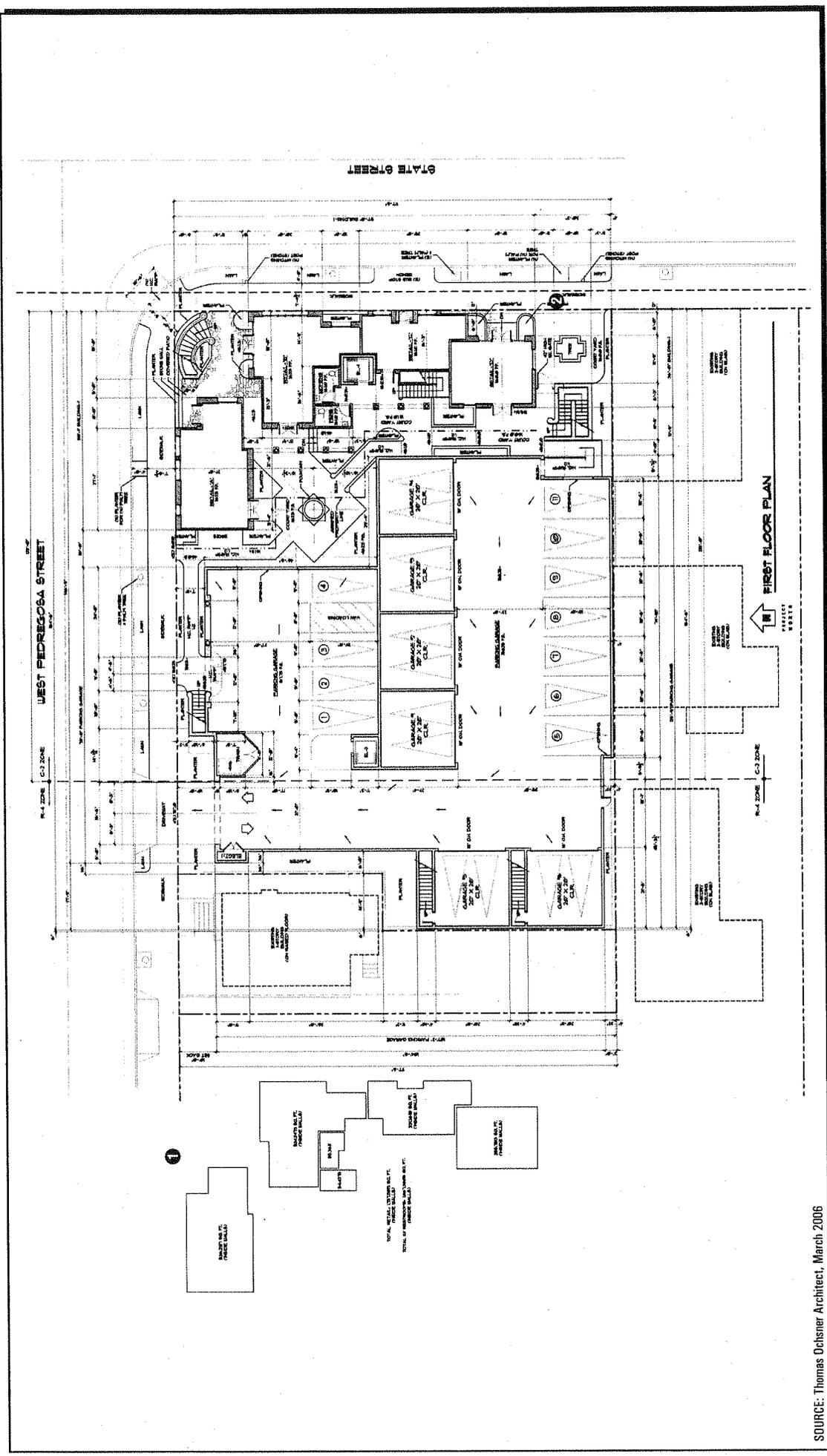


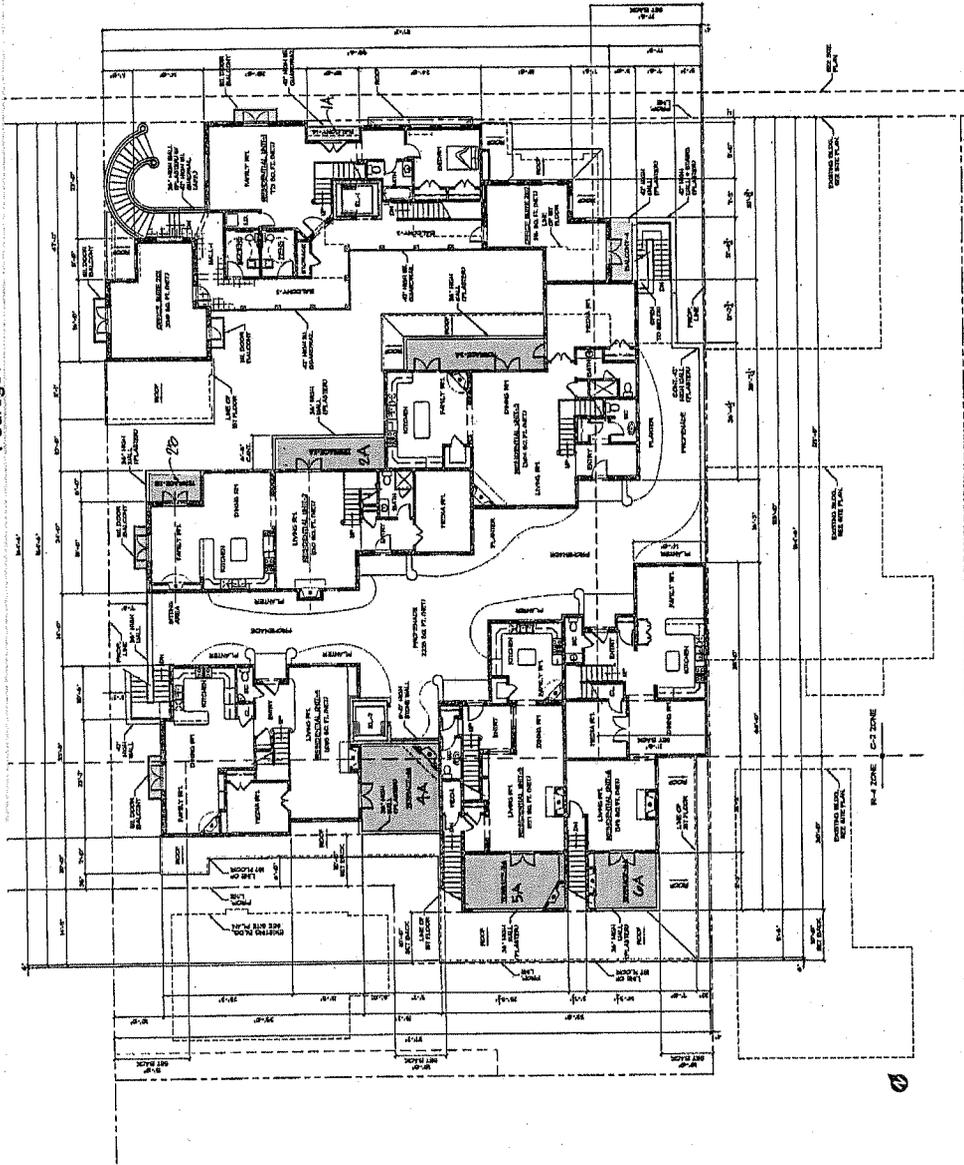
FIGURE 7

1829 State Street Street Environmental Noise Study
Measurement Locations

SOURCE: Thomas Dohsner Architect, March 2006

Pedregosa St

State St

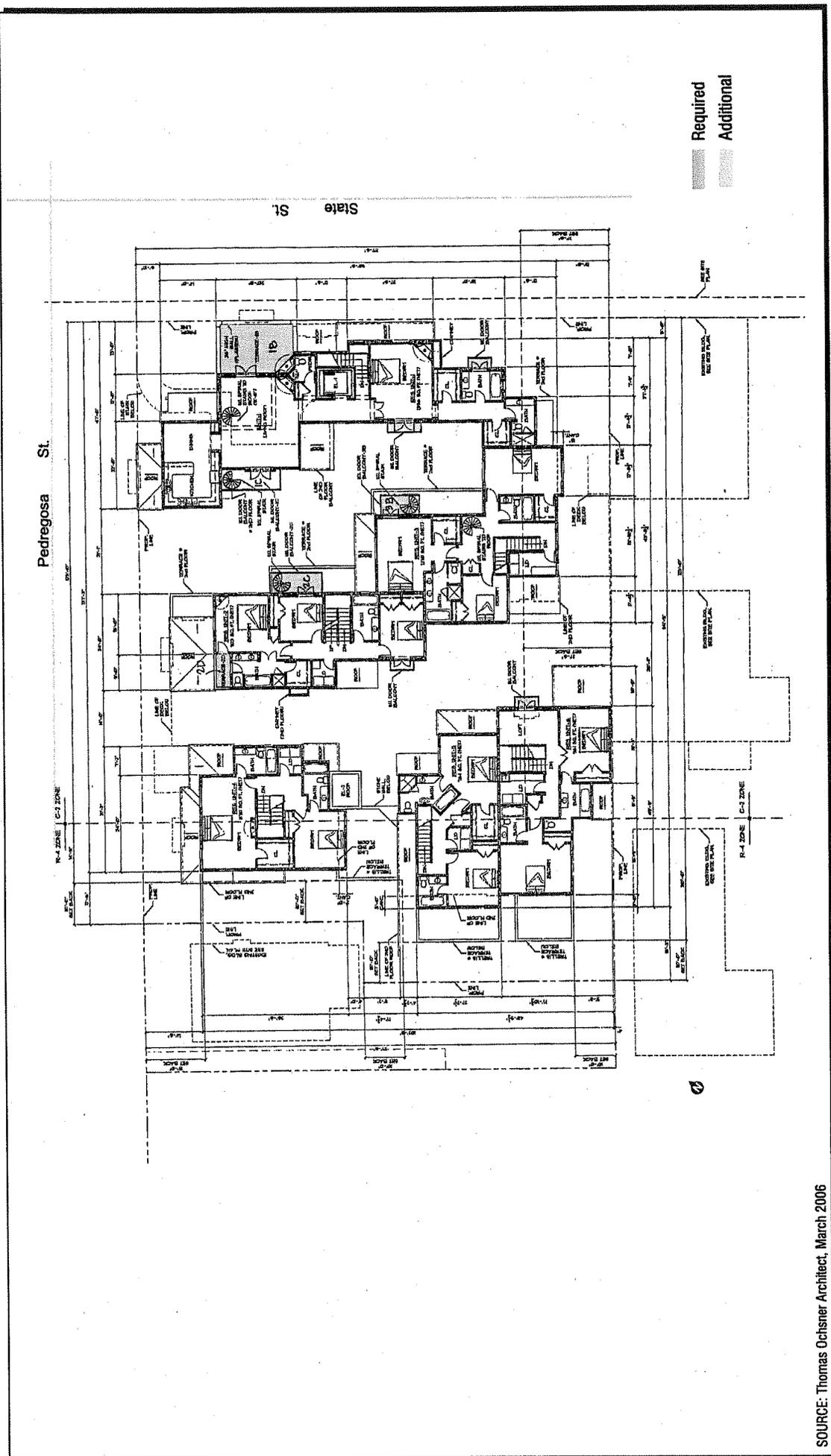


Required
Additional

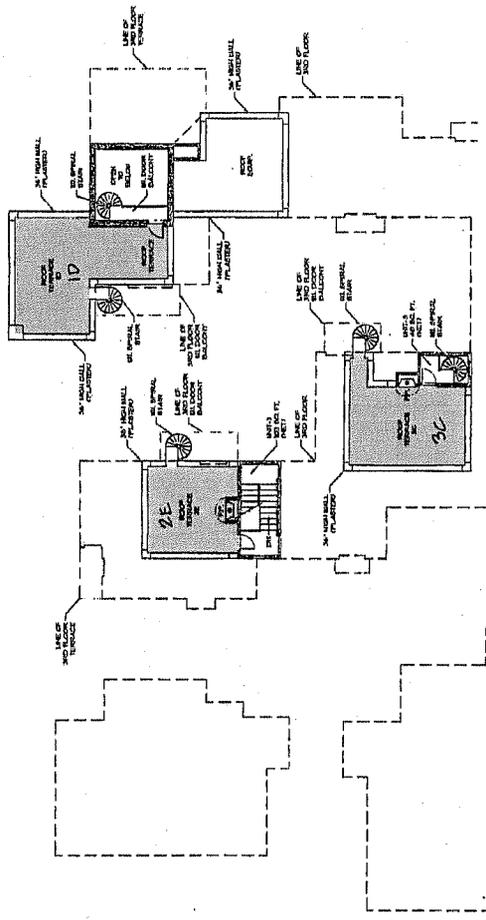
SOURCE: Thomas Octisner Architect, March 2006

FIGURE
8

1829 State Street Street Environmental Noise Study
Exterior Living Area Detail - Second Floor Plan



1829 State Street Street Environmental Noise Study
Exterior Living Area Detail - Third Floor Plan



Required
Additional

NO.	PRIVATE OUTDOOR LIVING SPACE	REQUIRED	ADDITIONAL	NET	GROSS	FUTURE CNEI
1A	UNIT - 1 BALCONY (2nd LEVEL)		X	79 SQ. FT.	29 SQ. FT.	69
1B	UNIT - 1 TERRACE (3rd LEVEL)		X	206 SQ. FT.	245 SQ. FT.	62
1C	UNIT - 1 TERRACE (2nd LEVEL)		X	70 SQ. FT.	70 SQ. FT.	59
1D	UNIT - 1 TERRACE (ROOF)	X		398 SQ. FT.	483 SQ. FT.	56
2A	UNIT - 2 TERRACES (2nd LEVEL)	X		143 SQ. FT.	143 SQ. FT.	47
2B	UNIT - 2 TERRACES (2nd LEVEL)		X	66 SQ. FT.	66 SQ. FT.	60
2C	UNIT - 2 TERRACE (3rd LEVEL)		X	65 SQ. FT.	65 SQ. FT.	47
2D	UNIT - 2 TERRACE (3rd LEVEL)		X	30 SQ. FT.	31 SQ. FT.	56
2E	UNIT - 2 TERRACE (ROOF)	X		272 SQ. FT.	270 SQ. FT.	55
3A	UNIT - 3 TERRACE (2nd LEVEL)	X		156 SQ. FT.	171 SQ. FT.	47
3B	UNIT - 3 TERRACE (3rd LEVEL)		X	50 SQ. FT.	50 SQ. FT.	47
3C	UNIT - 3 TERRACE (ROOF)	X		253 SQ. FT.	251 SQ. FT.	55
4A	UNIT - 4 TERRACE (2nd LEVEL)	X		198 SQ. FT.	220 SQ. FT.	51
5A	UNIT - 5 TERRACE (2nd LEVEL)	X		192 SQ. FT.	160 SQ. FT.	51
6A	UNIT - 6 TERRACE (2nd LEVEL)	X		132 SQ. FT.	160 SQ. FT.	48
TOTAL PRIVATE RESIDENTIAL OUTDOOR LIVING SPACE				2299 SQ. FT.	2642 SQ. FT.	

SOURCE: Thomas Octisner Architect, March 2006

1829 State Street Street Environmental Noise Study
Exterior Living Area Detail - Fourth Floor Plan

ATTACHMENT 1 DEFINITIONS

<u>Term</u>	<u>Definition</u>
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
A-Weighted Sound Level, (dB[A])	The sound pressure level in decibels as measured on a sound level meter using the A-weighted filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Community Noise Equivalent Level, (CNEL)	CNEL is the A-weighted equivalent continuous sound exposure level for a 24-hour period with a ten dB adjustment added to sound levels occurring during nighttime hours (10 pm to 7 am) and a five dB adjustment added to the sound levels occurring during the evening hours (7 pm to 10 pm).
Decibel, (dB)	A unit for measuring sound pressure level, equal to 10 times the logarithm to the base 10 of the ratio of the measured sound pressure squared to a reference pressure, which is 20 micropascals.
Time-Average Sound Level, (TAV)	The sound level corresponding to a steady state sound level and containing the same total energy as a time varying signal over a given sample period. TAV is designed to average all of the loud and quiet sound levels occurring over a specific time period.
Sound Transmission Class, (STC)	A single number rating of the noise reduction of a building element.

ATTACHMENT 2

Noise Calculations

TITLE:
1829 STATE STREET - FUTURE

1

BARRIER DATA

BAR ELE	BARRIER HEIGHTS							BAR ID	LENGTH	TYPE
	0	1	2	3	4	5	6			
1	-	25.*						B1 P1	110.0	
2	-	25.*						B1 P2	80.0	
3	-	25.*						B1 P3	66.0	
4	-	25.*						B1 P4	24.0	
5	-	25.*						B1 P5	44.0	
6	-	25.*						B1 P6	104.0	
7	-	25.*						B2 P1	34.0	
8	-	25.*						B2 P2	46.0	
9	-	25.*						B2 P3	34.0	
10	-	25.*						B2 P4	46.0	
11	-	36.*						B3 P1	34.0	
12	-	36.*						B3 P2	20.0	
13	-	36.*						B3 P3	10.0	
14	-	36.*						B3 P4	16.0	
15	-	36.*						B3 P5	43.0	
16	-	36.*						B3 P6	36.0	
17	-	21.*						B4 P1	21.0	
18	-	21.*						B4 P2	22.0	
19	-	21.*						B4 P3	3.0	
20	-	21.*						B4 P4	13.0	
21	-	21.*						B4 P5	12.0	
22	-	21.*						B4 P6	8.0	
23	-	21.*						B4 P7	6.0	
24	-	21.*						B4 P8	27.0	
25	-	24.*						B5 P1	24.0	
26	-	24.*						B5 P2	5.0	
27	-	24.*						B5 P3	50.0	
28	-	24.*						B5 P4	19.0	
29	-	24.*						B5 P5	18.0	
30	-	24.*						B5 P6	7.0	
31	-	24.*						B5 P7	59.0	
32	-	24.*						B5 P8	18.0	
33	-	24.*						B5 P9	3.0	
34	-	24.*						B5 P10	13.0	
35	-	14.*						B6 P1	126.0	
36	-	14.*						B6 P2	51.0	
37	-	14.*						B6 P3	21.0	
38	-	14.*						B6 P4	56.0	
39	-	14.*						B6 P5	31.0	
40	-	14.*						B6 P6	3.0	
41	-	14.*						B6 P7	45.0	
42	-	14.*						B6 P8	47.0	
43	-	14.*						B6 P9	29.0	
44	-	14.*						B6 P10	63.0	

future_input

**** sound 2000 (Caltrans Version of Stamina2/Optima) ****

INPUT DATA FILE : P:\300.Environmental\Noise Studies\5211 - 1829 State Street\5211_1829State.fut.s32
 DATE : 11/14/2006

1829 STATE STREET - FUTURE

=====

TRAFFIC DATA

LANE NO.	AUTO		MEDIUM TRKS		HEAVY TRKS		DESCRIPTION
	VPH	MPH	VPH	MPH	VPH	MPH	
1	911	35	14	35	5	35	NORTHBOUND LANE
2	96	30	2	30	0	0	WESTBOUND LANE
3	96	30	2	30	0	0	EASTBOUND LANE
4	911	35	14	35	5	35	SOUTHBOUND LANE

=====

LANE DATA

LANE NO.	SEG. NO.	GRADE COR.	X	Y	Z	SEGMENT DESCRIPTION	LANE DESCRIPTION
1	1	N	7.0	200.0	167.0	NORTH END	STATE STREET NB
	2	N	7.0	100.0	165.0		
	3	N	7.0	0.0	163.0		
	4	N	7.0	-50.0	162.0		
	5	N	7.0	-100.0	161.0		
	6	N	7.0	-150.0	160.0		
	7	N	7.0	-250.0	158.0		
2			7.0	-350.0	156.0	SOUTH END	
	1	N	-400.0	-7.0	154.0	EAST END	PEDREGOSA WB
	2	N	-300.0	-7.0	156.0		
	3	N	-200.0	-7.0	158.0		
	4	N	-160.0	-7.0	159.0		
	5	N	-120.0	-7.0	160.0		
	6	N	-80.0	-7.0	161.0		
7	N	-40.0	-7.0	162.0			
3			0.0	-7.0	163.0	WEST END	
	1	N	-400.0	7.0	154.0	EAST END	PEDREGOSA EB
	2	N	-300.0	7.0	156.0		
	3	N	-200.0	7.0	158.0		
	4	N	-160.0	7.0	159.0		
	5	N	-120.0	7.0	160.0		
	6	N	-80.0	7.0	161.0		
7	N	-40.0	7.0	162.0			
4			0.0	7.0	163.0	WEST END	
	1	N	-7.0	200.0	167.0	NORTH END	STATE STREET SB
	2	N	-7.0	100.0	165.0		
	3	N	-7.0	0.0	163.0		
	4	N	-7.0	-50.0	162.0		
	5	N	-7.0	-100.0	161.0		
	6	N	-7.0	-150.0	160.0		
7	N	-7.0	-250.0	158.0			
			-7.0	-350.0	156.0	SOUTH END	

=====

BARRIER DATA

Barrier No. 1 Barrier Description: future_input FUNERAL HOME Type: Wall Barrier
 Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS
1	-40.0	138.0	163.0	188.0	B1 P1 * 25
2	-40.0	28.0	163.0	188.0	B1 P2 * 25
3	-120.0	28.0	163.0	188.0	B1 P3 * 25
4	-120.0	94.0	163.0	188.0	B1 P4 * 25
5	-144.0	94.0	163.0	188.0	B1 P5 * 25
6	-144.0	138.0	163.0	188.0	B1 P6 * 25
	-40.0	138.0	163.0	188.0	B1 P7 * 25

Barrier No. 2 Barrier Description: STATE 1 Type: Wall Barrier
 Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS
1	-40.0	-148.0	160.0	185.0	B2 P1 * 25
2	-40.0	-182.0	160.0	185.0	B2 P2 * 25
3	-86.0	-182.0	160.0	185.0	B2 P3 * 25
4	-86.0	-148.0	160.0	185.0	B2 P4 * 25
	-40.0	-148.0	160.0	185.0	B2 P5 * 25

Barrier No. 3 Barrier Description: STATE 2 Type: Wall Barrier
 Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS
1	-108.0	-148.0	160.0	196.0	B3 P1 * 36
2	-108.0	-182.0	160.0	196.0	B3 P2 * 36
3	-128.0	-182.0	160.0	196.0	B3 P3 * 36
4	-128.0	-192.0	160.0	196.0	B3 P4 * 36
5	-144.0	-191.0	160.0	196.0	B3 P5 * 36
6	-144.0	-148.0	160.0	196.0	B3 P6 * 36
	-108.0	-148.0	160.0	196.0	B3 P7 * 36

Barrier No. 4 Barrier Description: RETAIL 1 (LEVEL 1 & 2) Type: Wall Barrier
 Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS
1	-98.0	-30.0	163.0	184.0	B4 P1 * 21
2	-98.0	-51.0	163.0	184.0	B4 P2 * 21
3	-76.0	-51.0	163.0	184.0	B4 P3 * 21
4	-76.0	-48.0	163.0	184.0	B4 P4 * 21
5	-63.0	-48.0	163.0	184.0	B4 P5 * 21
6	-63.0	-36.0	163.0	184.0	B4 P6 * 21

			future_input					
7	-71.0	-36.0	163.0	184.0	B4	P7	*	21
8	-71.0	-30.0	163.0	184.0	B4	P8	*	21
	-98.0	-30.0	163.0	184.0	B4	P9	*	21

Barrier No. 5 Barrier Description: RETAIL 2 (LEVEL 1 & 2) Type: Wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS			
1	-71.0	-53.0	160.0	184.0	B5	P1	*	24
2	-71.0	-77.0	160.0	184.0	B5	P2	*	24
3	-66.0	-77.0	160.0	184.0	B5	P3	*	24
4	-66.0	-127.0	160.0	184.0	B5	P4	*	24
5	-47.0	-127.0	160.0	184.0	B5	P5	*	24
6	-47.0	-109.0	160.0	184.0	B5	P6	*	24
7	-40.0	-109.0	160.0	184.0	B5	P7	*	24
8	-40.0	-50.0	160.0	184.0	B5	P8	*	24
9	-58.0	-50.0	160.0	184.0	B5	P9	*	24
10	-58.0	-53.0	160.0	184.0	B5	P10	*	24
	-71.0	-53.0	160.0	184.0	B5	P11	*	24

Barrier No. 6 Barrier Description: PARKING Type: Wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS			
1	-79.0	-147.0	158.0	172.0	B6	P1	*	14
2	-205.0	-147.0	158.0	172.0	B6	P2	*	14
3	-205.0	-96.0	158.0	172.0	B6	P3	*	14
4	-184.0	-96.0	158.0	172.0	B6	P4	*	14
5	-184.0	-40.0	158.0	172.0	B6	P5	*	14
6	-153.0	-40.0	158.0	172.0	B6	P6	*	14
7	-153.0	-37.0	158.0	172.0	B6	P7	*	14
8	-108.0	-37.0	158.0	172.0	B6	P8	*	14
9	-108.0	-84.0	158.0	172.0	B6	P9	*	14
10	-79.0	-84.0	158.0	172.0	B6	P10	*	14
	-79.0	-147.0	158.0	172.0	B6	P11	*	14

Barrier No. 7 Barrier Description: PED TERRACE 2 WALLS Type: Wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS			
1	-109.0	-38.0	172.0	175.0	B7	P1	*	3
2	-114.0	-38.0	172.0	175.0	B7	P2	*	3
3	-114.0	-50.0	172.0	175.0	B7	P3	*	3
4	-109.0	-50.0	172.0	175.0	B7	P4	*	3
	-109.0	-38.0	172.0	175.0	B7	P5	*	3

future_input

Barrier No. 8 Barrier Description: COURT TERRACE 2 WALLS
Type: Wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS
1	-101.0	-84.0	158.0	175.0 B8 P1	* 17
2	-101.0	-60.0	158.0	175.0 B8 P2	* 17
	-108.0	-60.0	158.0	175.0 B8 P3	* 17

Barrier No. 9 Barrier Description: FLOOR 3 - NORTH RETAIL
Type: Wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS
1	-87.0	-36.0	184.0	199.0 B9 P1	* 15
2	-65.0	-36.0	184.0	199.0 B9 P2	* 15
3	-65.0	-48.0	184.0	199.0 B9 P3	* 15
4	-87.0	-48.0	184.0	199.0 B9 P4	* 15
	-87.0	-36.0	184.0	199.0 B9 P5	* 15

Barrier No. 10 Barrier Description: RETAIL THIRD FLOOR - SOUTH
Type: Wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS
1	-53.0	-50.0	184.0	199.0 B10 P1	* 15
2	-53.0	-70.0	184.0	199.0 B10 P2	* 15
3	-47.0	-70.0	184.0	199.0 B10 P3	* 15
4	-47.0	-104.0	184.0	199.0 B10 P4	* 15
5	-53.0	-104.0	184.0	199.0 B10 P5	* 15
6	-53.0	-122.0	184.0	199.0 B10 P6	* 15
7	-65.0	-122.0	184.0	199.0 B10 P7	* 15
8	-65.0	-70.0	184.0	199.0 B10 P8	* 15
9	-53.0	-70.0	184.0	199.0 B10 P9	* 15
	-53.0	-50.0	184.0	199.0 B10 P10	* 15

Barrier No. 11 Barrier Description: T1F2
Type: Wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS
1	-53.0	-50.0	184.0	187.0 B11 P1	* 3
2	-40.0	-50.0	184.0	187.0 B11 P2	* 3
3	-40.0	-70.0	184.0	187.0 B11 P3	* 3

future_input

-47.0 -70.0 184.0 187.0 B11 P4 * 3

RECEIVER DATA

REC NO.	X	Y	Z	ID
1	-38.0	-128.0	165.0	M1
2	-280.0	-30.0	162.0	M2
3	-58.0	-80.0	201.0	U1 LR
4	-39.0	-60.0	177.0	U1 L2
5	-45.0	-60.0	189.0	U1 L3
6	-105.0	-72.0	177.0	U2 L2
7	-112.0	-42.0	177.0	U2 L2
8	-85.0	-102.0	177.0	U3 L2
9	-178.0	-86.0	177.0	U4 L2
10	-190.0	-100.0	177.0	U5 L2
11	-190.0	-132.0	177.0	U6 L2
12	-132.0	-114.0	177.0	P1
13	-139.0	-84.0	177.0	P2
14	-139.0	-55.0	177.0	P3
15	-75.0	-140.0	177.0	P4
16	-124.0	-33.0	177.0	U2 F2 PED
17	-43.0	-76.0	177.0	U1 F2 STATE
18	-168.0	-38.0	177.0	U4 F2 PED
19	-130.0	-52.0	189.0	U2 F3 INT
20	-116.0	-66.0	201.0	U2 LR
21	-100.0	-102.0	201.0	U3 LR

DROP-OFF RATES

LANE No.	RECEIVER NO.													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
15	16	17	18	19	20	21								
1	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
2	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
3	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
4	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0



Fire Department

"Serving the community since 1926"

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

John M. Scherrei
Fire Chief

July 3, 2006

Mr. Jeff Whitworth
Shell Oil Products Company
20945 W. Wilmington Ave.
Carson, California 90810

FILE COPY

Dear Mr. Whitworth:

Subject: Results of Soil Vapor Survey and Clearance to Redevelop Site
Former Shell Service Station, 1835 State Street, Santa Barbara
LUFT Site #50070

The Santa Barbara County Fire Department, Fire Prevention Division (FPD), Leaking Underground Fuel Tank (LUFT) unit has reviewed the document titled *Soil Vapor Survey and Vapor Risk Assessment Report (Report)*, received from your consultant, Miller Brooks Environmental, Inc. on April 27, 2006. After a careful review of the *Report*, FPD verbally requested submittal of additional information during a telephone conversation with Mr. Jonathon Swope of Miller Brooks on June 6, 2006 and also directed submittal of an addendum to the *Report* in a letter dated June 15, 2006. The additional information was submitted via e-mail on June 15, 2006. While submittal of a formal written report addendum is still required, FPD's evaluation has been completed. Based on this evaluation and a review of the site file, FPD has cleared the site for redevelopment with the following comments and conditions:

- (1) The soil vapor survey appears to have been conducted according to appropriate methods and procedures.
- (2) The risk estimates were calculated according to standard health risk assessment protocols, using acceptable and appropriate input parameter values.
- (3) Potential cancer risks and hazards were estimated for residential property use. Based on the results of the risk assessment, the *Report* concludes that the estimated health risks are within acceptable limits (per U.S. EPA and Cal-EPA guidelines). FPD concurs with this conclusion. Therefore, based on the data available to FPD as of this date, FPD has no additional conditions regarding the type of development (e.g., commercial, residential, mixed use) or the configuration of the property following development. However, if evidence of soil contamination is encountered during excavation, grading or other site activities, work shall be halted and FPD notified immediately. FPD will then provide oversight for remediation, mitigation and/or proper handling and disposal of any contaminated soil that is encountered.
- (4) The *Report* conclusion also recommends closure of the LUFT site. FPD requests submittal of a closure report (including completed electronic and hard copies of FPD's Case Closure

Summary Form). FPD will complete our review and respond to the request for closure following receipt of the closure report. As part of this review, a determination will be made regarding the need to file a deed notification per FPD policies and procedures. Note that FPD does not require that this site be closed prior to proceeding with the planning process or redevelopment.

Please submit the requested closure report no later than **August 31, 2006**.

The time frame for site closure review is dependent on a number of factors including completeness of submittals, FPD concurrence with the closure request, and the need to record a deed notification. In general, site closure requires approximately 90 days to complete. However, incomplete submittals and other factors beyond FPD's control may extend this time frame.

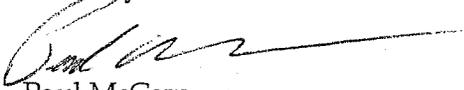
Following FPD concurrence with the closure request and if appropriate and necessary for this site, the following tasks must be completed prior to final closure of the site and may be completed concurrent with the closure review process:

- (1) All existing groundwater monitoring, vapor extraction and other wells associated with the LUFT site shall be properly abandoned under permit with FPD and the City of Santa Barbara.
- (2) If a deed notification is required, a 30-day public notification and comment period shall be completed per CCR Title 23.
- (3) Following completion of the public notification/comment period, the deed notification shall be recorded with the Recorder/ Assessor's Office and proof that the deed notification has been recorded must be submitted to FPD.

Please submit the required materials and all future correspondence regarding this site to my attention at: Santa Barbara County Fire Department, Fire Prevention Division, 195 W. Highway 246, Suite #102, Buellton, CA 93427 or via FAX at (805) 686-8165.

If you have any questions or comments regarding this letter, please feel free to contact me at (805) 686-8165.

Sincerely,


Paul McCaw
Senior Hazardous Materials Specialist

pc: Ms. Kathy Andrews, Miller-Brooks Environmental
Mr. John Mijares, CCRWQCB
Mr. Mark Matranga, SWRCB
Mr. Emmet Hawkes Jr., Esq.
Ms. Irma Unzueta, City of Santa Barbara City Planning Division



Fire Department

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

John M. Scherrei
Fire Chief

January 8, 2007

RECEIVED

JAN 19 2007

**CITY OF SANTA BARBARA
PLANNING DIVISION**

Mr. Jeff Whitworth
Shell Oil Products US
2095 S. Wilmington Avenue
Carson, California 90810

Mr. Emmet J. Hawkes, Esq.
213 W. Figueroa Street
Santa Barbara, CA 93101

Dear Mr. Whitworth and Mr. Hawkes:

Subject: Supplemental Information in Support of Site Closure
Former Shell Service Station
1835 State Street, Santa Barbara, California
LUFT Site #50070

Santa Barbara County Fire Department, Fire Prevention Division (FPD) Leaking Underground Fuel Tank (LUFT) Program has reviewed Delta's letter report entitled *Supplemental Information in Support of Site Closure (Supplemental Information)* dated December 20, 2006. The *Supplemental Information* provides calculations of the volume and mass of remaining petroleum hydrocarbons in soil at the site, plan view and cross sections of estimated contamination left in place and a discussion by a Professional Geologist as to how delineation and plume definition were established. An arbitrary action level of 1,000 milligrams per kilogram (mg/kg) Total Petroleum Hydrocarbons as Gasoline (TPH-G) was used to calculate the mass of remaining petroleum contamination. After careful review of the *Supplemental Information*, FPD has the following comments and requirements prior to issuing site closure:

- FPD has published Investigation Levels (ILs) for gasoline constituents & fuel oxygenates. The IL for TPH-G is 100 mg/kg. The ILs shall be used for calculations of mass estimates. Revise the volume and mass estimates to reflect this change. Please note that the estimates will now be expanded to include the shallow soil contamination identified in CB-4. Furthermore, all remaining contaminants of concern remaining in on-site soils above FPD's ILs shall be included in mass and volume estimates. Therefore, benzene above the IL of 0.1 mg/kg shall also have associated volume and mass estimates.
- Provide GPS coordinates of the locations of the mass of residual soil contamination remaining onsite.

January 8, 2007

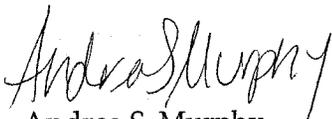
- In order to close this case with contamination in place, FPD requires that a deed notification be recorded. Since the notification must be recorded by the property owner, FPD requires a written statement of the property owners' willingness to accept a deed notification. This statement shall include the property owners' notarized signature.
- The Electronic Reporting Regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, CCR) require electronic submission of any report or data required by a regulatory agency from a cleanup site. All LUFT sites are required to electronically submit the following data to the *GeoTracker* database system:
 - Lab data (EDF): Analytical data for all soil, vapor, and water samples
 - Boring logs and well construction details (GEO_BORE)
 - Depth to water (GEO_WELL)
 - Locational and elevation data (GEO_XY and GEO_Z): Survey data for USTs and all groundwater wells
 - Site map (GEO_MAP): Scaled site maps for all soil and groundwater sampling locations
 - Reports (GEO_REPORT): Starting January 1, 2005, a PDF version of all documents submitted to FPD in paper form shall be submitted electronically.

The pdf versions of the *Supplemental Information*, Site Closure Report dated August 31, 2006 and the Addendum to Soil Vapor Survey and Vapor Risk Assessment Report dated July 13, 2006 have not be submitted to Geotracker as of the date of this letter. Laboratory results from the Soil Vapor Survey have not been submitted in EDF format. Upload all remaining data and reports not previously submitted to the Geotracker database.

- Please complete the above requirements by **February 22, 2007**.

If you have any questions regarding this letter, please contact me at 805-686-8146. Submit all written correspondence to me at the Fire Prevention Division, 195 W Highway 246 Ste. #102, Buellton, California, 93427 or via Fax at 805-686-8183.

Sincerely,



Andrea S. Murphy

Senior Hazardous Materials Specialist

Closure response 1.07

pc: Mr. John Mijares, RWQCB
Mr. Lee Dooley, Delta
Ms. Unzueta, City of Santa Barbara Planning ✓

RECORDED BY:

(Owner)

AND WHEN RECORDED, MAIL TO:

Specialist's Name
Santa Barbara County Fire Department
Fire Prevention Division
Address
City, State and Zip Code

(Recorders Stamp)

SOIL CONTAMINATION NOTICE

LET IT BE KNOWN:

That (Owner's Name) is owner of the real property in the County of Santa Barbara, State of California, described as:

(Legal Description of Property)

This property is known to contain soil contamination in excess of Santa Barbara County clean up levels. The contamination and monitoring program which has occurred is described in Exhibit A and the site plan attached.

Notice of these conditions shall remain with the land until verification of remediation is approved and signed off by Santa Barbara County Fire Department, Fire Prevention Division.

These conditions do not prevent the sale of the property, however, restrictions may be placed on the use of the property and the construction of buildings on the property.

In witness whereof, this notice has been executed by the owner of the property named above or their duly authorized representatives this (Date).

(Owner's Signature)

This notice has been reviewed by the County of Santa Barbara Fire Department, Fire Prevention Division, State of California, this (Date).

(Hazardous Material Specialist's Signature)

State of California)
)
County of Santa Barbara)

On (Date) before me, _____, personally appeared (Owner or Rep.) _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted executed the instrument.

WITNESS my hand and official seal.

Signature Notary Signature

Seal

per Government Code section 17
protection\\luft\forms\Soil Contamina