



City of Santa Barbara
Planning Division

Memorandum

DATE: March 6, 2008

TO: Planning Commission

FROM: Jan M. Hubbell, AICP, Senior Planner
Peter Lawson, Associate Planner *[Signature]*

SUBJECT: Revised Draft Negative Declaration Public Services Section

Attached is the revised Public Services Section of the Negative Declaration, with corrected water and sewer demand calculations for the proposed project. The error in the Negative Declaration was brought to our attention by the Montecito Water District (the "District") in a letter dated January 16, 2008, which also included comments on the project and the Initial Study. The District stated that the historic water demand of the current service station use is 0.57 acre feet per year, not 5.7 acre feet per year. Using the revised historic water demand number, the water demand calculations now reflect a net increase in water and sewer demand with the proposed project. Additionally, staff reviewed all of the numbers used in the calculation and updated the water service demand per proposed use based upon using water conservation methods as outlined in the City Water Demand Factor Study. Therefore, the calculations are based upon the following:

Condominium – 0.210 acre feet year (AFY)/unit X 8 units = 1.68 AFY
General Office/Retail (under 20,000 s.f.) – 0.06 AFY/1,000 s.f. X 5 = 0.30 AFY

Total Estimated Demand	– 1.98
<u>Current Demand</u>	<u>0.57</u>
Net Increase	1.41 AFY

While there is an increase in the water demand, the District issued a "Can and Will Serve" letter based upon the current project description. The District has expressed concerns about the increase in water use associated with the project and has requested that the project be conditioned to include water conservation devices and methods. Staff has attempted to evaluate the size and context of the anticipated net increase in water demand associated with the proposed project. The net increase of 1.47 AFY constitutes .00021 percent of the reliable supply of the Montecito Water District. The increase is about 0.2 AFY more than the average residential customer of the District. In addition, City Staff has reviewed recent subdivisions processed by Santa Barbara

County within the service area of the Montecito Water District. The District has not raised these water supply concerns in other projects that propose similar increases in water demand.

Addressing the District's request for water conservation conditions, the project is subject to the International Building Code, which will require that all water conservation plumbing will be used. In addition, the District's can and serve letter reserves the right for the District to apply use conditions or restrictions in effect at the time the project seeks the new water meters for the project.

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

9.c) Schools

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

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

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

9.h,i) Water and Sewer

Water

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

The existing development on the site demands 0.5-7 acre feet per year (AFY) of water and the proposed project is estimated to demand 2.8-1.98 AFY. The calculated water demand for the proposed project assumes that all available water conservation methods will be implemented, consistent with the applicable regulations in place at the time the building permits are issued. Therefore, while the change in water use would be a reduction-a net increase of approximately 2.9 1.41 AFY, which-it would not be result in a significant impact to the Montecito Water District's water supply.

Sewer

The maximum capacity of the El Estero Wastewater Treatment Plant is 11 million gallons per day (MGD), with current average daily flow of 8.5 MGD. The Treatment Plant is designed to treat the wastewater from a population of 104,000. The proposed project's estimated sewer demand is 2,2391,714 gallons per day or 2.5-1.92 AFY, which is a reduction an increase of 2,0561,286 gallons per day or 2.31.44 AFY. Decreased-Increased sewage treatment associated by the project would not result in a long term significant impact.

9.j) Solid Waste Generation/ Disposal

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



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

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

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

I. PROJECT DESCRIPTION

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

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

Background

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

II. REQUIRED APPLICATIONS

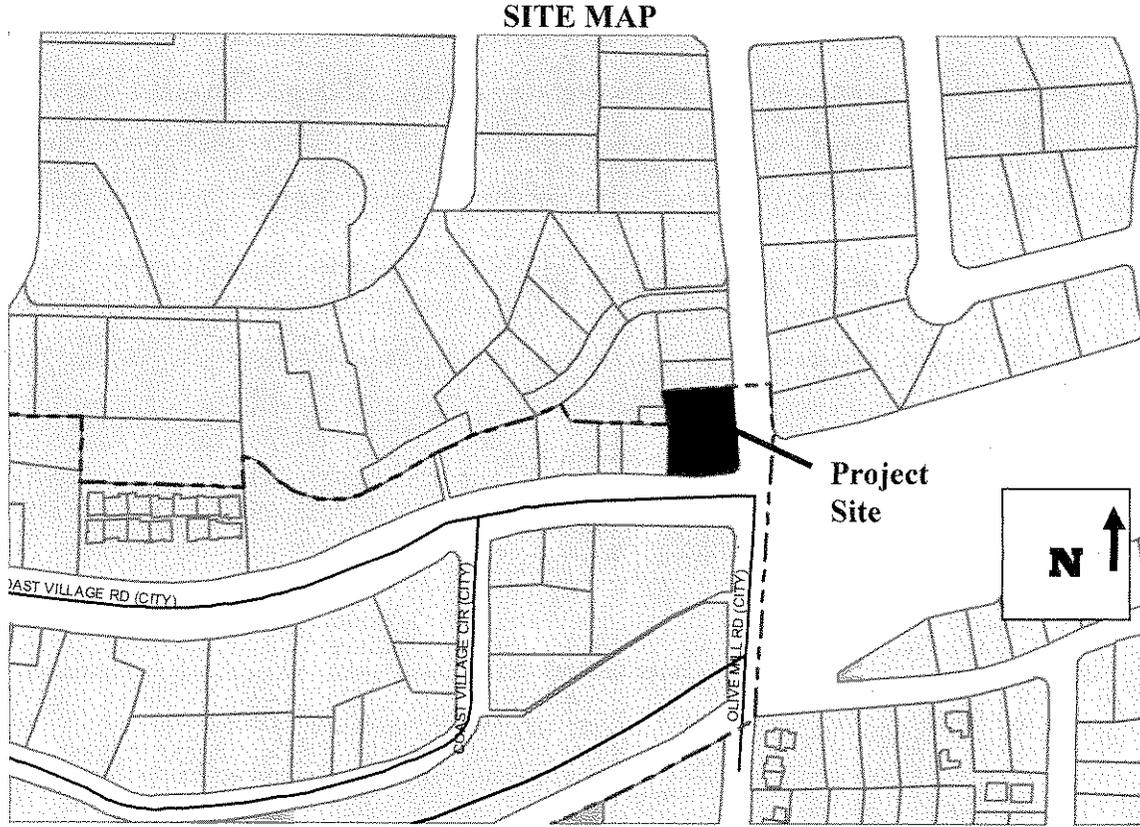
The discretionary applications required for this project are:

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

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

III. RECOMMENDATION

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



APPLICATION DEEMED COMPLETE:

August 7, 2007

IV. SITE INFORMATION AND PROJECT STATISTICS

B. SITE INFORMATION

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

C. PROJECT STATISTICS

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

V. ZONING ORDINANCE CONSISTENCY

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

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

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

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

A. CHANGE OF ZONE

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

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

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

B. MEASURE E

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

C. MODIFICATIONS

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

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

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

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

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

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

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

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

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

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

VI. ISSUES

A. DESIGN REVIEW

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

B. PLANNING COMMISSION CONCEPT REVIEW

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

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

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

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

1. Land Use Element

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

2. Housing Element

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

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

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

3. Circulation Element

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

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

D. ENVIRONMENTAL REVIEW

Environmental review of the proposed project has been conducted pursuant to the California Environmental Quality Act (CEQA) and related Guidelines. An Initial Study and Mitigated Negative Declaration (Attachment D) were prepared to evaluate the project's potential impacts on the physical environment. The analysis identified potentially significant but mitigable environmental effects in the following issue areas: air quality (short-term), hazards (short-term), noise (long-term), traffic/circulation (long-term) and. Also evaluated in the document as less than significant impacts are aesthetics, air quality (long-term), biological resources, cultural resources, geophysical conditions, noise (short-term), public services traffic/circulation (short-term) and water environment.

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

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

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

1. AESTHETICS

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

2. AIR QUALITY

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

4. GEOPHYSICAL CONDITIONS

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

5. HAZARDS

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

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

6. NOISE

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

7. TRANSPORTATION/CIRCULATION

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

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

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

VII. FINDINGS

The Planning Commission finds the following:

A. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION

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

- The Planning Commission finds on the basis of the whole record before it (including the initial study and comments received) that there is no substantial evidence that the project will have a significant effect on the environment.
- The Planning Commission finds that the Final Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.
- The Planning Commission finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed project. The Planning Commission hereby adopts the Final Mitigated Negative Declaration for the project.
- The Planning Commission hereby adopts a mitigation monitoring and reporting program for measures required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
- The location and custodian of the documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, California.

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

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

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

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

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

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

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

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

The intent of the C-1 Limited Commercial Zone District is to provide a desirable living environment by preserving and protecting surrounding residential land uses in terms of light, air and existing visual amenities. Given the adjacent residential zone district to the north and that the subject lot is the easternmost commercial lot of Coast Village Road; this would be an appropriate zone district. Further, the zone change is consistent with the General Plan and Local Coastal Plan designation..

E. THE TENTATIVE MAP (SBMC §27.07.100)

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

F. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

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

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

G. COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)

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

H. DEVELOPMENT PLAN APPROVAL (SBMC §28.87.300)

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

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

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

Exhibits:

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

PLANNING COMMISSION CONDITIONS OF APPROVAL

1298 COAST VILLAGE ROAD
MODIFICATIONS, DEVELOPMENT PLAN, COASTAL DEVELOPMENT PERMIT, TSM,
ZONING MAP AMENDMENT & LOCAL COASTAL PROGRAM AMENDMENT
MARCH 13, 2008

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. **Approval Contingent Upon Adoption of Zoning Map Amendment.** Approval of the subject project is contingent upon adoption of an Ordinance by the City Council approving the Zoning Map Amendment.
- B. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *"Agreement Relating to Subdivision Map Conditions Imposed on Real Property"*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
 1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
 4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Coastal Development Permit is required to authorize such

work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

5. **Approved Development.** The development of the Real Property approved by the Planning Commission on January 17, 2008 is limited to the following project description:

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

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

- d. **Unassigned Parking.** All parking spaces other than those designated for residential purposes shall remain unassigned and available to all occupants and visitors to the site
 - e. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan, including the row of existing Ficus trees along the northern property line.
 - f. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - e. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- C. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final/Parcel Map and prior to the issuance of any permits for the project:
- 1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 - 2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - a. All street purposes along Coast Village Road and Olive Mill Road in order to establish a variable width wide public right-of-way for sidewalk purposes.
 - 3. **Can and Will Serve Letters.** Obtain a "can and will serve" letter from Montecito Water District.
 - 4. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.

5. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project. If the private covenants required pursuant to Section A.** above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
6. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
7. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (such as automobile oil, grease and metals), or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state. (W-2)
8. **Coast Village Road Public Improvement Plans.** The Owner shall submit C-1 public improvement or building plans for construction of improvements along the property frontage on Coast Village Road. The C-1 plans shall be submitted separately from plans submitted for a Building Permit and shall be reviewed and signed by the City Engineer. As determined by the Public Works Department, the improvements shall include: State Street style decorative brick sidewalk, curbs, gutters, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, underground service utilities (*SBMC* §22.38.125 and §27.08.025), connection to Montecito Water District water main and City sewer main, public drainage improvements with supporting drainage calculations for installation of drainage improvements, supply and install one Coast Village Road style street light, preserve and/or reset survey monuments and contractor stamps, supply, replace the wooden Coast Village Road sign located in the center median and install directional/regulatory traffic control signs as determined by the Transportation Operations Manager, provide storm drain stenciling at existing drop inlet, supply and install new designated street trees and tree grates as determined by the City Arborist, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit. (W-3)

9. **Olive Mill Road Public Improvement Plans.** The Owner shall submit C-1 public improvement or building plans for construction of improvements along the property frontage on Olive Mill Road. The C-1 plans shall be submitted separately from plans submitted for a Building Permit *and shall be reviewed and signed by the City Engineer*. As determined by the Public Works Department, the improvements shall include the following: State Street style decorative sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, access ramp(s), crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, underground service utilities (*SBMC* §22.38.125 and §27.08.025), connection to *Montecito Water District* water main and City sewer main, public drainage improvements with supporting drainage calculations for installation of drainage improvements, supply and install one Coast Village Street light (if not located on Coast Village Road), preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs as determined by the Transportation Operations Manager, storm drain stenciling at drop inlets (if any), supply and install new designated street trees and tree grates as determined by the City Arborist, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit. (W-3)
 10. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
 11. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
 12. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures, including the Montecito Water District water main located on Olive Mill Road, must be performed by the Owner or by the person or persons having ownership or control thereof at the developers' expense.
 13. **Relocation of MTD Fixtures.** Relocation of the MTD bus stop, red curb, bench pole and sign on Olive Mill Road, as applicable and as determined by the Public Works Director and MTD.
- C. **Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:

- a. **Landscaping & Development Adjacent to Trees.** Landscaping & development of the driveway adjacent to the Ficus tree(s) shall be compatible with the preservation of the tree(s).
 - b. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist's report prepared by Bill Spiewak, dated June 1, 2006, shall be implemented. (BIO-1)
 3. **Landscape Screening.** The existing Ficus trees along the northern property line shall continue to be maintained to buffer the parking area and site development from the adjacent residential zoned lot.
 4. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 5. **Minimize Visual Effect of Paving.** Where feasible and consistent with Fire Department regulations, 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. **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.
- 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 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.
- E. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
 - a. The frequency and/or schedule of the monitoring of the mitigation measures.

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

The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.

2. **Neighborhood Notification Prior to Construction.** At least thirty (30) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division. (N-6)
3. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
4. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
5. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the dripline of all trees during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division. (BIO-1)
6. **Prepare a Structural Crack Survey and Video Reconnaissance.** At least twenty (20) days prior to the issuance of a demolition permit, Owner shall notify owners and occupants of structures within 100 feet of the project site property lines of the opportunity to participate in a structural crack survey and video reconnaissance of their property. Prior to the issuance of a demolition permit, Owner shall prepare a

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

7. **Corrective Action Plan** - Written evidence of completion of a Corrective Action Plan approved by the California Regional Water Quality Control Board and the Santa Barbara County Fire Department shall be provided prior to issuance of any building permits other than those permits necessary to complete the Corrective Action Plan. (H-1)
 8. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
 9. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Arborist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.
- 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 Architectural Board of Review, outlined in Section C above.
 2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall

include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner Arborist, Project Environmental Coordinator, Contractor and each Subcontractor.

3. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration for the project.

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

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

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

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

5. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Building and

Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition A-4, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

6. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
7. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street. Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers. (PS-1)
8. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including, at a minimum, an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings, or combustible roof eaves lines unless sprinkler coverage is provided. (PS-1)
9. **Trash Storage Area Design.** Project trash container areas shall incorporate approved long-term structural storm water best management practices (BMPs) to protect water quality. The applicant shall submit project plans to the satisfaction of Public Works Engineering and Solid Waste that incorporate long-term structural best management practices for trash storage areas to protect storm water quality. The owners shall maintain these structural storm water quality protections in working order for the life of the project. (W-4)
10. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.
11. **Interior Noise Reduction:** As identified in the Preliminary Acoustical Study, certain residential units (Units 3,4, and 5) shall require a "windows closed" condition in order to meet the maximum interior 45 dBA Ldn noise level standard. As recommended in the Study, these units shall provide the following:

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

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

12. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
13. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

- 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. (Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)
 1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met. (PS-3)
 2. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways. (T-1)

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

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

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number. (N-7)

7. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest

reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits *without extensions* may be issued for the life of the project.

- c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager. (T-2)
8. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-1)
9. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur on-site, using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-2)
10. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-3)
11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads. (AQ-4)
12. **Construction Dust Control – Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. (AQ-5)
13. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - d. Other methods approved in advance by the Air Pollution Control District. (AQ-6)

14. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector. (AQ-7)
15. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
16. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
17. **Groundwater/ Dewatering.** Water, when encountered in the excavation, shall be removed using a suitable dewatering system. A stockpile of 3- to 6-inch gabion rock material (approximately 10 to 20 cubic yards) shall be available when excavating near the property line in case a caving side wall or a boiling subgrade condition develops. In such a case, the rock must be placed on the caving excavation or the boiling subgrade until stabilization results. (W-5)
18. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices:
 - a. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized wherever feasible. (AQ-9)
 - b. The engine size of construction equipment shall be the minimum practical size. (AQ-10)
 - c. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. (AQ-11)
 - d. Construction equipment shall be maintained in tune per the manufacturer's specifications. (AQ-12)
 - e. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. (AQ-13)
 - f. Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-14)
 - g. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-15)
 - h. Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-16)

- i. To the maximum extent feasible, biodiesel shall be used for all construction equipment. (AQ-17)
 - j. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-18)
 - k. **Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dBA at the property boundaries shall be shielded with a barrier that meets a sound transmission class (STC) rating of 25. (N-8)
 - l. **Construction Equipment Sound Control.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without said muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited. (N-9)
 - m. **Construction Noise Barrier.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools. (N-10)
19. **Mitigation Monitoring Compliance Reports.** The PEC shall submit biweekly reports during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP compliance to the Community Development Department.
20. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors and Project Environmental Coordinator's (PEC) name, contractor's and PEC's telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height.
21. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and any related Conditions of Approval.
22. **Tree Protection.** Notes on the grading plan that specify the following:
- a. No grading shall occur within three feet of the driplines of the existing tree(s).
 - b. A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the tree(s) which (is) (are) required to be protected.

- c. All excavation within the dripline of the tree(s) shall be done with hand tools.
 - d. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - e. No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
 - f. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 - g. All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
23. **Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Subdivision Map to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
24. **Bird Nesting Protection.** Proposed project activities including tree and vegetation removal shall occur outside the breeding bird season (February 1 – August 15). If project activities cannot be feasibly avoided during the bird nesting season the project proponent shall conduct a survey prior to construction, using a qualified biologist, approved by the City Environmental Analyst, to detect protected nesting native birds in the vegetation and trees being trimmed and within 300 feet of the construction work area. The survey shall be conducted no more than three days before construction is initiated. If an active nest is located, construction within 500 feet of a raptor nest and 300 feet of any other nesting bird, vegetation trimming shall be postponed until the nest is vacated and juveniles have fledged and this has been confirmed by the qualified biologist. (BIO – 2)
25. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
26. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a

Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization. (CR-1)

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.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding and installation of street trees.
3. **Record Drawings.** Submit Record Drawings identifying "asbuilt" conditions of public improvements to the Public Works Inspector for verification and approval.
4. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrants with commercial-type hydrants described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.
5. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
6. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).
7. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street trees have been properly pruned and trimmed.

8. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
 9. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.
- K. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

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

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

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

NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The development plan approved, per Santa Barbara Municipal Code §28.87.350, shall expire four (4) years from the date of approval unless:

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

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

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



City of Santa Barbara California

NOTICE OF INTENT TO ADOPT DRAFT NEGATIVE DECLARATION – MST2004-00493

A Draft Mitigated Negative Declaration has been prepared for the following project, pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970," as amended to date.

PROJECT LOCATION: 1298 Coast Village Road

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

DRAFT ENVIRONMENTAL DOCUMENT: An Initial Study and a Draft Negative Declaration have been prepared for this project and are available for review and comment. The Draft Negative Declaration examines environmental impacts which may be associated with this project. Significant environmental effects identified in the Draft Mitigated Negative Declaration which are anticipated as a result of the project include impacts related to Short term Air Quality, Hazards, Public Services – Solid Waste, Transportation & Water Environment. The Draft Mitigated Negative Declaration includes proposed mitigation measures to mitigate potentially significant impacts to a less than significant level. The project site is currently developed as a gasoline service station. Both the soil and ground water is being remediated, as approved under a Remediation Action Plan (RAP) by Santa Barbara County Fire Department. Quarterly reports indicate that the contamination of both the soil and groundwater is being reduced. As part of grading for the project, any remaining contamination will be removed.

DOCUMENT AVAILABILITY: The Draft Mitigated Negative Declaration is available for review at the Planning Division, 630 Garden Street between 8:30 a.m. to noon and 1:00 p.m. to 4:30 p.m., and at the Public Library at 40 E. Anapamu Street during hours of operation. And online at www.SantaBarbaraCa.gov/eir

PUBLIC COMMENT PERIOD: The City of Santa Barbara encourages the public to provide written comment on this and other projects. The public review period begins on Wednesday, November 14, 2007. Comments on the Draft Mitigated Negative Declaration must be submitted by

Thursday December 13, 2007, at 4:30 p.m. Please send your comments to: City of Santa Barbara, Planning Division, Attn: Peter Lawson, Associate Planner, P.O. Box 1990, Santa Barbara, CA 93102-1990, or send them electronically to PLawson@SantaBarbaraCA.gov.

ENVIRONMENTAL HEARING: Any interested person may request a hearing before the Planning Commission to comment on this document by completing and filing a hearing request with the Planning Division on or before November 26, 2007. A hearing will then be scheduled and will appear on the agenda for the next available Planning Commission meeting. If you have any questions, wish to know more about this application, or wish to review the plans, please contact Peter Lawson, Associate Planner, at (805) 564-5470 between 8:30 a.m. to noon and 1:00 p.m. to 4:30 p.m. (Monday through Friday).

FINAL ENVIRONMENTAL DOCUMENT: Following the end of the Draft Mitigated Negative Declaration public review period, a Final Mitigated Negative Declaration including responses to comments will be prepared, and subsequent noticed public hearing will be held at the Planning Commission and City Council to consider actions to approve the project.

If you challenge the permit approval or environmental document in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission, or in a public hearing on the project.



CITY OF SANTA BARBARA
COMMUNITY DEVELOPMENT DEPARTMENT
DRAFT NEGATIVE DECLARATION
MST2004-00493

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

PROJECT LOCATION: 1298 Coast Village Road

PROJECT PROPONENT: Agent: Jeff Gorell, Lenvik & Minor

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

NEGATIVE DECLARATION FINDING:

Based on the attached Initial Study prepared for the proposed project, it has been determined that the proposed project will not have a significant effect on the environment.


Debra Andaloro, Environmental Analyst

November 12, 2007
Date

CITY OF SANTA BARBARA

COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

INITIAL STUDY/ ENVIRONMENTAL CHECKLIST MST2004-00493

**PROJECT: 1298 Coast Village Road
Mixed-Use Development**

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

APPLICANT/ PROPERTY OWNER

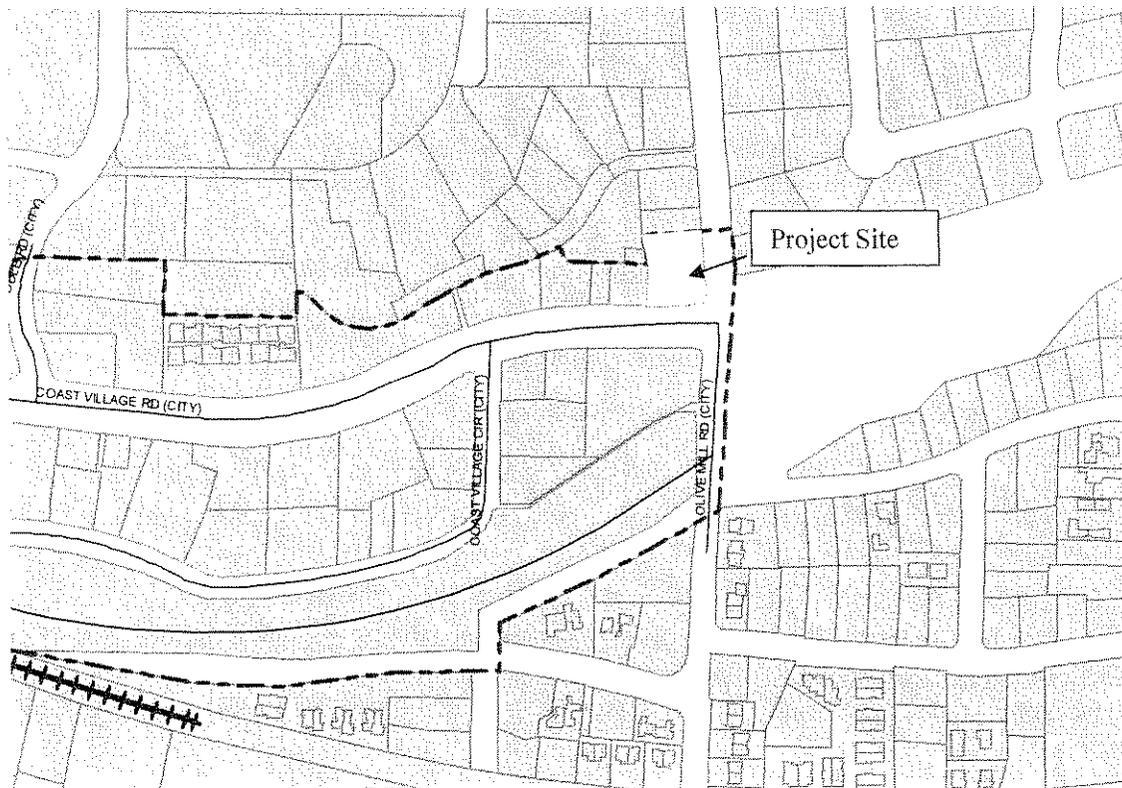
Agent Jeff Gorell, Lenvik & Minor

Applicant: John Price

Owner: TOSCO Corporation

PROJECT ADDRESS/LOCATION

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



PROJECT DESCRIPTION (See Exhibit A-Project Plans)

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

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

Construction: The project will be in five phases:

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

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

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

ENVIRONMENTAL SETTING

Existing Site Characteristics

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

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

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

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

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

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

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

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

PROPERTY CHARACTERISTICS

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

PLANS AND POLICY DISCUSSION

Land Use and Zoning Designations:

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

General Plan Policies:

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

Proposed Re-Zone:

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

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

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

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

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

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

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

ENVIRONMENTAL CHECKLIST

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

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

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

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

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

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

Visual Aesthetics - Discussion

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

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

Significant visual aesthetics impacts may potentially result from:

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

Visual Aesthetics – Existing Conditions and Project Impacts

1. a) Scenic Views

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

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

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

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

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

1.b) On-Site Aesthetics

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

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

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

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

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

1.c) Lighting

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

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

Air Quality - Discussion

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

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

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

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

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

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

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

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

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

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

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

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

Air Quality – Existing Conditions and Project Impacts

2. a-b) Air Pollutant Emissions

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

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

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

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

2.c) Odors

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

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

Consistency with the Clean Air Plan:

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

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

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

Air Quality – Required Mitigation

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

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

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

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

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

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

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

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

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

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

AQ-8 Construction Dust Control – PEC. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure.

Air Quality – Recommended Mitigation

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

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

Air Quality - Residual Impacts

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

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

Biological Resources - Discussion

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

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

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

Biological Resources – Existing Conditions and Project Impacts

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

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

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

3.b) Specimen Trees

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

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

Biological Resources – Recommended Mitigation

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

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

Residual Impacts:

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

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

Cultural Resources - Discussion

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

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

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

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

Cultural Resources – Existing Conditions and Project Impacts

4.a) Archaeological Resources

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

4.b) Historic Resources

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

4.c) Ethnic/Religious Resources

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

Cultural Resources – Recommended Mitigation

CR-1 Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

Residual Impacts:

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

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

Geophysical Conditions - Discussion

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

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

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

Geophysical Conditions – Existing Conditions and Project Impacts

5.a-c) Seismic Hazards

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

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

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

5.d-f) Geologic or Soil Instability

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

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

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

5.g) Topography; Grading

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

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

Hazards - Discussion

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

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

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

Hazards – Existing Conditions and Project Impacts

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

Hazardous Materials and Safety Risks:

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

Temporary Exposure to Existing Hazardous Materials:

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

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

6.d) Fire Hazard

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

Hazards – Required Mitigation

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

Hazards – Residual Impacts

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

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

Noise - Discussion

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

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

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

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

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

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

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

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

Noise – Existing Conditions and Project Impacts

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

Long-Term Operational Noise:

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

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

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

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

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

Temporary Construction Noise:

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

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

Noise – Required Mitigation

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

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

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

- N-6: Construction Notice.** At least 30 days prior to commencement of construction, the contractor shall provide written notice to all property owners and building occupants within 300 feet of the project area that proposed construction activities could substantially affect outdoor or indoor living areas. The notice shall contain a description of the proposed project, a construction schedule including days and hours of construction, a description of noise reduction measures and the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions and provide additional information or address problems that may arise associated with construction noise. A 24-hour construction hot line shall be provided. Any noise complaints received shall be documented and, as appropriate, construction activities shall be modified to the extent feasible to address such complaints. Informational signs with the PEC's name and telephone number shall also be posted at the site and shall be easily viewed from adjacent public areas.
- N-7: Construction Hours.** Noise-generating construction activities (which may include preparation for construction work) shall be permitted weekdays between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays observed by the City as legal holidays: New Year's Day (January 1st); Martin Luther King Jr.'s Birthday (3rd Monday in January); President's Day (3rd Monday in February); Memorial Day (Last Monday in May); Independence Day (July 4th); Labor Day (1st Monday in September); Thanksgiving Day (4th Thursday in November); Day Following Thanksgiving Day (Friday following Thanksgiving); Christmas Day (December 25th). *When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday respectively shall be observed as a legal holiday.
- Occasional night work may be approved for the hours between 5 p.m. and 8 a.m. weekdays by the Chief of Building and Zoning (per Section 9.13.015 of the Municipal Code). In the event of such night work approval, the applicant shall provide written notice to all property owners and occupants within 300 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of night work. Night work shall not be permitted on weekends or holidays.
- N-8: Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dBA at the property boundaries shall be shielded with a barrier that meets a sound transmission class (STC) rating of 25.
- N-9: Construction Equipment Sound Control.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without said muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited.
- N-10: Construction Noise Barrier.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.

Noise – Residual Impact

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

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

Population and Housing - Discussion

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

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

Population and Housing – Existing Conditions and Project Impacts

8.a) Growth-Inducing Impacts

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

8.b) Housing Displacement

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

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

Public Services - Discussion

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

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

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

Public Services – Existing Conditions and Project Impacts

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

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

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

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

9.c) Schools

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

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

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

9.h,i) Water and Sewer

Water

The proposed project receives water service from the Montecito Water District. The District's water supply comes from the following sources, with the actual share of each determined by availability and level of customer demand: Cachuma Reservoir and Tecolote Tunnel, Jameson Lake and Doulton Tunnel, groundwater, and State Water Project entitlement of 3,000 acre feet. A can and will letter was issued by the Montecito Water District, thus the project would have adequate service.

The existing development on the site demands 5.7 acre feet per year AFY of water and the proposed project is estimated to demand 2.8 AFY. Therefore, the change in water use would be a reduction of approximately 2.9 AFY, which would not be a significant impact to the Montecito Water District's water supply.

Sewer

The maximum capacity of the El Estero Treatment Plant is 11 million gallons per day (MGD), with current average daily flow 8.5 MGD. The Treatment Plant is designed to treat the wastewater from a population of 104,000. The proposed project's estimated sewer demand is 2,239 gallons per day or 2.5 AFY, which is a reduction of 2,056 gallons per day or 2.3 AFY. Decreased sewage treatment associated by the project would not result in a long term significant impact.

9.j) Solid Waste Generation/ Disposal

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

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

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

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

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

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

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

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

Public Services – Required Mitigation

- PS-1 Commercial Dumpsters.** Commercial dumpsters shall be provided, including an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings or combustible roof eaves lines unless sprinkler coverage is provided.
- PS-2 Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers shall be provided on each Property and screened from view from surrounding properties and the street. Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

Public Services – Recommended Mitigation

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

Public Services – Residual Impacts

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

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

Recreation - Discussion

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

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

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

Recreation – Existing Conditions and Project Impacts

10.a) Recreational Demand

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

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

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

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

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

10.b) Existing Recreational Facilities

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

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

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

Transportation - Discussion

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

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

Vehicle Traffic

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

Circulation and Traffic Safety

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

Parking

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

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

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

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

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

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

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

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

Transportation – Existing Conditions and Project Impacts

11.a) Traffic

Long-Term Traffic

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

Short-Term Construction Traffic

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

11. b. e) Circulation and Traffic Safety

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

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

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

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

12.b) Flooding

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

12.d) Groundwater

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

Water Resources – Required Mitigation

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

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

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

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

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

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

Water Resources – Residual Impact

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

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

INITIAL STUDY CONCLUSION

On the basis of this initial evaluation it has been determined that the proposed project's potentially significant environmental impacts can be feasibly reduced to a less than significant level by identified mitigation measures, and a Mitigated Negative Declaration is the appropriate environmental review document. On the basis of this initial evaluation it has been determined that the proposed project may have a significant effect on the environment, and further study in an Environmental Impact Report is required.

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

Environmental Analyst:  Date: 1-17-08
Debra Andaloro

EXHIBITS:

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

LIST OF SOURCES USED IN PREPARATION OF THIS INITIAL STUDY

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

California Environmental Quality Act (CEQA) & CEQA Guidelines

General Plan Circulation Element

General Plan Conservation Element

General Plan Land Use Element

General Plan Noise Element w/appendices

General Plan Map

General Plan Seismic Safety/Safety Element

General Plan Update 2030: Conditions, Trends and Issues Report

Geology Assessment for the City of Santa Barbara

2004 Housing Element

Institute of Traffic Engineers Parking Generation Manual

Institute of Traffic Engineers Trip Generation Manual

Master Environmental Assessment

Santa Barbara Municipal Code

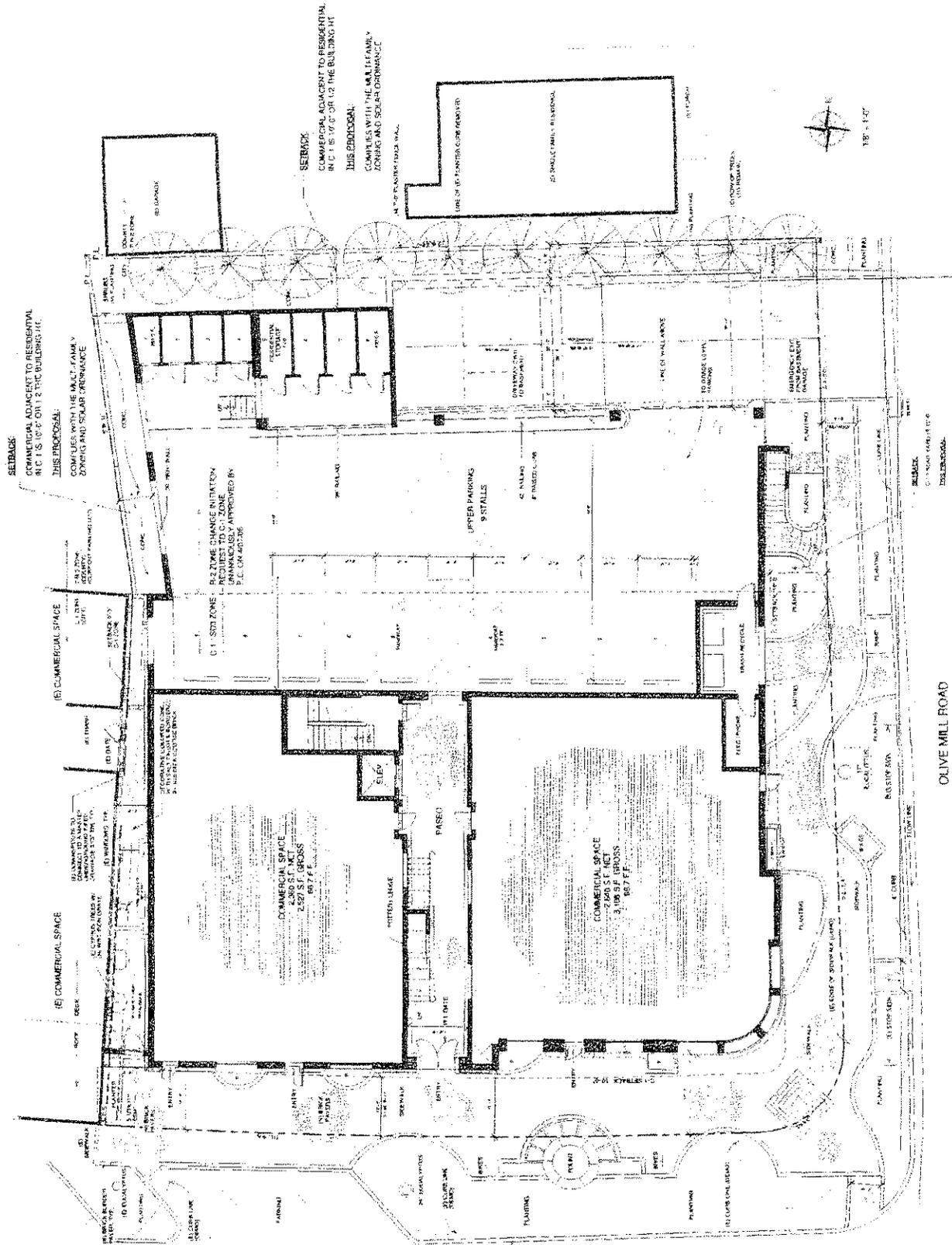
Special District Map

Uniform Building Code as adopted by City

EXHIBIT A

COAST VILLAGE ROAD

OLIVE MILL ROAD



PROGRESS PRINT

A-2.1

Price Mixec
Use Project
1288 Coast Village Rd
Menlo Park, CA

Mr. John Fry
10000 Elms
Santa Barbara, CA 93

NO.	DATE	DESCRIPTION

DATE	
SCALE	
BY	
CHECKED	
APP'D	

FIRST LEVEL HARDSCAPE

SEE DRAWING HARDSCAPE

APPLICABLE GENERAL PLAN POLICIES

Land Use Element

- 1.2 Allocations for small additions to existing businesses shall be established, based upon the availability of resources, of 30,000 square feet annually for the twenty (20) year General Plan horizon.
- 1.3 Any new or pending non-residential project may be constructed only if it will not cause a significant and unmitigated adverse impact on any of the following:
- The City's water resources.
 - Traffic within the City.
 - The supply of affordable housing in the City and South Coast area.
- A finding shall be made that resources will be available and traffic improvements will be in place at the time the project is ready for occupancy.
- 4.2 Options for providing additional housing opportunities shall be explored where appropriate in nonresidential zones.

Noise Element

- 3.0 Existing and potential incompatible noise levels in problem areas should be reduced through land use planning, building and subdivision code enforcement, and other administrative means.
- 4.0 Existing and potential incompatible noise levels in problem areas should be reduced through operational or source controls where the City has responsibility for such controls.

Conservation Element - Visual Resources

- 4.0 Trees enhance the general appearance of the City's landscape and should be preserved and protected.

Conservation Element – Air Quality

- 2.0 Improve the attractiveness and safety of bicycle use as an alternate mode of travel for short- and medium-distance trips.

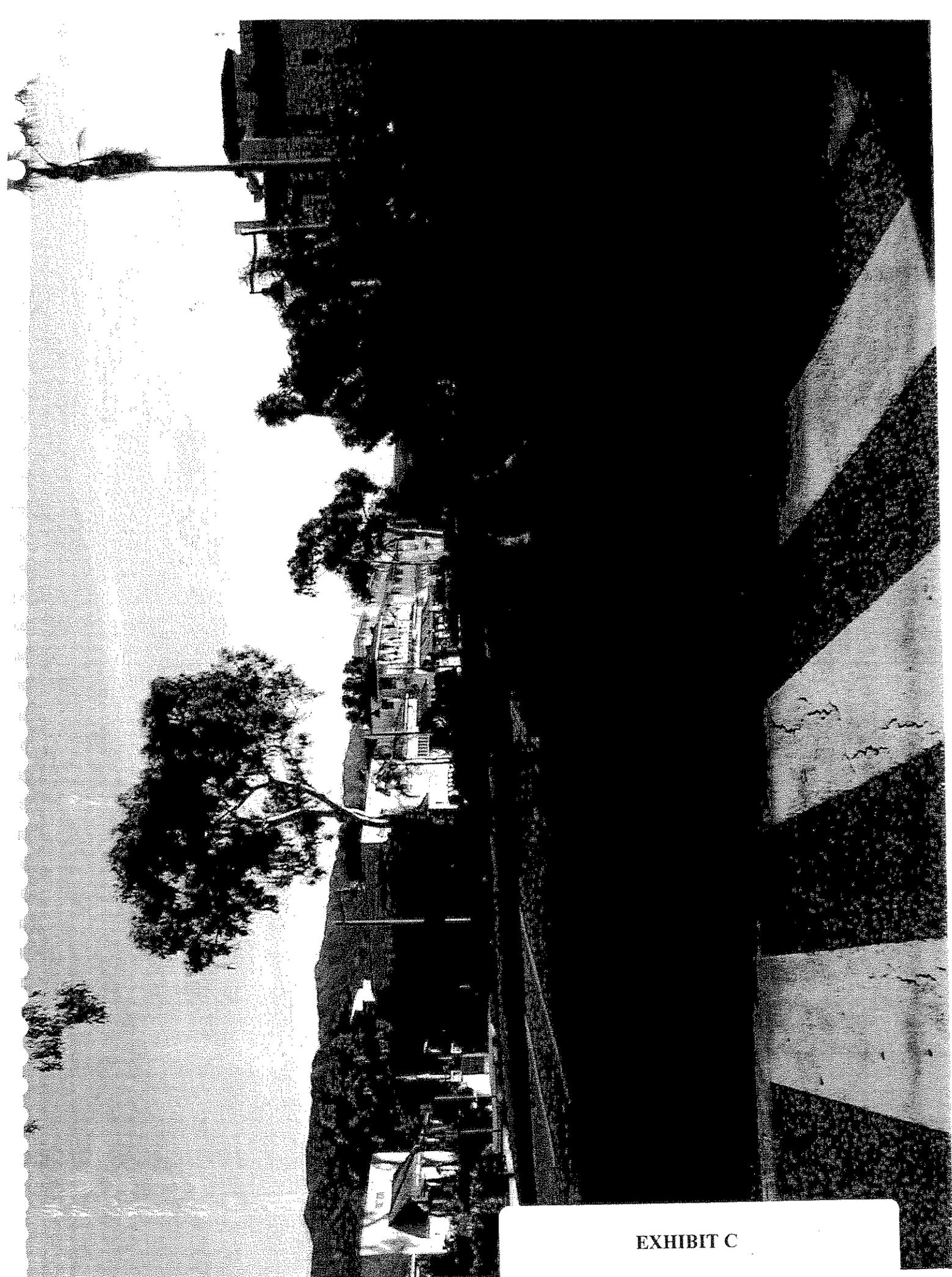
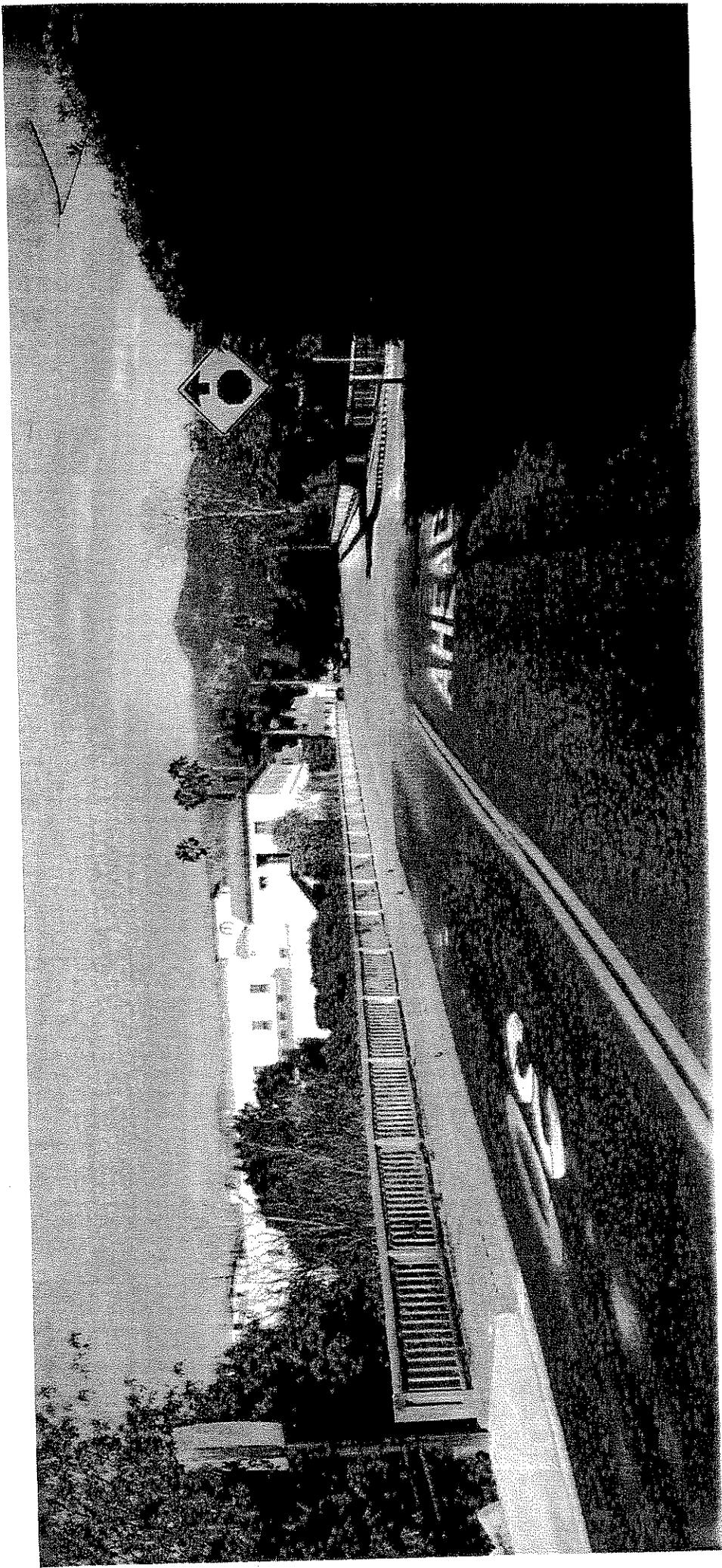
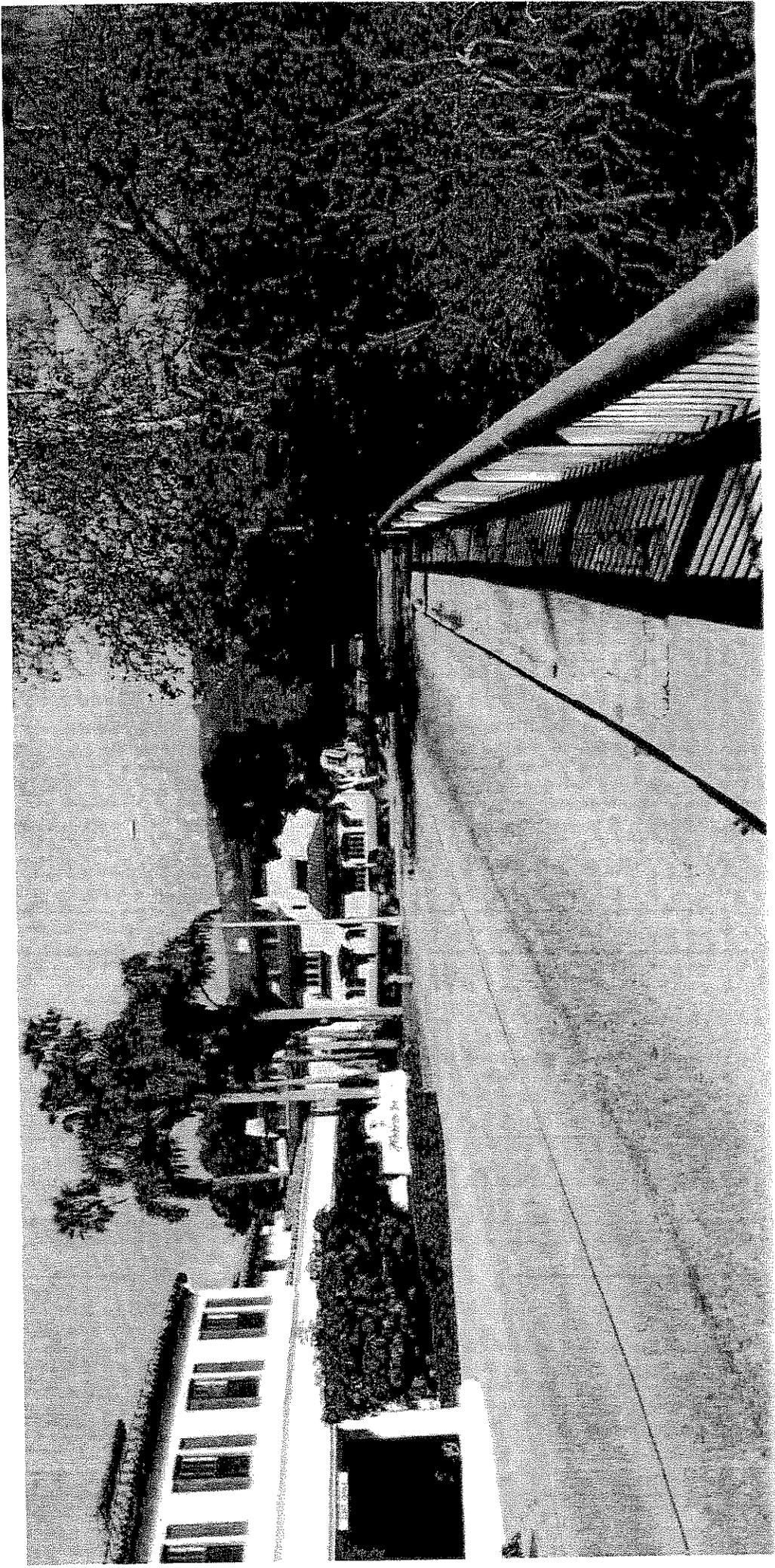
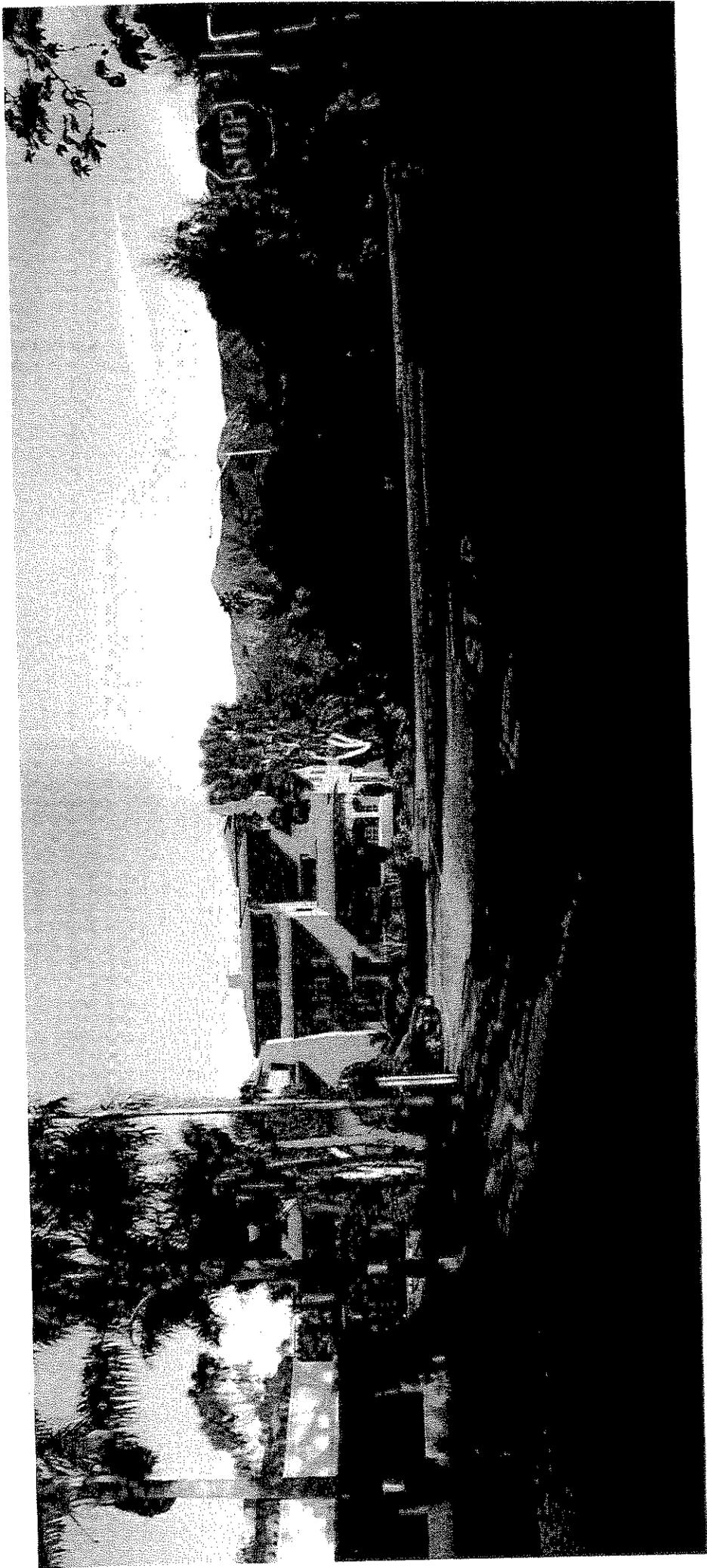
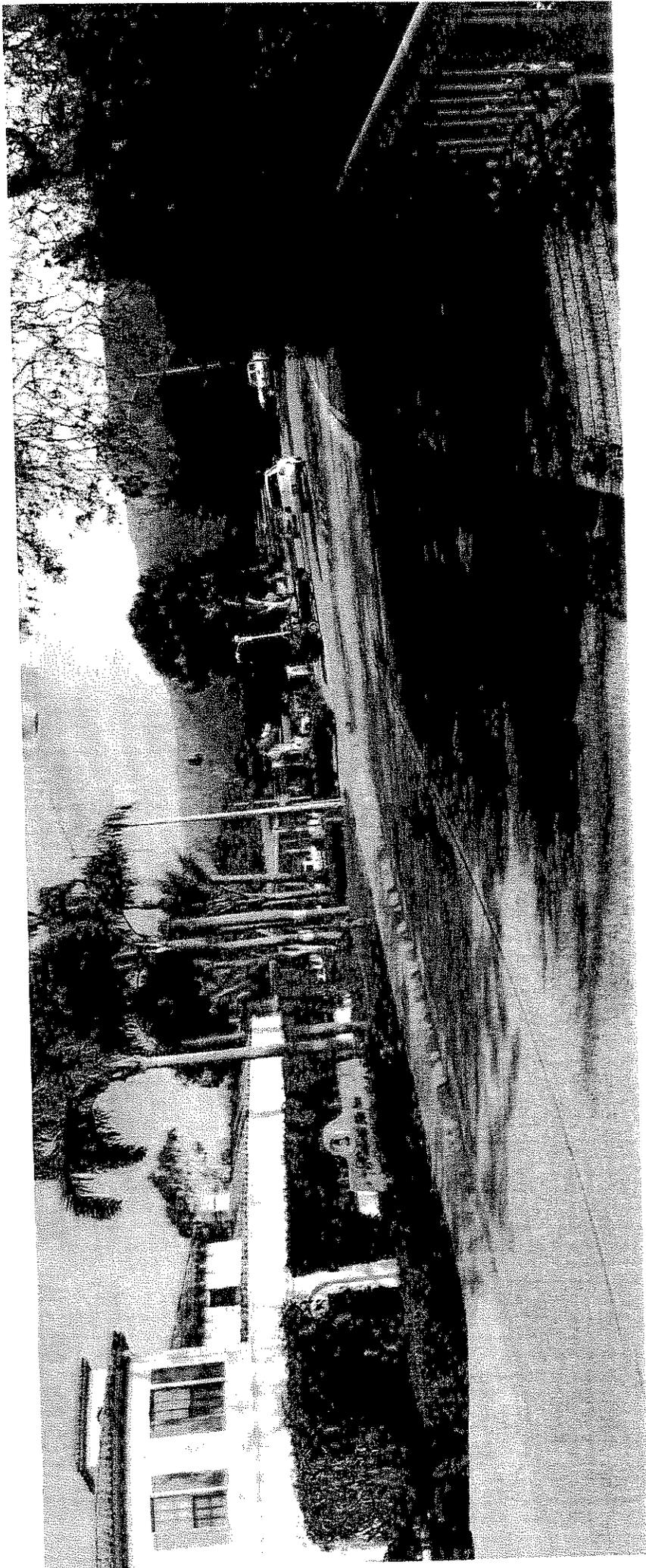


EXHIBIT C













PRELIMINARY REVIEW

1. **4000 LA COLINA RD** E-3/SD-2 Zone
 Assessor's Parcel Number: 057-020-015
 Application Number: MST2004-00673
 Owner: Los Angeles Education, Archdiocese & Welf Corp
 Applicant: Peter Darose

(Proposal to construct a 30-foot tall, 9,512 square foot indoor practice gymnasium at the northwest corner of Bishop Garcia Diego High School. Project also includes landscaping and site improvements including grading, utility and drainage. The project requires City Council approval for Community Priority Allocation of Square Footage for the gymnasium.)

(PROJECT REQUIRES CITY COUNCIL APPROVAL FOR COMMUNITY PRIORITY ALLOCATION OF SQUARE FOOTAGE AND COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 057-05.)

(3:14)

Ed Lenvik, Architect; Vern Williams, Engineer; and, Bob Cunningham, Landscape Architect; present.

Motion: Final Approval of the architecture as submitted and Final Approval of the Landscape with the irrigation plan to return to the Consent Calendar for Review After Final with the following comments and conditions: 1) Applicant to return with the Phase I Quad improvement plan. 2) Applicant to return with a landscape plan to include proposed landscape at the graded areas of the northwest corner of the site. 3) Upsize the two Pine Trees to 24-inch box trees. 4) Upsize the street front Crape Myrtle Trees to 15-gallon box trees. 5) The back flow preventer shall be painted an earth tone or green tone color. 6) It is understood that there will be no mechanical equipment located on the roof top. 7) All lighting shall be wall mounted on the building and directed downward. 8) The Board appreciates the addition of brick on the book end gables.

Action: Manson-Hing/Wienke, 6/0/0

CONCEPT REVIEW - NEW ITEM

2. **1298 COAST VILLAGE RD** C-1/R-2/SD3 Zone
 Assessor's Parcel Number: 009-230-043
 Application Number: MST2004-00493
 Owner: Tosco Corporation
 Architect: Lenvik & Minor Architects
 Applicant: John Price

(Proposal to re-zone the R-2 portion of the property to C-1, demolish the existing gas station and service bays, and construct a three-story, mixed-use building of approximately 22,262 sq. ft. The building would consist of 5,028 sq. ft. of commercial space, 8 residential units of approximately 13,165 sq. ft. and a total of 38 covered parking spaces are proposed on a 18,196 square foot lot.)

(COMMENTS ONLY; ONLY PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, AND PLANNING COMMISSION APPROVAL FOR A ZONE CHANGE, COASTAL PLAN AMENDMENT, TENTATIVE SUBDIVISION MAP, DEVELOPMENT PLAN APPROVAL AND MODIFICATIONS.)

(4:00)

Jeff Gorrell, Architect, present.

Public comment opened at 4:10p.m.

Danny Copus, General Manager, Montecito Inn, stated concerns that a proposed three-story building will severely decrease the views which the Montecito Inn offers to its guests. Mr. Copus stated that this would result in a loss of approximately 53,000-59,000 Per Year in Room Revenue. All Rate Cards, Web sites and advertisements associated with the Mountain View rooms will also need to be changed.

Public comment closed at 4:14p.m.

Motion: Continued indefinitely to the Planning Commission with the following comments:

- 1) The architecture is a beautiful rendition of traditional Santa Barbara architecture, and the Board appreciates the style and details of the project, however, the Board has concerns for the size, bulk, and scale.
- 2) The Board understands the two-story massing along the streetscape, and supports the modification request to encroach onto Coast Village Rd. because it is consistent with the streetscape. However, one member does not support this modification request, and would like to see more parkway and sidewalk.
- 3) Most Board members are uncomfortable with the modification request along Olive Mill Road, given the scale and proximity to a residential neighborhood, however, would potentially entertain some use of the modification to create some traditional massed wall planes; yet appreciate that the modifications are necessary to create traditional wall planes and massing.
- 4) The streetscape along Olive Mill Road needs to be sensitive to the residential neighborhood and must scale down into it. The use of the modification should be sensitive to the tradition of the architecture, and marry the architecture back into the residential scale of Olive Mill Road.
- 5) The Board finds the front yard modification request to use the solar setback rule versus the building height rule is deemed acceptable.
- 6) The proposal is aggressive and there are concerns with the lack of openings for pedestrian paseos.
- 7) There is opportunity to create stronger courtyards for the public experience; both at ground level and at the second story, and the street wise experience of the second story as seen from the public courtyard.
- 8) Study ways to break down the second and third story massing.
- 9) The Board appreciates the use of the one-story at the street corner.
- 10) Study using interior courtyard space as a mechanism of hiding some of the massing as seen by public.
- 11) There are concerns with the height and massing of the west elevation as seen from Coast Village Road.
- 12) It is understood that the project was not noticed, and that the applicant will work with the neighbors to help resolve any concerns of the neighbors.

Action: LeCron/Bartlett, 7/0/0.

Chair Maguire announced the ten calendar day appeal period.

IV. CONTINUED ITEM:

ACTUAL TIME: 1:46 P.M.

APPLICATION OF JEFF GORRELL, LENVIK & MINOR ARCHITECTS, AGENT FOR JOHN PRICE, 1298 COAST VILLAGE ROAD, APN 009-230-043, C-1/LIMITED COMMERCIAL, R-2/TWO-FAMILY RESIDENTIAL, AND SD-3/COASTAL OVERLAY ZONES. GENERAL PLAN DESIGNATIONS: GENERAL COMMERCE AND BUFFER (MST2004-00493)(CDP2005-00003)

The applicant is requesting that the City initiate a Change in Zone for the northern portion of the subject property from R-2/SD-3 (Two-Family Residential/Coastal Overlay Zone) to C-1/SD-3 (Limited Commercial/Coastal Overlay Zone). The property is nearly bisected by two zone designations; approximately 7,150 square feet of the 18,196 square-foot lot is currently zoned R-2 (Two-Family Residential) and the remaining 11,046 square feet, along Coast Village Road, is currently zoned C-1 (Limited Commercial). The Applicant's request would result in the entire property being zoned C-1/SD-3. At this time, the discretionary applications required for this project are an Initiation of a Zone Change (SBMC §28.92.015) and Initiation of a Local Coastal Plan Amendment.

The Planning Commission will not be reviewing a specific development project related to the request for a Change in Zone and LCP Amendment. Therefore, no action on a project will be taken at this time, nor will any determination be made regarding environmental review of a proposed project. This item is continued from March 17, 2005.

Ms. Brooke gave a brief overview of the request.

Jeff Gorrell, Lenvik & Minor Architects, and agent for the applicants, informed the PC that he was there to answer any questions that they might have.

The public hearing was opened at 2:04 p.m., and following person spoke in general regarding the project:

Peter Borneman

With no one else wishing to speak, the public hearing was closed at 2:08 p.m.

Commissioners' comments and questions:

1. Is the General Plan designation along Coast Village Road entirely commercial and would the re-zone provide an equal level of protection for setback potential if this property is developed.

2. Asked if we are no longer requiring open space areas and if that would be up to the developer.
3. Asked if once this zoning is approved, would a future development project come back to the Planning Commission, or will it go to the Architectural Board of Review.
4. Asked about the zoning (residential or commercial) surrounding this parcel.
5. Clarified to the public speaker that the zoning laws for our City have allowances for mixed use projects.
6. Asked that, if they initiate the re-zone, there be an environmental document prepared.
7. Feels it is important that the environmental document address the vanishing filling stations in our city the incremental traffic impact of this.
8. Feels staff has done a good job in analyzing this zone change.
9. Feels mixed use is good for this site and expects to see the highest quality of material and design, and that it be sensitive to the neighbors on Olive Mill Road, and consider how traffic would be handled.
10. Asked what would be developable now on this property; what is the status, and how does it currently function.
11. Agrees with the speaker that this is a gateway to Santa Barbara and Montecito, and feels it is a wonderful commercial area.
12. Clarified to the speaker that the Planning Commission is not approving a building on this lot today, which would be subject to future design review. Noted that we are currently in the first steps, and the public will have numerous opportunities to comment on whatever may be proposed on this lot.

The public hearing was re-opened at 2:18 p.m., and following person spoke in opposition of the project:

Leane Murphy

Mr. Vincent addressed the Planning Commission and stated that initiating the discussion in regards to the environmental document is sufficient enough prior to their recommendation to the City Council.

Ms. Hubbell addressed the Planning Commission regarding the possibilities on how this property can be developed.

MOTION: Jostes/Mahan

Assigned Resolution No. 023-05

Move to initiate a zone change on the northern portion of this property from R-2/S-D-3 to C-1/S-D-3, as well as a Local Coastal Plan amendment.

This motion carried by the following vote:

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

Mr. Gorrell addressed the Planning Commission and said he would be very happy to share with the Planning Commission the proposed development on the lot, and does plan to meet with the public as well.

Recessed at 2:22 p.m., and reconvened at 2:45 p.m.

V. NEW ITEMS

ACTUAL TIME: 2:45 P.M.

A. APPLICATION OF THE SANTA BARBARA SHELLFISH COMPANY, LESSEE, AND THE CITY OF SANTA BARBARA, PROPERTY OWNER, 230 STEARNS WHARF, APN 033-120-022, H-C/SD-3: HARBOR COMMERCIAL/COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: HARBOR COMMERCIAL (MST2004-00309)

The project consists of a proposal for a new 146 square foot outdoor seating area and a new 20 square foot recycling enclosure adjacent to the Santa Barbara Shellfish Company on Stearns Wharf.

The discretionary applications required for this project are:

1. Modification of the parking requirement to allow the development without providing the required parking spaces (SBMC§28.90); and
2. A recommendation to the California Coastal Commission on an Amendment to the Coastal Development Permit for Stearns Wharf for development in the Permit Jurisdiction of the Coastal Zone (SBMC §28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301, Existing Facilities.

Ms. Kennedy gave a brief presentation of the project.

Scott Riedmen, Waterfront Business Manager, addressed the Planning Commission.

Thomas White, Santa Barbara Shellfish, applicant, addressed the Planning Commission.

Commissioners' comments and questions:

1. Asked what happened to the bench as shown on the exhibit.
2. Very supportive of this proposal and feels the proposal is too modest with sixteen seats and hopes to see more someday.

The public hearing opened at 2:54 p.m., and the following person spoke in favor of the project:

Kevin McCeney

Chair Jostes announced the ten calendar day appeal period.

III. CONCEPT REVIEW:

Commissioner White stepped down at 1:32 P.M.

ACTUAL TIME: 1:32 P.M.

APPLICATION OF JEFF GORRELL, LENVIK & MINOR ARCHITECTS, AGENT FOR JOHN PRICE, 1298 COAST VILLAGE ROAD, APN 009-230-043, C-1/LIMITED COMMERCIAL, R-2/TWO-FAMILY RESIDENTIAL, AND SD-3/COASTAL OVERLAY ZONES. GENERAL PLAN DESIGNATIONS: GENERAL COMMERCE AND BUFFER (MST2004-00493)(CDP2005-00003).

The applicant's request is to develop the approximate 18,196 square foot lot(s) with a 3 story mixed-use building with a subterranean parking garage. The proposal is for 5,000 square feet of commercial space and parking on the first floor, and 8 residential units on the second and third floors. Twenty three parking spaces are included in a subterranean parking garage. The building height is proposed at a maximum of 42.5 feet.

The purpose of this concept review is to allow the Planning Commission to review the proposed project design at a conceptual level and provide the applicant and staff with feedback and direction on the project design proposal.

The Planning Commission will be reviewing the development concept only. Therefore, no action on a project will be taken at this time, nor will any determination be made regarding environmental review of a proposed project.

Case Planner: Steve Foley, Project Planner
Email: sfoley@santabarbaraca.gov

Steve Foley, Project Planner, gave the Staff presentation.

Jeff Gorrell, Lenvik and Minor Architects, representing applicant, gave the presentation.

Public comment was opened at 1:52 P.M.

The following speakers addressed the Commission in support of the project:

Ed Edick, Realtor: welcomes additional parking

The following speakers addressed the Commission with concerns for the project:

John Greer, representing adjoining property : Tree preservation / trash pickup
Danny Copus, Montecito Inn: Mountain view preservation / construction

With no one else wishing to speak, the public comment was closed at 2:07 P.M.

Commissioner's comments and questions:

1. Asked to see map showing the location of olive trees mentioned by Mr. Greer.
2. Asked Mr. Greer about parking lot behind neighboring property and whether or not there was trash access.
3. Asked if density is increased when changing from the R-2 to the C-2 zone.
4. Concerned with the cumulative traffic impact on the region when a filling station is removed, especially given the total loss of gas stations in the region over the last several years. Would like this addressed in an EIR.
5. Asked for clarification regarding residential access to the property and which of these entrances are open to the public.
6. Asked when roundabout construction at Olive Mill Road is expected. Since there is no time-certain for the roundabout, asked if there is a way to tie in the roundabout with the project. Measure D funds are what fund the roundabouts and it is unsure as to whether Measure D funds will be continued.
7. Asked if parking is restricted to commercial/retail tenants or for general public use.
8. Asked if there are any particular aspects in the Municipal Code that the Commissioners should be aware of, such as set backs, etc. that would be needed in making comments to the applicant.
9. The roundabout near Hot Springs Road is targeted to begin in February 2007.
10. Concerned with the loss of the hedge on north side due to the parking garage. The three stories relationship, in close proximity to residential, is a concern.
11. The three story project does not appear to hamper the mountain view.
12. Change of use of gas station provides less traffic and more pedestrian use.
13. Consensus of Commissioners support the mixed use and design of the project as a gateway to Montecito and to Santa Barbara.
14. Likes the development plan as a gateway that encourages pedestrian access. Approves of design, especially the corner.
15. Would like to see interaction with adjoining neighbors.
16. Likes the interior court yard in providing quieter settings for residents of the project.
17. Likes the style of architecture and finds it appropriate for Santa Barbara, but does not agree with concept.
18. Does not agree with providing surface parking within the project. Would like to see all 38 stalls below grade, including parking on the ramp. This would allow for more of an entry plaza at the corner of Coast Village Road and Olive Mill Road.
19. Would like to see what the applicant is giving back in exchange for the setback modification, especially given the significance of this corner to the City.
20. Noted the requirement for parking is 28 spaces, but the proposal shows 38 spaces; asked if this is over parked. This would allow for more of an entry plaza at the corner of Coast Village Road and Olive Mill Road.
21. Commissioners complimented applicant on communicating with neighboring retailers and residents.

22. Would like to see pedestrian access to the property increased and more open, perhaps include plants.
23. Architect complimented on Olive Mill elevation and Andalusian design approach.
24. Concerned with north setback adjoining the residential neighborhood. Would like to see the trees preserved.
25. Floor area ratio for residential appears to be one to one.
26. Consensus of Commissioners are concerned about the height along the west and north elevations adjacent to the residential uses and protecting the trees on the affected property lines, indicated the architecture is appropriate and generally pedestrian-friendly, asked that the parking be pushed under the building as much as possible in order to provide a more significant plaza entry at the corner of Olive Mill and Coast Village Roads.

Mr. Greer replied that the parking lot behind the neighboring property is not owned by his client and does not have any trash access. The only trash access is the one he is trying to preserve.

Ms. Hubbell addressed the zoning questions.

Mr. Gorrell clarified that two entries are open to the public and the third entry is for resident access only.

Ms. Hubbell stated that the roundabout at Olive Mill Road has not been funded and, therefore, could not be tied to the project.

Mr. Gorrell plans on retaining the hedge on the north side.

Mr. Foley and Ms. Hubbell addressed the setback modifications that would be included.

Mr. Gorrell thanked Commission for feedback.

IV. NEW ITEMS

Commissioner White returned to dais at 2:43 P. M.

ACTUAL TIME: 2:43 P.M.

A. APPLICATION OF STEVE BERKUS, AGENT FOR JOHN AND CAROL NAGY, PROPERTY OWNER, 222 AND 224 W. YANONALI STREET, APN 033-033-019 and 033-033-020, R-4, HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE, GENERAL PLAN DESIGNATION: HOTEL AND RESIDENTIAL, SD-3, COASTAL OVERLAY (MST2005-00192)

The project consists of the demolition of thirteen existing residential units and construction of five residential condominiums distributed in four buildings. Eight covered parking stalls are proposed within five garages. A voluntary lot merger is proposed. The discretionary applications required for this project is a Tentative Subdivision Map (TSM) for a one-lot subdivision to create five residential condominium units (SBMC Chapters 27.07 and 27.13); and



Bill Spiewak

CONSULTING ARBORIST
Registered Consulting Arborist #381 • American Society of Consulting Arborists

0330
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APR 11 2007

June 1, 2006

CITY OF SANTA BARBARA

Jeff Gorrell
Lenvik and Minor Architects
315 West Haley St.
Santa Barbara, CA 93101

963-3357

RE: 1298 Coast Village Rd. eucalyptus trees

BACKGROUND

In April 2006, I was requested to assess the row of ficus trees along the north side of this property and address potential impacts from the proposed project, including the underground garage. Since I prepared that report, the two eucalyptus trees along Coast Village Road and Olive Mill Road, became a concern due to the extent of the underground excavation. I was asked to re-visit the property and address these trees. I went to the site on May 19 and May 25, 2006.

ASSIGNMENT

I have been assigned to evaluate the two eucalyptus trees and address potential impacts from excavation of the underground garage.

LIMITS OF ASSIGNMENT

This assignment is limited to a visual assessment. I have not been able to observe the root system prior to this visit and determine how previous excavation has affected root growth.

USE OF REPORT

This report should be used to:

- Comply with the County of Santa Barbara, Planning and Review.
- Offer guidelines for construction to minimize damage to the trees.

OBSERVATIONS

1. There are two eucalyptus trees at the project site. One is along Olive Mill Road (tree #1) and tree #2 is along Coast Village Road.
2. Tree #1 appears to be a Weeping Red Gum (*Eucalyptus camaldulensis*). It is multiple stemmed with DBHs of 18" and 15". It is approximately 45' tall and in good condition. The branches appear heavy.
3. The tree grows in a small planter area between the asphalt parking lot and the concrete sidewalk.
4. Its root system has obviously lifted all asphalt and concrete. See photos #1 and #2.
5. The project calls for an underground garage about 8' to the west of the tree.
6. At the same distance, it appears that newer asphalt was applied several years ago, in a line parallel to the sidewalk. A conversation with a mechanic at the service station indicated that a ground water remediation system was installed several years ago and the lines of the newer asphalt represents excavated trenches. He did not know the depth of the system or other details that could provide information about root cutting during that project.
7. Tree #2 is also appears to be a Red Gum tree. It has a DBH of 24" and is about 50' tall. Although branches appear to be heavy, it is in good condition. See photo #3.

8. Eucalyptus #2 grows in a planter at the south side of the sidewalk, 3' from the edge of the concrete.
9. The concrete sidewalk (76" wide) is cracked and lifted adjacent to the tree trunk. See photos #5 and #6.
10. There is a storm water conduit that runs beneath the sidewalk. Manhole covers mark the storm strain, although I cannot see where the drain leads.
11. There are also new concrete islands in the service station, immediately to the north side of the sidewalk. There is also newer asphalt marking trenches throughout the parking lot, west of the tree.
12. The proposed underground garage will not come closer than the existing sidewalk.

DISCUSSION

Historically, the extent of root cutting in this service station for new islands and underground work has been extreme. There has been an abundance of root cutting, at least near the surface where most lateral tree roots grow. The depth of the prior excavation is not clear, although for a ground water remediation system and gasoline tanks, I can only assume that earthwork has been deep.

Despite the extensive work, the trees appear to be in good condition. I cannot speculate on the quantity of roots that will be encountered from this proposed project. However, it is unlikely that many roots grow beyond previously cut areas and where obstacles from installed systems are in place. I would expect to find mats of fine absorption roots adjacent to where roots were historically cut. These may be damaged during the new project but generally are replaced by new budding roots if conditions are good (cleanly cut roots to resist dieback and soil moisture).

Also, based on the health of the trees and with ground water close by, it would be reasonable to assume that roots grow more vertically, dependant on deeper moisture rather than on lateral root growth closer to the surface (except where asphalt and concrete has been lifted and cracked).

CONCLUSIONS

- The proposed underground garage may have impact on the trees, however historical earthwork has most likely predisposed the root system to a more limited region of growth.
- Tree protection guidelines can reduce impacts.

RECOMMENDATIONS

1. Install chain link fence around the trees as far from the trunks as possible that does not prohibit work on the project. This is the tree protection zone (TPZ) and must be free from activities, debris, and storage of materials.
2. The project arborist should supervise excavation adjacent to the trees and cleanly cut roots encountered by equipment.
3. The soil profile where roots have been cut should be kept moist and covered with material (i.e. burlap) to resist drying. Based on conditions, the soil profiles and TPZ should be irrigated during spring, summer and fall months or as determined by conditions and the project arborist.
4. If root damage is extreme, it may be decided that trees must be pruned to mitigate potential risks.
5. The project arborist should document all observations and recommendations regarding the trees, and report to the project agent.

Prepared by:

Bill Spiewak
 Bill Spiewak
 Registered Consulting Arborist #381
 American Society of Consulting Arborists

Board Certified Master Arborist #310-B
International Society of Arboriculture





Photo 1: View of tree #1 looking south. Note the asphalt and concrete damage from root growth.

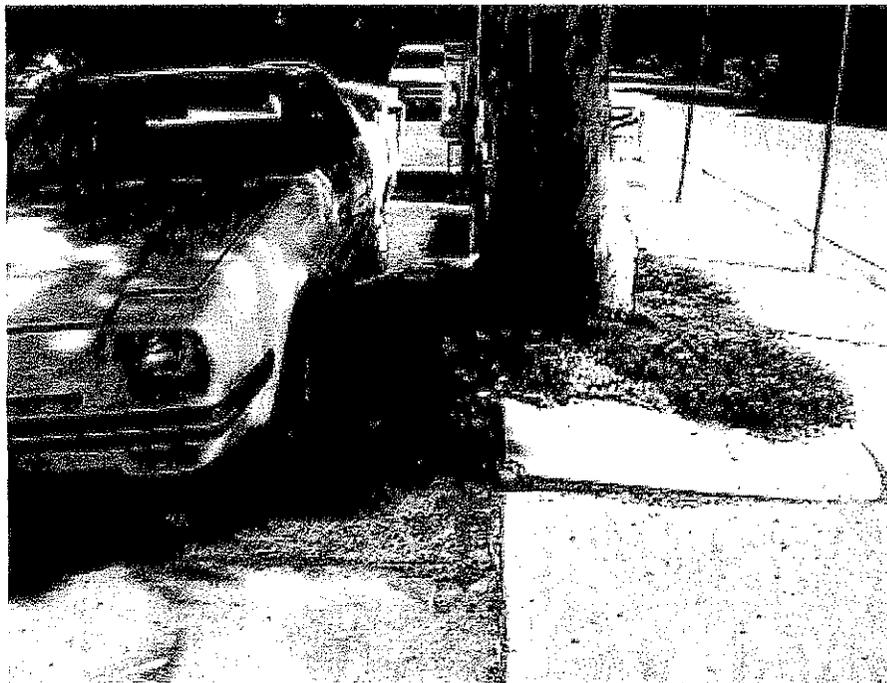


Photo 2: Same tree looking north. Although not shown, the asphalt damage ends 8' to the west side of the tree where proposed construction will occur.

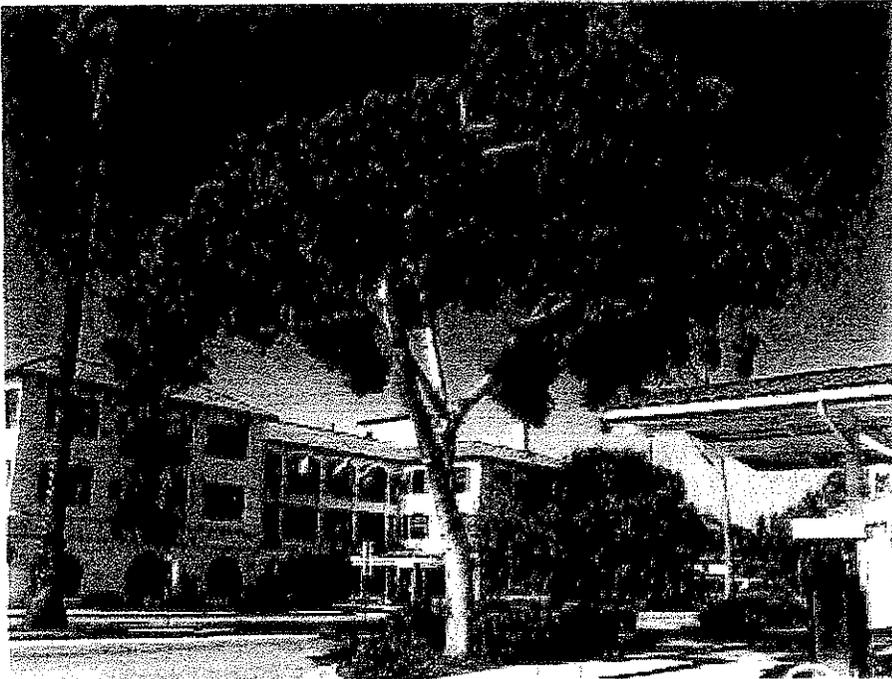


Photo 3: View of tree #2.



Photo 4: Note the manhole cover and storm drain on the east end of the sidewalk. The concrete by the pumps is new (arrow).



Photo 5: West end of sidewalk with manhole cover and storm drain. Note cracks in concrete.

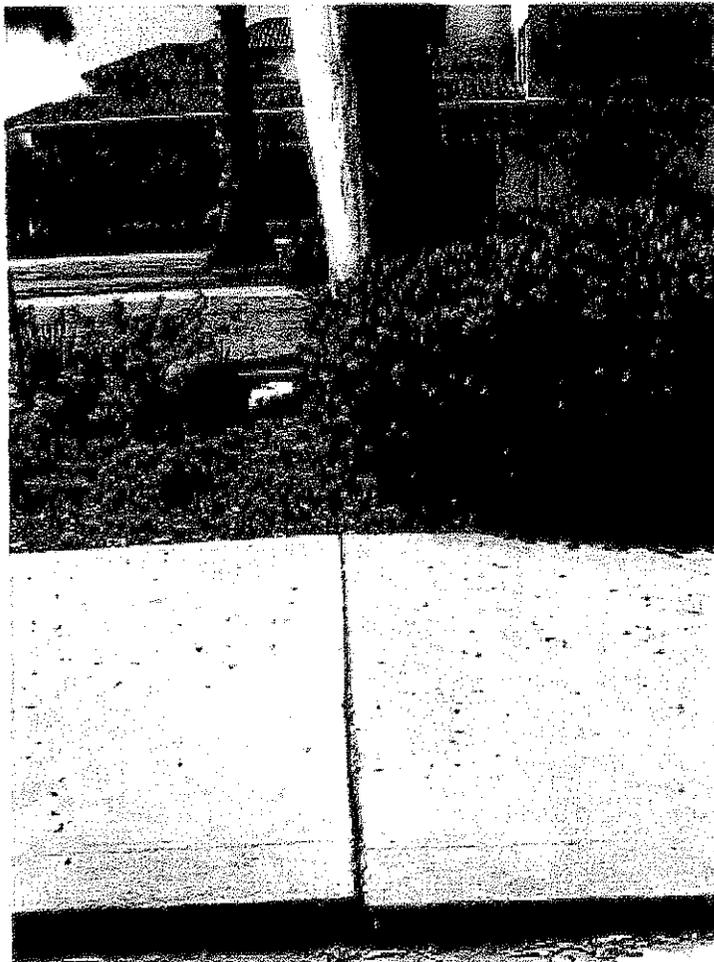


Photo 6: Lifted concrete sidewalk adjacent to trunk.

0336



Bill Spiewak
CONSULTING ARBORIST
Registered Consulting Arborist #381 • American Society of Consulting Arborists

RECEIVED
APR 11 2007

CITY OF SANTA BARBARA
PLANNING DIVISION

April 4, 2006

Bendy White
1553 Knoll circle Drive
Santa Barbara, CA 93103

962-5260
957-1006 fax
bendyfish@aol.com

RE: 1298 Coast Village Rd.

LENVIG and ARCHITECTS

APR 13 2006

ARCHITECTS

BACKGROUND & HISTORY

Bendy White, Land Use Planner, contacted me regarding a project at 1298 Coast Village Rd. His client was proposing to build a mixed-use structure that included a driveway along the south side of a line of ficus trees. For the purpose of project approval, Bendy needed an arborist report regarding potential impacts to the trees. I evaluated the site on March 27, 2006.

ASSIGNMENT

I have been assigned to assess potential impacts to a line of ficus at the rear property line of 1298 Coast Village Road in Santa Barbara. My findings are to be documented in a report.

LIMITS OF THE ASSIGNMENT

Due to site conditions, it is unreasonable to observe roots below ground. My opinions are based on observations and experience with this tree species.

USE OF THIS REPORT

I intend for this report to be used:

- To fulfill requirements set by the Architectural Board of Review and other agencies requiring information on these trees.
- As a guideline to minimize impacts to the trees.

OBSERVATIONS

1. There are ten ficus trees (*Ficus macrocarpa nitida*) along the north property line of this parcel.
2. They vary in trunk diameter and height; between 16" and 24" in diameter, and 16' and 20' tall.
3. The trees are spaced about 8' - 10' apart.
4. They are planted in a narrow planting strip that is 32" wide. The roots abut the curb of the planter to the south and the retaining wall to the north.
5. One section of the curb is cracked and the adjacent asphalt in the parking lot has been lifted. There is a gas meter on the east side of the eastern tree.



Photo 1: View of the line of ficus. Arrows point to crack and gas meter.



Photo 2: Note the proximity of the trees to the retaining wall.

6. On the north side of the property line (separated by the block wall and fence) is a residential property with a garage.
7. It appears the trees have been trimmed on the neighbor's side to contain their spread. On the south side, only the first ten trees have been trimmed over the parking lot. At the west end, the trees have been allowed to grow most likely due to lack of access (conflict with a car canopy).
8. The lower 6' of foliage has been pruned on the south side over the parking lot.

DISCUSSION

Ficus nitida are a fast growing tree that are frequently used as hedges and recognized city wide as a common street tree. In the city of Santa Barbara, these trees have been heavily cut and root pruned to accommodate sidewalks, curbs and gutters. Although the city has been practicing this hard-handed procedure with little consequence (regarding tree health), two trees have recently died after crown and root pruning and a few others are in bad condition. This is an indication that this species cannot be unlimitedly cut without consequence despite their reputation.

In many other situations, I have observed heavy pruning and root cutting without obvious effects. Yet science proves, severe damage to the trunk and roots cannot go without long-term impacts, despite the fact that consequences may not be recognized in the short term.

The project calls for removal of the existing curb on the south side of the tree row, and excavating soil for a lower level garage. There will undoubtedly be extensive root cutting on the south side of the trees, almost against the trunk. This will be damaging, although the trees may be able to sustain that injury for years (maybe ten) before decay sets into the trunk and impacts structural integrity.

It may be reasonable to interplant (between ficus) with small (5 gallon) trees that can replace this hedge over time. Also a decision to retain this hedge should include a plan of regular shearing (every six to twelve months) and occasional concrete/asphalt repair (perhaps every 5 years). Root barriers have been effective in reducing impacts to infrastructure and should also be considered. This may eliminate or prolong repairs to infrastructure for at least ten years.

CONCLUSION/RECOMMENDATIONS

1. The project will be damaging to the trees although the impacts may not be recognized for many years.
2. During excavation, cleanly cut roots greater than 1/2" in diameter with sharp tools.
3. Install a chemical root barrier (*bio barrier*) along the south side of the trees to a depth of about 36".
4. Interplant between trunks with 5-gallon species that can grow into hedge form over the next ten years. As these trees grow, the ficus will need to be slowly trimmed away to allow the new trees to fill the space.
5. Ficus trees should be sheared regularly to reduce root growth and maintain the crown.

Please contact me with any questions.

Prepared by: Bill Spiewak
Bill Spiewak

Registered Consulting Arborist #381
American Society of Consulting Arborists



Board-Certified Tree Doctor #310-B
International Society of Consulting Arboriculture



Photo 3: Note the proximity of the trees to the curb.

0336



2325 SKYWAY DRIVE, SUITE C
SANTA MARIA, CALIFORNIA 93455
WWW.ATCASSOCIATES.COM
805.928.3000
FAX 805.928.6046

November 9, 2006

Project No. 79.75118.1081

Mr. Thomas Rejzek
County of Santa Barbara
Fire Prevention District
195 West Highway 246, Suite 102
Buellton, California 93427

RE: Quarterly Site Status Report - Third Quarter - 2006
76 Station No. 0535
1298 Coast Village Road
Montecito, California
LUFT Site No. 50575

Dear Mr. Rejzek:

On behalf of ConocoPhillips, ATC Associates, Inc. is pleased to submit this third quarter 2006 site status report for 76 Station No. 0535. The site is an active retail fueling facility located at the northwest corner of Coast Village Road and Olive Mill Road in Montecito, California. The Site maintains two 12,000-gallon unleaded gasoline underground storage tanks (USTs) and one 600-gallon waste oil UST. As of December 31, 2003, the site is owned and operated by an independent dealer. The general site location and layout are shown of Figure 1, Site Location Map and Figure 2, Site Plan.

Background

In November of 1993, a product line leak was reported at the site. The leak was located and repaired the following day. From November of 1993 through July of 1994, four soil borings were drilled and groundwater monitoring wells MW-1 through MW-4, and vapor extraction wells V-1 and V-2 were installed. Results of these investigations indicate that the upper 70-feet of subsurface soils consisted of poorly graded sand and gravelly sand with clay. Groundwater was encountered at a depth of approximately 50 feet below ground surface (bgs) and flowed to the southwest at an approximate gradient of 0.008 ft/ft. Analytical data of soil samples collected during site assessment indicate that the lateral extent of petroleum hydrocarbon-impacted soil was defined, and that hydrocarbon-impacted soil extended vertically to groundwater. In September of 1996, an off-site groundwater monitoring well (MW-7) was installed south of the site in the median of Coast Village Road.

Pacific Environmental Group, Inc. (PEG) performed feasibility testing at the site from July 29 through August 8, 1999, as proposed in PEG's *Interim Feasibility Testing Work Plan*, dated April 14, 1999. The results of the test were presented in a report prepared by PEG and submitted to the Santa Barbara County Fire Department (SBCFD) in August of 2000.

In December of 2000 and January of 2001, England Geosystem, Inc. completed additional on- and off-site assessment (boring B-13 and wells MW-8 through MW-12). Soil analytical results indicated that only the 25-

foot soil sample from boring B-13 had a detectable concentration of methyl tertiary butyl ether (MTBE). None of the other soil samples collected contained detectable concentrations of total petroleum hydrocarbons characterized as gasoline (TPHg); benzene, toluene, ethylbenzene, or total xylenes (BTEX) constituents; MTBE; or any of the additional fuel oxygenates tested. Groundwater analytical data indicated that the extent of groundwater impact has been defined in all directions to the extent feasible. The dissolved-phase hydrocarbon plume is centered below the USTs and dissolved-phase MTBE extends southward a short distance beyond the property line. Future ground water monitoring data will be used to evaluate the stability of the identified plume (England Geosystem, 2001).

England Geosystem submitted a *Revised Remedial Action Plan* to the SBCFD in February of 2001, proposing a permanent dual-phase extraction system. The SBCFD approved the remedial action plan in April of 2001. Following permitting activities, construction of the remediation system began in January of 2003 and was completed in May of 2003. Full-time vapor system operation began on August 12, 2003 and the emissions verification test (EVT) was conducted on September 4, 2003 in accordance with the Authority to Construct (ATC) permit number 10708. The system was subsequently shut down due to a noise complaint. On December 19, 2003, the VES manufacturer modified the emissions stack in an effort to decrease the noise output from the system. On June 8, 2004, the catalyst was added to the VES as another measure to decrease the noise output.

ATC prepared a document entitled "*Groundwater Monitoring Well Installation Work Plan*" dated, September 29, 2005, which summarized the proposed scope of work for the installation of groundwater monitoring well MW-1R. In a letter dated, November 15, 2005. Historic groundwater monitoring results have shown unusually high MTBE concentrations in groundwater samples collected from V1/MW-1, which are seemingly misrepresentative of the groundwater conditions at the Site. V1/MW-1 well construction details indicate that it is installed to a depth of 30 feet below ground surface (bgs) with a screen interval from 5-30 feet bgs. Historic groundwater data for this Site indicate that groundwater is typically present at approximately 50 feet bgs (Holguin, Fahan & Associates, Inc.).

On February 7, 2006, ATC supervised the installation of groundwater monitoring well MW-1R which was screened from 37 ft to 57 ft bgs.

Background References:

England Geosystem, 2001, Additional Soil and Ground Water Assessment, 76 Station No. 00535, June 11, 2001;

Pacific Environmental Group, Inc., 2000, Quarterly Status Report - Four Quarter 1999, Taseco Service Station No. 0535, report dated January 12, 2000;

Pacific Environmental Group, Inc., 2001, Additional Soil and Ground Water Assessment, 76 Service Station No. 0535, June 11, 2001.

Work Performed during Quarter (Third Quarter 2006)

- Continued operation of the Vapor Extraction and Groundwater Treatment System. The *Third Quarter 2006 Vapor Extraction and Groundwater Treatment System O&M Report*, dated September 15, 2006 prepared by Environ Strategy Consultants, Inc. is included as an attachment to this report.
- Groundwater monitoring and sampling was conducted on August 15, 2006 by TRC. The *Quarterly Monitoring Report July through September 2006*, dated September 11, 2006, prepared by TRC is included as an attachment to this report.
- ATC submitted a status report for the second quarter of 2006

Groundwater Monitoring Results

The following summary is provided based on the information provided by TRC in their Quarterly Monitoring report:

- Total petroleum hydrocarbons as gasoline (TPHg) was detected in the groundwater sample collected from monitoring well MW-6 at a concentration of 66 micrograms per liter ($\mu\text{g/L}$).
- Methyl tertiary butyl ether (MTBE) was detected above SBCFD the investigation level (5.0 $\mu\text{g/L}$) in the groundwater samples collected from monitoring wells MW-1R (12 $\mu\text{g/L}$) and MW-2 (8.5 $\mu\text{g/L}$). MTBE was also detected in groundwater samples collected from monitoring wells MW-3 (1.7 $\mu\text{g/L}$) MW-4 (2.2 $\mu\text{g/L}$) and MW-6 (1.3 $\mu\text{g/L}$).
- Total xylenes were detected in the groundwater sample collected from monitoring well MW-6 below the SBCFD investigation level (1,750 $\mu\text{g/L}$) at a concentration of 3.6 $\mu\text{g/L}$.
- 1,2-dichloroethane was detected in the groundwater sample collected from monitoring well MW-8 at a concentration of 0.67.

Remediation System Operation

The following summary is provided based on the information provided by ESC in their Third Quarter O&M report:

Groundwater Treatment:

- During the third quarter of 2006, 38,112 gallons of water were processed by the groundwater treatment system (monitoring wells MW-2, MW-4 and MW-6). The total amount of water processed since system startup on August 12, 2003 is 351,236 gallons.
- During each month of the quarter, four groundwater samples are collected from the treatment system: an influent sample and effluent samples from each of three stages of the treatment system (A, B, and C). The influent sample collected during the month of August 2006 had a MTBE concentration of 1,100 $\mu\text{g/L}$ and a TBA concentration of 230 $\mu\text{g/L}$. However, MTBE and TBA were not detected above their respective laboratory practical quantitation limits in the influent groundwater sample collected during the following month.

SVE system operation:

- The soil vapor extraction (SVE) system operated continuously with five wells (V-1, V-2, MW-2, MW-4 and MW-6) during the third quarter of 2006 for a total of 2,186 hours.
- On three occasions (June 5, July 17 and August 21, 2006) during the third quarter, soil vapor samples were collected from the pre-dilution influent vapor stream of the SVE system and analyzed for TPHg, benzene, toluene, ethylbenzene, total xylenes and MTBE by EPA test method 8015/8020 including MTBE. Based on the analytical results from these three separate events, the average TPHg, benzene, toluene, ethylbenzene, total xylenes and MTBE concentrations were 360, 3.4, 11, 1.1, 5.8 and 0.46 parts per million by volume (ppmv), respectively.
- Approximately 813 pounds of hydrocarbons were removed by the SVE system during the third quarter of 2006 and approximately 22,219 total pounds of hydrocarbons have been recovered from the site to date.

Summary of Site Information

Current phase of project:	Monitoring and Remediation
Frequency of ground water monitoring/sampling:	Quarterly/Quarterly
Minimum depth to groundwater [feet below top of casing (TOC)]:	44.45 at MW-1R*
Maximum depth to groundwater (feet below TOC)	46.20 at MW-10*
Average depth to groundwater (feet below TOC):	45.33*
Average groundwater elevation (feet):	18.84*
Average change in groundwater elevation since previous monitoring event (feet):	-0.25*
Approximate groundwater gradient and flow direction:	0.03 ft/ft to the south*
Significant change in groundwater conditions from previous monitoring event:	MTBE decreased in monitoring well MW-2 from 120 µg/L to 8.5 µg/L. An increase in influent concentrations of MTBE and TBA is discussed above in the Groundwater Treatment section.
Date groundwater monitoring initiated:	November 1993
Date groundwater monitoring ended:	On-going
Current remediation process utilized:	Dual Phase Extraction
Dates current remediation initiated:	August 12, 2003

Wells connected to remediation system(s) during the quarter:

Groundwater extraction:
(monitoring wells MW-2, MW-4 and MW-6)**

Soil Vapor Extraction wells (V-1, V-2, MW-2, MW-4 and MW-6)**

Disposal and Recovery Information

	<u>This Quarter</u>	<u>To Date</u>
Tons of soil transported from site:	0	172.40
Gallons of water recovered during DPE events and transported from the site:	0	0
Gallons of water transported offsite from groundwater sampling and well development activities:	193*	5,227
Gallons of water treated onsite and discharged:	38,112	351,236
Pounds of hydrocarbons recovered during DPE events:	813	22,219

* Data obtained from "Quarterly Monitoring Report July through September 2006" TRC. September 11, 2006.

** Data obtained from "Third Quarter 2006 Soil Vapor Extraction and Ozone Injection System O&M Report," Environ Strategy Consultants, Inc. September 15, 2006.

Work Proposed For Fourth Quarter 2006

- Continue operation of the vapor extraction and groundwater treatment system as recommended below.
- TRC will conduct fourth quarter groundwater monitoring and sampling activities.
- Submit quarterly site status report, including the results of the quarterly O&M events.

Recommendations

Relatively low hydrocarbon removal rates (5 to 6 pounds per day) have been realized since April 2004 and low levels of TPH-g and MTBE remain localized around well V1/MW-1. Based on these conditions, ATC recommends modifying the operational period of the vapor extraction system from continuous to cyclical while maintaining continuous operation of the groundwater extraction system. Alternative remediation strategies that have potential to expedite the removal and/or treatment of the residual hydrocarbon impact should be evaluated as well.

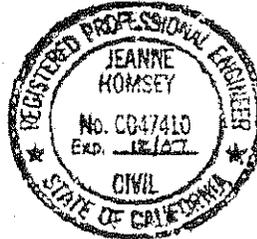
If you have any questions regarding this report or need additional information regarding this site, please contact me at 805-928-3000.

Respectfully submitted,

ATC Associates Inc.

Brett Sullivan
Project Geologist

Jeanne Homsey, P.E.
Principal Engineer



Attachments: Figure 1, Site Location Map
Figure 2, Site Plan

Third Quarter 2006, Vapor Extraction and Groundwater Treatment System O&M Report
dated, September 15, 2006 prepared by Environ Strategy Consultants, Inc.

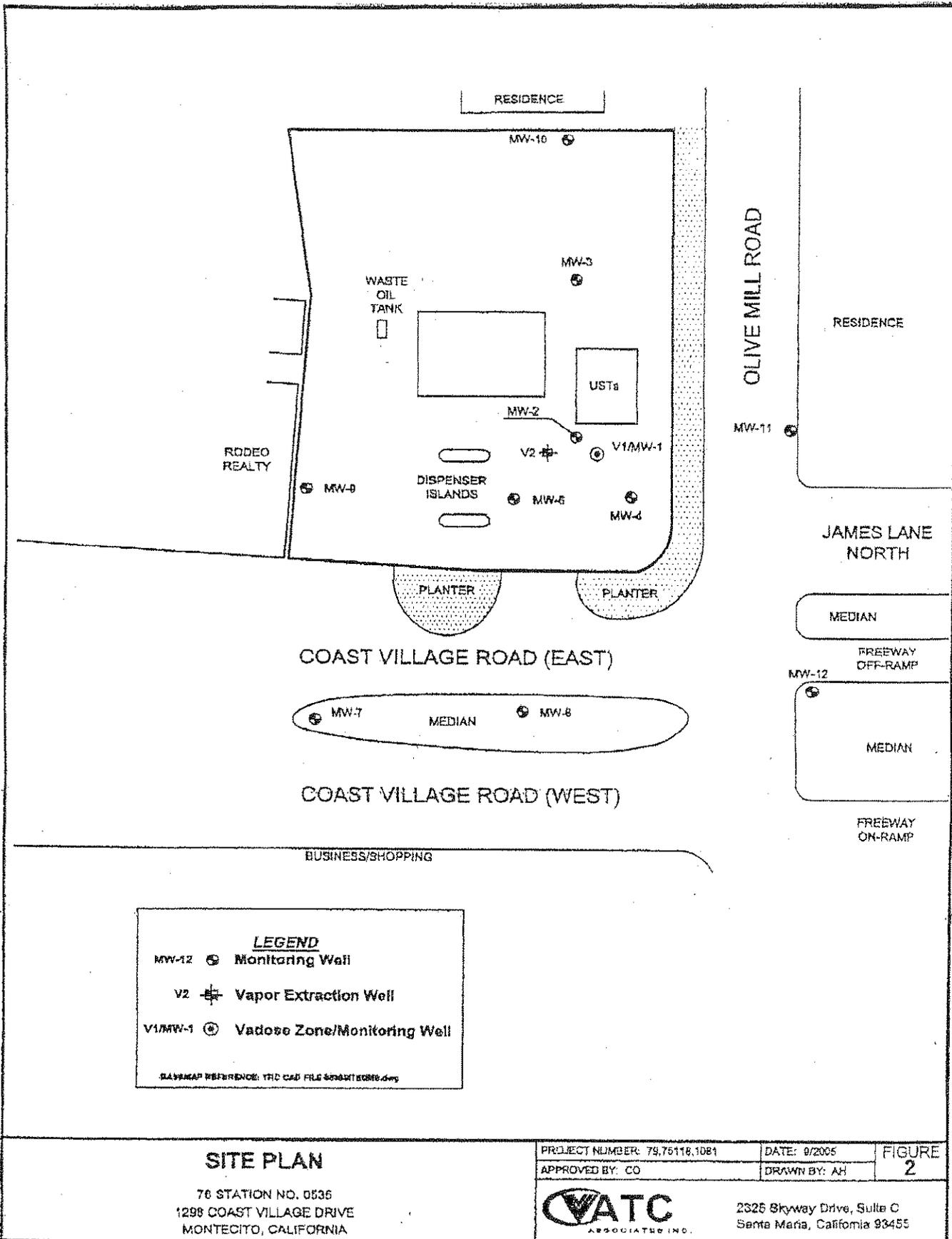
July 2006, Monthly Discharge Monitoring Report, dated August 7, 2006. Prepared by
Environ Strategy Consultants, Inc.

August 2006, Monthly Discharge Monitoring Report, dated September 7, 2006. Prepared by
Environ Strategy Consultants, Inc.

September 2006, Monthly Discharge Monitoring Report, dated October 9, 2006. Prepared by
Environ Strategy Consultants, Inc.

Quarterly Monitoring Report July through September 2006 TRC, dated September 11, 2006.
Prepared by TRC

CC: Ms. Shari London, ConocoPhillips Company
Mr. John Price, Price Bros.
Mr. Larry Turner
Mr. Greg Stahl, Ground Zero Analysis, Inc.



LEGEND

- MW-12 Monitoring Well
- V2 Vapor Extraction Well
- V1/MW-1 Vadose Zone/Monitoring Well

SLASHMAP REFERENCE: TRD CAD FILE 80904110018.dwg

SITE PLAN

76 STATION NO. 0536
1298 COAST VILLAGE DRIVE
MONTECITO, CALIFORNIA

PROJECT NUMBER: 79.75118.1081	DATE: 9/2005	FIGURE
APPROVED BY: CO	DRAWN BY: AH	2



2326 Skyway Drive, Suite C
Santa Maria, California 93455

environ strategy consultants, inc.



September 15, 2006

30 Hughes, Suite 209
Irvine, California 92618
tel 949.581.3222
fax 949.581.3207
Project No. 208-A

Mr. Bruce Cutting
Project Manager
ATC Associates Inc.
2325 Skyway Drive, Suite 1
Santa Maria, CA. 93455

Third Quarter 2006
Vapor Extraction and Groundwater Treatment
System O&M Report
76 Service Station No. 535
1298 Coast Village Road
Montecito, California

Dear Mr. Cutting:

Environ Strategy Consultants, Inc. is pleased to submit this remediation system operation and maintenance (O&M) report for 76 Service Station No. 535, located at 1298 Coast Village Road in Montecito, California. This report summarizes the soil and groundwater remediation system operation, field data and laboratory analytical results collected during the Third Quarter 2006.

A soil vapor extraction and groundwater treatment system is operated at the site to remediate fuel hydrocarbon-impacted soil and groundwater. Vapor extraction system performance data and analytical results are attached. Laboratory analytical reports are also attached in Appendix A.

	<u>Soil Vapor Extraction System</u>	<u>Groundwater Treatment System</u>
Equipment Information	Enviro Supply, Model No. TC 600	Three (3) 2,000 lb carbon vessels NEEP air stripper model: 2341P
Discharge Permit Information	SBCAPCD Permit No. 10708 Expiration Date: April 1, 2008 Discharge Limits: 118 ppm(v) ROC 2.56 ppm(v) Benzene	SBPWD Permit No. 06-047GW Expiration Date: January 31, 2007 Discharge Limits: 21,600 gpd <13 µg/L MTBE
Operation Data During Reporting Period: June 1, 2006 - August 31, 2006	Hours of Operation: 2,186 Pounds of Hydrocarbon Recovered: 813	Gallons of Groundwater Processed: 38,112
System Operation Data Since Startup: August 12, 2003	Total Hours of Operation: 16,001 Total Pounds of Hydrocarbon Recovered: 22,219	Total Gallons of Groundwater Processed: 351,236
Note:		

Third Quarter 2006 O&M Report

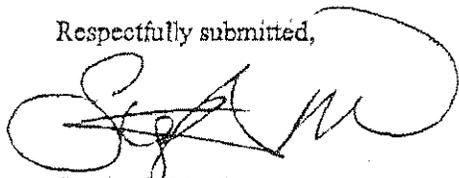
76 Station No. 0535

September 15, 2006

Page 2

Environ Strategy appreciates the opportunity to be of service. If you have any questions or require additional information regarding this report, please do not hesitate to call us at (949) 581-3222.

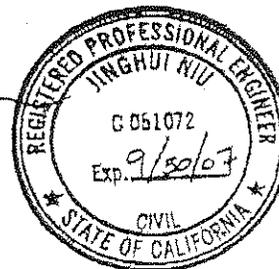
Respectfully submitted,



Stephanie Martinez
Project Coordinator



Jinghui Niu, P.E.
Principal Engineer



Attachments: Figure - Site Plan

Table 1 - Summary of Vapor Extraction System Monitoring Data

Table 2 - VES Hydrocarbon Well Concentrations

Table 3 - VES Influent and Well Analytical Data

Table 4 - Discharge Monitoring Analytical Data

Table 5 - Groundwater Treatment System Operation Data

Table 6 - Summary of Treatment System Monitoring Data

Graph 1 - VES System Performance

Graph 2 - VES Hydrocarbon Concentrations by Well

Graph 3 - VES Laboratory Analytical Data

Appendix A - Laboratory Analytical Reports

cc: Shari London, ConcocoPhillips Company (electronic copy)



**QUARTERLY MONITORING REPORT
OCTOBER THROUGH DECEMBER 2006**

76 STATION 0535
1298 Coast Village Road
Santa Barbara, California
Prepared For:

Ms. Shari London
CONOCOPHILLIPS COMPANY
3611 S. Harbor Blvd., Suite 200
Santa Ana, California 92704

By: .

A handwritten signature in black ink, appearing to read 'Susan Franzen', written over a horizontal line.



Senior Project Geologist, Irvine Operations
December 15, 2006



Summary of Gauging and Sampling Activities
October 2006 through December 2006
76 Station 0535
1298 Coast Village Road
Santa Barbara, CA

Project Coordinator: **Shari London**
Telephone: **714-428-7720**

Water Sampling Contractor: **TRC**
Compiled by: **Christina Carrillo**

Date(s) of Gauging/Sampling Event: **11/21/06**

Sample Points

Groundwater wells: **7 onsite, 4 offsite** Wells gauged: **8** Wells sampled: **10**
Purging method: **Submersible pump**
Purge water disposal: **Crosby and Overton treatment facility**
Other Sample Points: **0** Type: **n/a**

Liquid Phase Hydrocarbons (LPH)

Wells with LPH: **0** Maximum thickness (feet): **n/a**
LPH removal frequency: **n/a** Method: **n/a**
Treatment or disposal of water/LPH: **n/a**

Hydrogeologic Parameters

Depth to groundwater (below TOC): Minimum: **44.5 feet** Maximum: **46.2 feet**
Average groundwater elevation (relative to available local datum): **18.69 feet**
Average change in groundwater elevation since previous event: **-0.15 feet**
Interpreted groundwater gradient and flow direction:
Current event: **0.02 ft/ft, south**
Previous event: **0.01 ft/ft, south (08/15/06)**

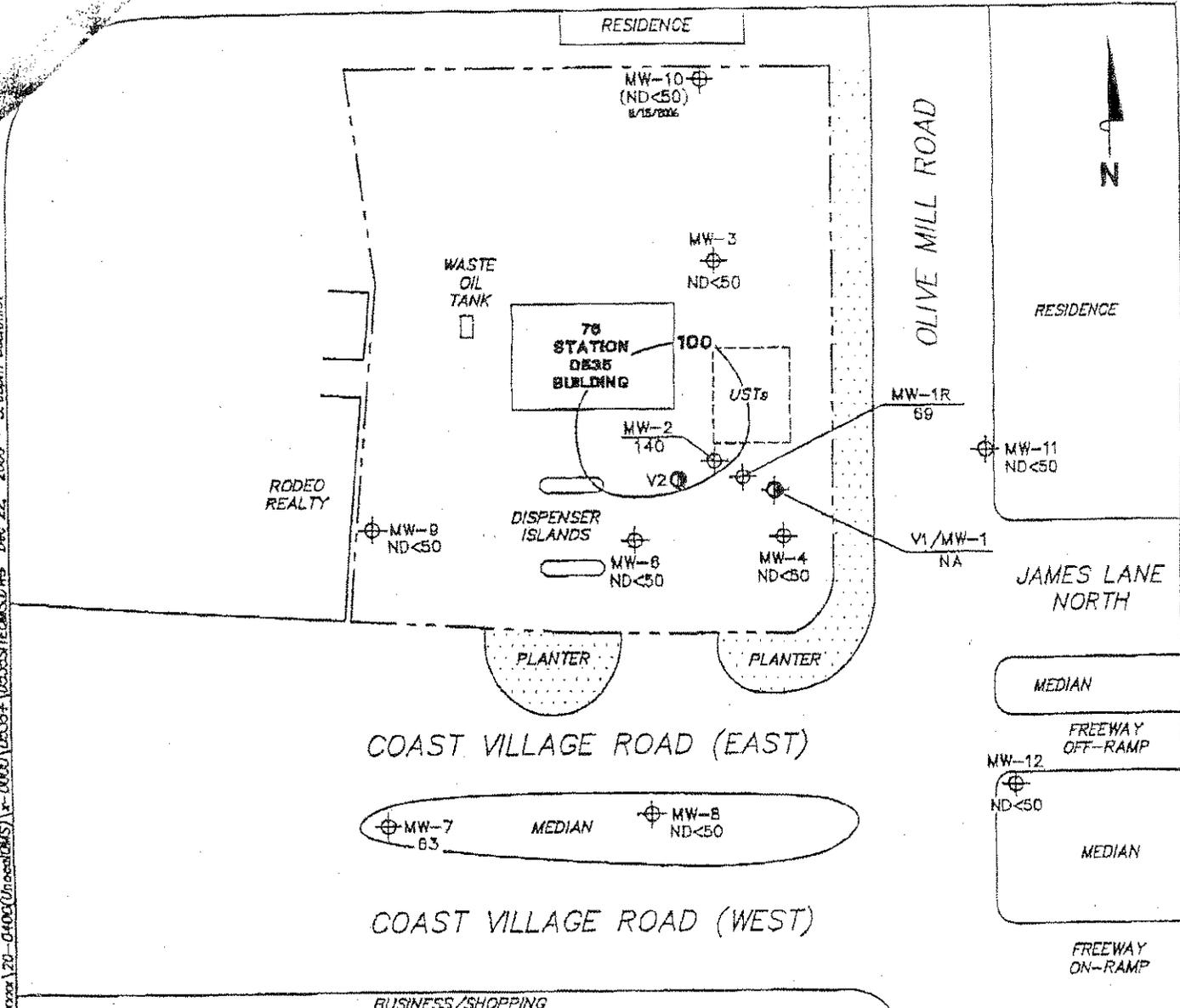
Selected Laboratory Results

Wells with detected **Benzene**: **0** Wells above MCL (1.0 µg/l): **n/a**
Maximum reported benzene concentration: **n/a**
Wells with **TPH-G by GC/MS** **3** Maximum: **140 µg/l (MW-2)**
Wells with **MTBE** **4** Maximum: **130 µg/l (MW-2, MW-1R)**

Notes:

MW-10=Roots stuck in well, MW-2=Port sampled, MW-4=Port sampled, MW-6=Port sampled,

PS-1-1 0535-0011 (R) VME-FS1 \Graphics\Drawings\Number 120-xxxx\20-xxxx\20-0400(Updated) r-0000\0535+ \0535\TECHNICAL.DWG Dec 22, 2005 - J. DeBart, barchmidt



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- MW-12 Monitoring Well with Dissolved-Phase TPH-G (GC/MS) Concentration (µg/l)
- V2 Vapor Extraction Well
- VI/MW-1 Vadose Zone Monitoring Well
- 100— Dissolved-Phase TPH-G (GC/MS) Contour (µg/l)

NOTES:

Contour lines are interpretive and based on laboratory analysis results of groundwater samples. TPH-G (GC/MS) = total petroleum hydrocarbons with gasoline distinction utilizing EPA Method 8260B. µg/l = micrograms per liter. ND = not detected at limit indicated on official laboratory report. UST = underground storage tank. () = representative of historical value.

**DISSOLVED-PHASE
TPH-G (GC/MS)
CONCENTRATION MAP
November 21, 2006**

76 Station 0535
1298 Coast Village Road
Santa Barbara, California

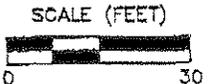


FIGURE 3

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CITY OF SANTA BARBARA
PLANNING DIVISION

**COMMUNITY NOISE ANALYSIS FOR
1298 COAST VILLAGE ROAD, SANTA
BARBARA,
CALIFORNIA**

Prepared for:

Mr. John Price
1550 La Vista Road
Santa Barbara, CA 93110

Prepared by:

URS

URS Corporation
130 Robin Hill Road, Ste. 100
Santa Barbara, CA 93117

December 2006

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Existing noise levels were monitored at 1298 Coast Village Road, Santa Barbara, California, the site of a gas service station proposed for development with two retail commercial spaces adjacent to the street, and eight residential units above and to the rear of the commercial uses. The property is bounded by Coast Village Road to the south, Olive Mill Road to the east, a single family residence to the north, and commercial office uses to the west. This report analyzes the noise environment that will affect the proposed residential uses, and changes in the noise environment that would be caused by the project.

The existing noise levels are dominated by traffic on Coast Village Road, with some contribution from Olive Mill Road. Other noise sources making small contributions to the noise environment include traffic on US Highway 101, approximately 200 feet to the southeast and well below the elevation of the project site, and distant traffic. The current Day-Night Average Noise Level (Ldn) at locations representative of the project exterior range from 61 to 63 dBA. Future Ldn values at these locations will range from 62 to 64.2 dBA. The project will provide a series of open interior patios and a common courtyard that will be shielded from traffic noise by the structure of the building. Modeled noise results for these outdoor living areas are all well under 50 dBA. These Ldn values are well below the City of Santa Barbara standard of 60 dBA for outdoor living areas.

Interior noise levels are expected to be at or below 45 dBA, assuming standard residential construction methods in compliance with current California building standards. Three proposed residential units (Units 3, 4, and 5) that face onto Coast Village Road may have to keep windows closed in order to achieve the interior Ldn standard. A condition requiring forced air circulation for these units is recommended.

Construction noise from the project could affect adjacent residential and office uses. With the inclusion of the recommended mitigation measures, the construction noise effects of the project will not be significant.

2.1 NOISE STANDARDS

Noise Element

The City of Santa Barbara Noise Element (1979:1-8) provides a thorough background discussion of noise and its effects on human health and quality of life. For the project at 1298 Coast Village Road, the major noise issue relates to achieving acceptable exterior noise levels in outdoor living areas. Interior noise levels, and the temporary effect of construction noise on the adjacent single family house to the north of the project site are also important issues.

The compatibility standards adopted in the City Noise Element are expressed in terms of the Day-Night Average Noise Level (Ldn). Similar standards contained in the Noise Ordinance are expressed in terms of the Community Noise Equivalent Level (CNEL). Both of these noise descriptors are based on hourly average noise levels during different times of the day, and include an adjustment or penalty for noise during evening and/or nighttime hours. Results computed in both methods usually agree within a decibel or two, and the two descriptors are often used interchangeably. The Ldn is used in this report, and is defined more completely below. Noise levels used in the standards and measurements described in this report are expressed as decibels, using the "A" weighted frequency response that duplicates the sensitivity of the human ear (abbreviated dBA).

An additional term used in this report and in describing noise standards is "Equivalent Noise Level" or Leq. For a noise of varying loudness over a defined time period, the Leq is the constant value that represents the same amount of energy. Leq values are usually expressed for 1-hour periods, as in the hourly average noise levels that are used to define the Ldn described above. They may be expressed for longer or shorter time periods, however.

For residential areas, the Noise Element recommends that 60 dBA is the maximum exterior Ldn compatible with residential development (City of Santa Barbara 1979:13 and Figure 2).

Other standards referenced in the Noise Element (City of Santa Barbara 1979: Table 3) include State of California Noise Insulation Standards. These state standards require that the interior noise levels of multi-family dwelling units shall not exceed 45 dBA CNEL. State and federal exterior noise standards usually consider Ldn or CNEL values of 65 dBA or less to be normally acceptable for multi-family residential areas. These exterior noise level recommendations are generally consistent with the interior requirement for 45 dBA since normal wood frame residential construction usually provides from 12 to 18 dBA of reduction from exterior to interior areas, and 20 dBA is commonly achieved.

Noise Ordinance

The City of Santa Barbara Noise Ordinance (Chapter 9.16 of the Municipal Code) applies to activities within the City, and establishes noise level limits based on zoning or present land uses. The proposed project includes retail commercial uses on the first floor, facing Coast Village Road, and residential uses throughout the rest of the project. As such, it will not involve any substantial noise generating activities in the vicinity of the existing residential use to the north of the project site. Construction noise, however, will be noticeable on this adjacent residential lot. Section 9.16.015 of the Noise Ordinance prohibits construction work at night.

2.2 NOISE MONITORING RESULTS

The project is known by its address of 1298 Coast Village Road, and is located in the northeast quadrant of the intersection of Coast Village Road with Olive Mill Road in the Montecito community. Figure 1 shows the location of the property and the surrounding land uses. The surrounding area includes retail commercial and office uses to the west along Coast Village Road, the Montecito Inn across Coast Village Road to the south, and residential uses to the west across Olive Mill Road and to the north. US Highway 101 is located to the southeast, approximately 200 feet from the project site. Along this segment, the highway is depressed approximately 30 feet below the adjacent terrain. For this reason, local traffic, and not the highway, is the dominant noise source at the project site.

The site occupies approximately one-quarter acre and is currently occupied by a gas service station. A soil vapor extraction and flare installation is operating in the rear (north) portion of the lot, and supplementary gas for the flare is supplied through a gas meter near the northeast corner of the lot. This equipment—the vapor flare and gas meter—both generate some existing noise.

Field observations and noise measurements were conducted at the property on October 13, 2006. Measurements were made with a Larson-Davis Model 700 sound level meter using the following settings: Slow Meter Response, 3 dBA exchange rate, 6-second and 1-minute recording periods. The meter was calibrated at 94 dB and 114 dB before the measurements; and the calibration remained unchanged when checked after the measurements. During the time measurements were made, noise levels from the vapor extraction system and flare, gas meter, and a tree trimming operation nearby on Olive Mill Road, affected the northern portion of the property. Figure 1 shows the location of the monitoring point, which was chosen to represent typical noise levels along the front (south) portion of the property, and to avoid significant influence from the temporary sources noted above. Appendix A presents the results of the measurements, and shows that for the measurement period the Leq at M1 was 68.5 dBA.

The dominant noise sources in the area are Coast Village Road and Olive Mill Road. US Highway 101 contributes very little noise at this location since it is depressed relative to the elevation of the adjacent land, which provides an effective noise barrier. Distant traffic noise also makes a minor contribution to noise levels at the site.

2.3 ESTIMATE OF EXISTING Ldn

Current traffic noise levels were estimated using the Traffic Noise Model (version 2.5) published by the Federal Highway Administration (Lau et al 2004). The traffic counts taken during the noise measurement period for location M1, discussed above, were first used to generate an estimate of the existing noise levels. Under the measurement circumstances at this location, the model tended to under-predict the measured noise level by about 4 dBA. This was primarily due to the effect of traffic on Olive Mill Road, which could not be counted during the measurement period and was not included in the model. The other noise sources in the area, which were described above, also contributed a small amount to this error.

The Ldn is a 24-hour equivalent noise level that accounts for the added nuisance of nighttime noise by adding 10 dBA to noise levels between 10:00 p.m. and 7:00 a.m.

Ldn is computed as follows:

$$Ldn = 10 \cdot \log \left\{ \left(\frac{1}{24} \right) \cdot \left[15 \cdot 10^{Ld/10} + 9 \cdot 10^{(Ln+10)/10} \right] \right\}$$

Where:

Ldn = Day-Night Average Noise Level

Ld = Hourly equivalent noise level for hours during the daytime, 15 hours from 7:00 a.m. to 10:00 p.m.

Ln = Hourly equivalent noise level for hours during the nighttime, 9 hours from 10:00 p.m. to 7:00 a.m.

To compute the Ldn, the existing Average Daily Traffic (ADT) volume for Coast Village Road was used, with typical assumptions to distribute the traffic between daytime and nighttime periods. Appendix B shows the traffic data and assumptions used to arrive at the hourly traffic during the daytime period and the nighttime period. This information was then used in the TNM model to estimate the daytime hourly equivalent noise level (Ld) and the nighttime hourly equivalent noise level (Ln). Only the exterior structure wall of the proposed

building was assumed as a noise barrier. There would be some additional noise reduction due to additional walls in the building, but multiple barriers were not assumed in this analysis. Receiver locations for the noise model were chosen to represent each of the outdoor patios and the central common open area, which are the designated outdoor living areas for the project. Several of the exterior facing balconies—facing towards were also chosen as receiver points, but these areas are not intended as outdoor living areas. The results at these exterior points were used to assess effects related to interior noise levels. The model input and results are included in Appendix C.

Table 1 summarizes the results from the TNM model presented in Appendix C, showing the daytime and nighttime noise levels at each receiver point, and the computed Ldn results. Both existing and future conditions are shown.

3.1 EXTERIOR LIVING AREA NOISE LEVELS

As presented in Table 1, both the existing and the future Ldn values at all of the designated outdoor living areas within the project will be far below the 60 dBA standard used in the City of Santa Barbara. The highest anticipated Ldn value would be about 41 dBA, near the center of the common courtyard area and in the patio of Unit 2. The relatively high barrier provided by the structure of the building, and very favorable geometry for this barrier, explain the exceptionally low projected Ldn values. In reality, however, the Ldn values are likely to be somewhat higher than the results in Table 1, due to some noise contribution from Olive Mill Road and other sources not included in the model, and due to interior reflections in the patio and courtyard areas of the project. Allowing for these effects would add approximately 7 dBA to the results. Even a 10 dBA increase would result in future Ldn values--still well below the 60 dBA criteria, and not a significant noise impact. Outward facing balconies adjacent to Coast Village Road and Olive Mill Road will have noise levels above 60 dBA Ldn, but each residential unit will be provided with other quiet outdoor areas, so the noise levels at these outward facing balconies is not considered a significant impact.

The project will also remove an existing noise source (the vapor extraction equipment, and local traffic and activity at the service station) and will provide a structural barrier that will ultimately reduce noise levels at the adjacent residence to the north. This is a beneficial effect of the project from a noise viewpoint, and need not be addressed further.

3.2 INTERIOR NOISE LEVELS

Future noise levels along the outer walls of the proposed residential units will range up to about 64 dBA Ldn. These higher exterior noise levels would occur along the southerly building exposure, and would affect proposed Units 3, 4, and 5. The remaining units are located in a manner that the structure of the building itself will tend to shield most of the traffic noise from them. The effects of future traffic on adjacent roadways on interior noise levels at Units 3,4, and 5 is considered a potential impact that can be mitigated through measures that are routinely incorporated in modern residential building construction. These are discussed in Section 4.2 below.

3.3 ON-SITE CONSTRUCTION NOISE

Noise levels from heavy equipment used for earth moving during construction typically range from 80-90 dBA at distances of 50 feet. Existing land uses in the neighborhood include a single family residence immediately north of the project site, and other nearby residences to the northeast across Olive Mill Road. Office and commercial uses are located to the west of the project site and the Montecito Inn is located to the south. The proximity of these uses to the project site could lead to significant construction noise impacts, particularly

at the residence to the north. These noise impacts can be mitigated so that they are less than significant. This topic is discussed further in section 4.2.

4.1 EXTERIOR NOISE LEVELS

No mitigation is necessary regarding noise levels in the patios and open courtyard that are provided as outdoor living areas in the project.

4.2 INTERIOR NOISE LEVELS

In order to ensure that interior Ldn values do not exceed 45 dBA, the structure of the building will have to provide an exterior-to-interior noise reduction of 19 dBA, for the affected units. This degree of noise reduction is commonly achieved in standard residential construction using materials and methods that comply with current California energy conservation standards. These typically include the use of standard 2.x.6 wall studs, stucco or wood exterior coating, R-10 or R-13 wall insulation, and minimum of ½" interior gypsum wall board. There should be no ventilation or plumbing penetrations through outward facing walls. Exterior doors and windows for all units should be well sealed and should have a sound transmission class rating of 25 to 30 dBA to provide the required interior noise levels.

For the units exposed to exterior noise levels above 60 dBA (Units 3, 4, and 5), it is likely that windows would have to remain closed in order to achieve the required noise reduction. For these units, forced air circulation should be provided. The following condition should be applied to Units 3, 4, and 5:

Building plans for Units 3, 4 and 5 shall incorporate forced air circulation. The mechanical ventilation and cooling system shall supply a minimum of two air changes per hour to each habitable room including 20% (one-fifth) fresh make-up air obtained directly from the outdoors. The fresh air inlet duct shall be of sound attenuating construction and shall consist of a minimum of ten feet of straight or curved duct or six feet plus one sharp bend.

This condition could be removed or revised if a more detailed acoustical engineering report demonstrates alternate noise insulation measures that can achieve the same result—provision of an interior Ldn that does not exceed 45 dBA.

4.2 CONSTRUCTION NOISE

Even though construction noise is a common and expected occurrence, the close proximity of residential units, as well as office and commercial uses warrant measures to help minimize the potential for noise impacts from grading and construction noise within the project site. Typical conditions imposed by the City for such projects include (City of Santa Barbara, 2004):

- Noise generating construction activity should be prohibited Saturdays, Sundays, and holidays and between the hours of 5 p.m. to 8 a.m. Holidays are defined as those days which are observed by the City of Santa Barbara as official holidays by City employees.
- All construction equipment, including trucks, should be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
- Staging and equipment areas shall be sited to minimize noise effects to residential and other noise-sensitive land uses. Temporary noise barriers shall be provided around the construction site as necessary to avoid extended disturbance to neighbors from construction noise.
- Within 10 days of commencement of construction, the applicant shall provide notice of construction schedule to surrounding neighborhood and post information on the site in a location visible to the public, including hours of operation and telephone contact number.

These measures will not eliminate construction noise, but will minimize the potential for significant impacts.

4.3 CONCLUSION

The design of the project, which provides each residential unit with a patio for outdoor living that is well-shielded from traffic and other noise sources, serves to avoid outdoor noise impacts. In addition, the structure of the project will also reduce noise levels at the adjacent residence to the north.

Roadway traffic could potentially result in interior noise levels that would exceed the 45 dBA Ldn interior standard, particularly at Units 3, 4, and 5 that are adjacent to Coast Village Road. Typical construction methods should provide adequate exterior-to-interior noise reduction to avoid this impact, however. A specific mitigation measure is recommended, which will require forced air ventilation for the three units mentioned, allowing residents to keep windows closed if desired.

Construction noise could result in a significant noise impact; however, with the inclusion of the mitigation measures described above, significant construction noise impacts can be mitigated.

- City of Santa Barbara. January, 2004. Standard Short-term Construction-Related Mitigation. Planning Division, City of Santa Barbara, Santa Barbara, CA.
- City of Santa Barbara. June 30, 2000. City of Santa Barbara Municipal Code, Title 9: Public Peace and Safety, Chapter 9.16, Noise. Santa Barbara City Government, Santa Barbara, CA.
- City of Santa Barbara. 1979. Noise Element, City of Santa Barbara General Plan. City of Santa Barbara Community Development Department, Santa Barbara CA.
- Lau, Michael C., Cynthia S.Y. Lee, Judith L. Rochat, Eric R. Boeker, Gregg G. Fleming, Kevin L. Cummins, and Joseph Ruggiero. 2004. FHWA Traffic Noise Model Version 2.5. U.S. Department of Transportation, Federal Highway Administration, Washington, D.C.

Table 1 Noise Model Results

TNM Seq.	Receiver	Current Conditions	LD	LN	Ldn
1	R1	Unit #1 Patio	36.0	30.6	38.3
3	R2	Unit #2 Patio	37.4	32.0	39.7
4	R3	Unit #3 Patio	35.5	30.0	37.8
5	R3B	Unit #3 Deck	58.9	53.5	61.2
6	R4	Unit #4 Patio	36.8	31.4	39.1
7	R4B	Unit #4 Balcony	60.4	54.9	62.7
8	R5	Unit #5 Patio	36.8	31.3	39.1
9	R5B	Unit #5 Balcony	60.8	55.4	63.1
10	R6	Unit #6 Patio	36.6	31.2	38.9
11	R7	Unit #7 Patio	37.3	31.9	39.6
12	R8	Unit #8 Patio	32.9	27.4	35.2
13	R9	Center of Public Open Space	37.4	32.0	39.7
14	M1	Monitoring Point on sidewalk	64.0	58.5	66.3

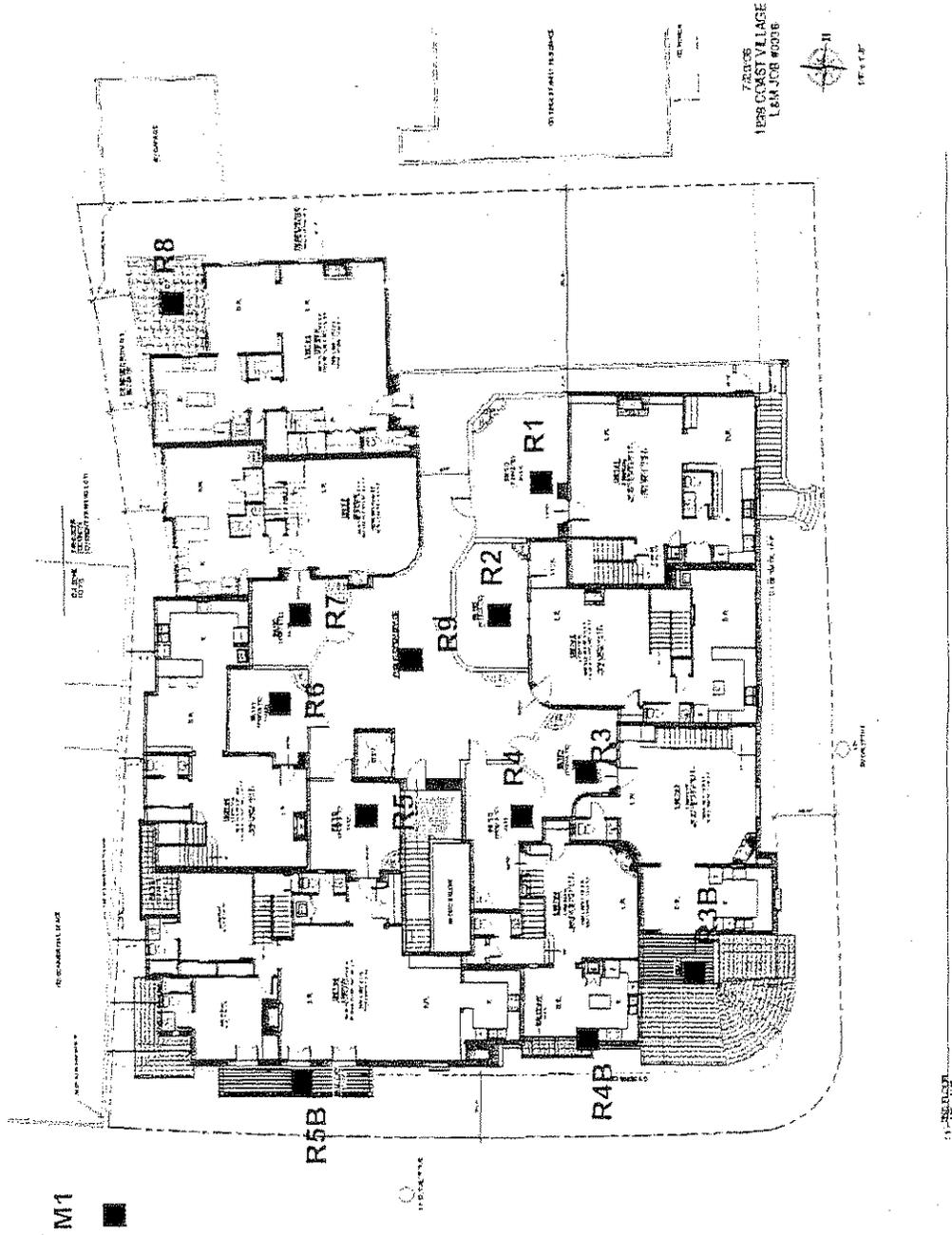
TNM Seq.	Receiver	Future (2017) Conditions	LD	LN	Ldn
1	R1	Unit #1 Patio	37.1	31.7	39.4
3	R2	Unit #2 Patio	38.5	33.1	40.8
4	R3	Unit #3 Patio	36.6	31.1	38.9
5	R3B	Unit #3 Deck	60.0	54.6	62.3
6	R4	Unit #4 Patio	37.9	32.5	40.2
7	R4B	Unit #4 Balcony	61.5	56.0	63.8
8	R5	Unit #5 Patio	37.9	32.4	40.2
9	R5B	Unit #5 Balcony	61.9	56.5	64.2
10	R6	Unit #6 Patio	37.7	32.3	40.0
11	R7	Unit #7 Patio	38.4	33.0	40.7
12	R8	Unit #8 Patio	34.0	28.5	36.3
13	R9	Center of Public Open Space	38.5	33.0	40.8
14	M1	Monitoring Point on sidewalk	65.1	59.6	67.4

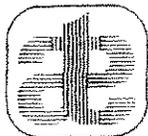
LD = Daytime hourly equivalent noise level
 LN = Nighttime hourly equivalent noise level
 Ldn = Day-Night Average Noise Level

Bold locations and results are for outdoor living areas.

Figure 2: Site Plan and Receiver Locations

1298 Coast Village Road
Santa Barbara, CA





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

LENVIK and MINOR

JUN 11 2007

ARCHITECTS

June 7, 2007

06091L02.WPD

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Lenvik & Minor Architects
315 West Haley Street
Santa Barbara, CA 93101

**RESPONSE TO COMMENTS MADE IN THE DART LETTER FOR THE
1298 COAST VILLAGE ROAD MIXED-USE DEVELOPMENT, CITY OF SANTA BARBARA,
CALIFORNIA**

The following letter addresses comments made by the City in the DART letter for the 1298 Coast Village Road Mixed-Use Project.

Intersection Counts

As requested in the DART letter comments, A.M. and P.M. peak hour turning movement counts were conducted at the Coast Village Road/Olive Mill Road/US Highway 101/Jameson Road intersection on April 5, 2007. Figures 1 and 2 show the traffic volumes for the intersection.

Intersection Level of Service

Level of Service for the Coast Village Road/Olive Mill Road/US Highway 101/Jameson Road intersection was determined using delay data that was collected during the count periods mentioned above. Delay data was collected by recording the number of queued vehicles for each approach every 15 seconds for the duration of the count period. The total number of queued vehicles recorded during the peak hour by approach was then multiplied by 15 seconds to determine the total delay. The total delay was then divided by the number of vehicles counted at each approach to determine the average delay experienced for each vehicle. Then average delay per vehicle at the intersection was calculated and 5 seconds was added to account for vehicle start/stop time. Table 1 presents the peak hour intersection levels of service. Calculation worksheets are attached to this letter for reference.

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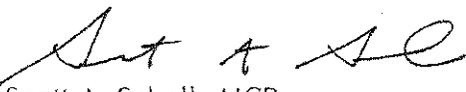
Table 1
Intersection Peak Hour Levels of Service

Time Period	Level of Service
A.M. Peak Hour	19.7 sec./LOS C
P.M. Peak Hour	16.5 sec./LOS C

The data in Table 1 shows that the intersection currently operates at LOS C during the A.M. and P.M. peak hour periods.

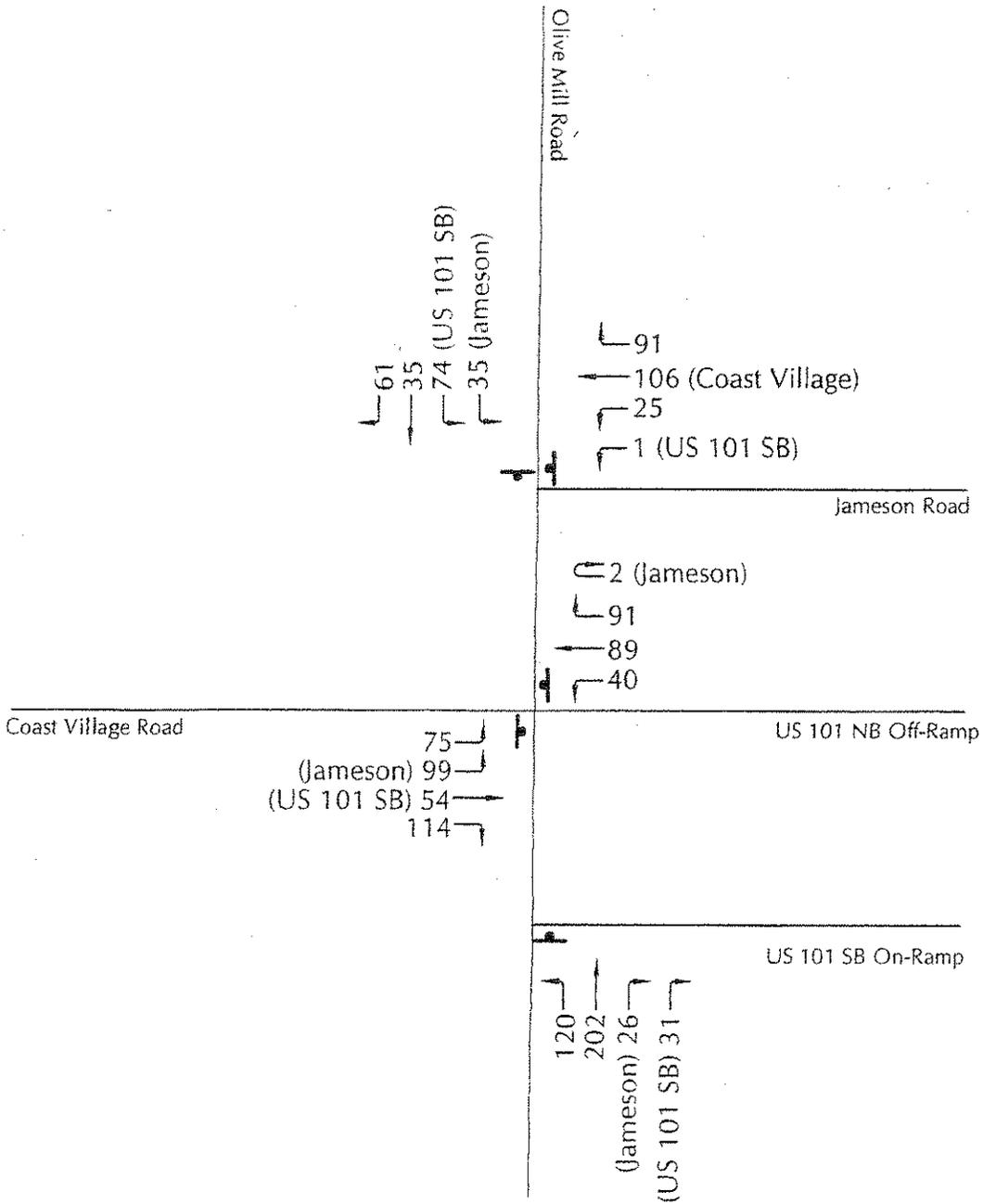
This concludes ATE's response to comments made in the DART letter for the 1298 Coast Village Road Mixed-Use Development.

Associated Transportation Engineers

By: 
Scott A. Schell, AICP
Principal Transportation Planner

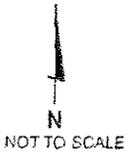
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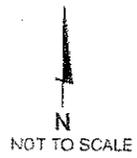
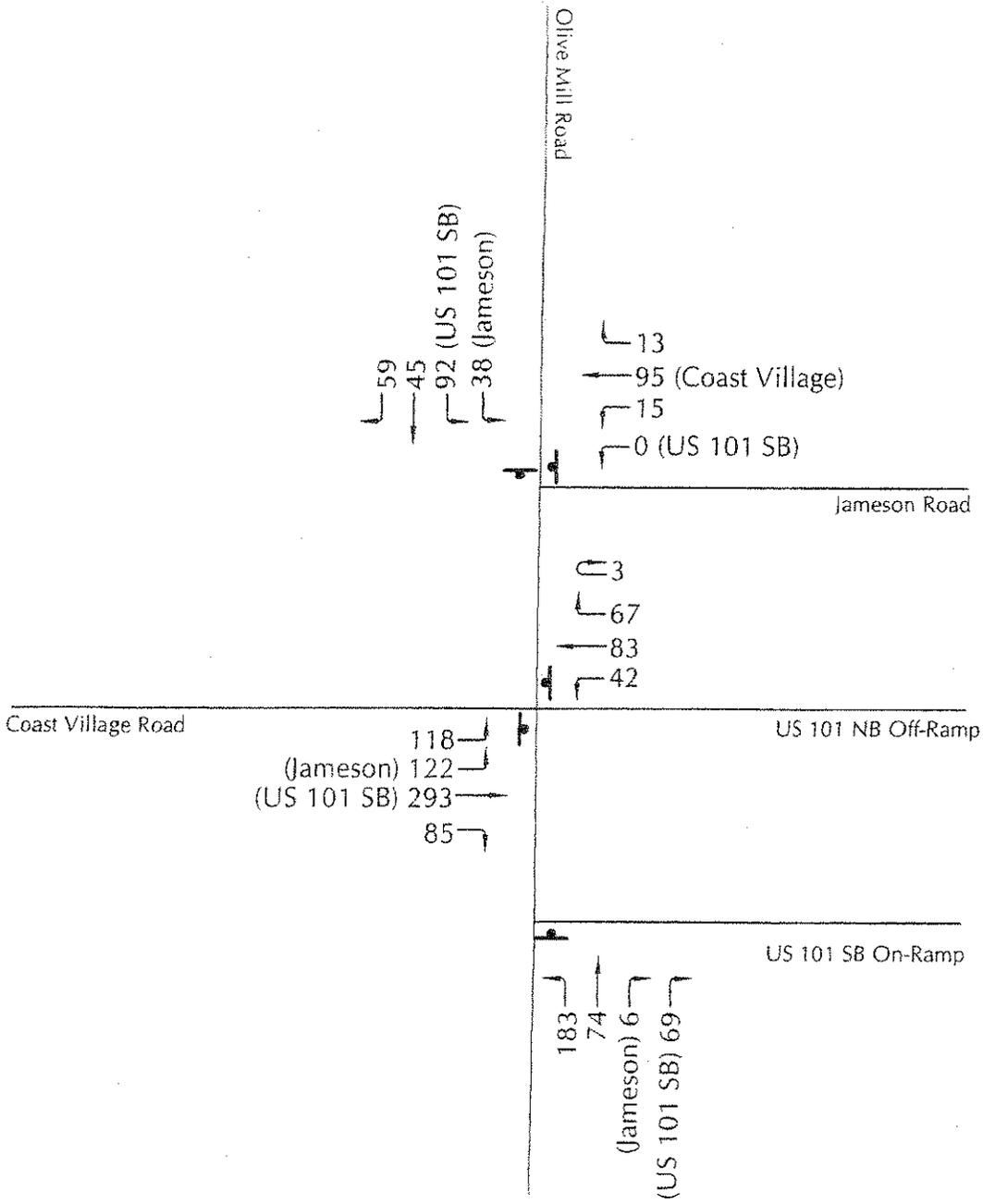
Attachments: Figure 1 - A.M. Peak Hour Traffic Volumes
Figure 2 - P.M. Peak Hour Traffic Volumes
Level of Service Calculation Worksheets



LEGEND

- XX - A.M. Peak Hour Volume
- ⊥ - Stopped Approach





LEGEND

- └XX - A.M. Peak Hour Volume
- └ - Stopped Approach



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P.M. PEAK HOUR TRAFFIC VOLUMES

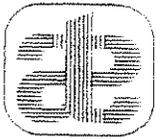
FIGURE

2

MMF - 08091

AM Peak Hour					
	north	off ramp	jameson	south	east
queued vehicles	665	209	123	124	287
total delay	9975	3135	1845	1860	4305
approach vehicles	379	222	172	205	322
avg. delay per vehicle	26.3	14.1	10.7	9.1	13.4
Avg. Intersection Delay			14.7		
+ 5 seconds for vehicle start/stop time			19.7		LOS C

PM Peak Hour					
	North	Off Ramp	Jameson	South	East
Queued vehicles	375	111	81	129	570
total delay	5625	1665	1215	1935	8550
approach vehicles	332	195	123	234	618
avg. delay per vehicle	16.9	8.5	9.9	8.3	13.8
Avg. Intersection Delay			11.5		
+ 5 seconds for vehicle start/stop time			16.5		LOS C



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September 28, 2006

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TRAFFIC GENERATION ANALYSIS FOR THE 1298 COAST VILLAGE ROAD MIXED-USE DEVELOPMENT, CITY OF SANTA BARBARA, CALIFORNIA

Associated Transportation Engineers (ATE) has prepared the following traffic generation analysis for the 1298 Coast Village Road Mixed-Use Development, proposed in the City of Santa Barbara. The traffic study determines the project's trip generation and identifies potential traffic impacts based on City thresholds.

PROJECT DESCRIPTION

The project site is located at 1298 Coast Village Road on the northwest corner of Coast Village Road and Olive Mill Road, in the City of Santa Barbara. The site is currently occupied with a service station containing 8 fueling positions and two automobile repair and service bays. The project is proposing to demolish the existing service station and construct 8 condominiums and 5,876 gross square feet of commercial space. Parking for the project would be provided in a surface parking lot and in a subterranean parking garage.

PROJECT TRIP GENERATION

In determining whether the traffic impacts generated by a project are significant, the traffic analysis compares the potential traffic generation of a project with pre-project environmental conditions. This is generally referred to setting the "baseline" for the environmental review. A trip generation analysis was therefore completed to compare the level of traffic that would be generated by the proposed development with the level of traffic generated by the existing service station.

Existing Service Station

Trip generation estimates were calculated for the existing service station based on the average trip rates presented in the Institute of Transportation Engineers (ITE) Trip Generation Manual¹ for Gasoline/Service Station (Land Use #944 - see attachments for trip rate data). The ITE description for service stations states that their "primary business is the fueling of motor vehicles" and that they "may also have ancillary facilities for servicing and repairing motor vehicles". This description is an ideal fit for the existing facility.

Many of the vehicular trips to and from the service station will be pass-by trips rather than primary trips. Primary trips are made with the sole purpose of visiting the service station, such as patrons traveling from home to the service station and then traveling back home again. Pass-by trips already exist on the adjacent street system and would stop at the site during their primary trip, for example, drivers traveling on Olive Mill Road who would stop by the service station on their way home from work. A pass-by rate of 50% was used for the service station based on data presented in the ITE Trip Generation Handbook² (42%-58%) and the San Diego Association of Governments (SANDAG) Traffic Generators manual (50%).³ Copies of the pass-by data are attached.

Table 1 shows the trip generation calculations completed for the project.

Table 1
Existing Site Trip Generation Estimates

Land Use	Size	ADT		A.M. Peak Hour		P.M. Peak Hour	
		Rate	Trips	Rate	Trips	Rate	Trips
Service Station with 50% pass-by	8 Fueling Positions	168.56	1348 674	12.07	97 49	13.86	111 56
TOTAL PRIMARY TRIPS			674		48		55

The data presented in Table 1 shows that the service station would generate 674 ADT, 48 A.M. peak hour trips (PHT), and 55 P.M. PHT, assuming the reductions for pass-by trips.

¹ Trip Generation, Institute of Transportation Engineers, 7th Edition, 2003

² Trip Generation Handbook, Institute of Transportation Engineers, 2nd Edition, 2004

³ San Diego Traffic Generators, San Diego Association of Governments, 2002

Proposed Project

Trip generation estimates for the proposed project were calculated based on data presented in the ITE Trip Generation report (7th Edition) the SANDAG Traffic Generators report. The following text reviews the specific rates used for the Trip Generation analysis.

- **Specialty Retail.** The equation rates listed in the ITE 7th Edition for Specialty Retail Centers (Land Use Code #814) were used for this project component. Because no A.M. peak data is available in the ITE Trip Generation manual, 3% of the ADT was assumed per the SANDAG Traffic Generators manual. A 10% Pass-By reduction rate was applied per the SANDAG manual (see attachments for trip rate data).
- **Residential Condominium.** The ITE 7th Edition average rates for Residential Condominiums/Townhouses (Land Use Code #230) were used to determine the trip generation for this component of the project (see attachments for trip rate data).

Table 2 shows the proposed project trip generation estimates.

Table 2
Proposed 1298 Coast Village Road Mixed-Use Project Trip Generation

Land Use	Size(a)	ADT		A.M. Peak Hour		P.M. Peak Hour	
		Rate	Trips	Rate	Trips	Rate	Trips
Specialty Retail <i>with 10% Pass-By</i>	5,876 sf	49.19(b)	289 260	1.48(b)	9 8	6.06(b)	36 32
Condominiums	8 units	5.86	47	0.44	4	0.52	4
TOTAL			307		12		36

(a) Gross square-feet of building

(b) Rates based on ITE 7th Edition equations. A.M. Rate based on 3% of the ADT per SANDAG.

Table 2 shows that the proposed project would generate 307 ADT, 12 A.M. PHT, and 36 P.M. PHT.

Table 3 compares existing traffic levels for the service station with the traffic generated by the proposed project.

Table 3
Trip Generation Comparison - Primary Trips

Scenario	ADT	A.M. Peak Hour	P.M. Peak Hour
Existing Service Station	674	48	55
Proposed Project	307	12	36
Difference	-367	-36	-19

Table 3 shows that the project would result in a reduction of 367 average daily trips, 36 A.M. PHT, and 19 P.M. PHT from the previous service station use. Because the project results in a reduction in average daily A.M. and P.M. peak hour traffic, there is no potential to significantly impact the study-area roadways and intersections based on City of Santa Barbara and County of Santa Barbara traffic impact thresholds.

This concludes ATE's traffic study for the 1298 Coast Village Road Mixed-Use Development.

Associated Transportation Engineers



By: Scott A. Schell, AICP
Principal Transportation Planner

SAS: DH

Attachments: Trip Generation and Pass-By Data

Summary of Trip Generation Calculation
 For 8 Vehicle Fueling Positions of Gasoline Service Station
 September 18, 2006

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	168.56	71.19	1.00	1348
7-9 AM Peak Hour Enter	6.04	0.00	1.00	48
7-9 AM Peak Hour Exit	6.04	0.00	1.00	48
7-9 AM Peak Hour Total	12.07	4.29	1.00	97
4-6 PM Peak Hour Enter	6.93	0.00	1.00	55
4-6 PM Peak Hour Exit	6.93	0.00	1.00	55
4-6 PM Peak Hour Total	13.86	6.69	1.00	111
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.
 Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Summary of Trip Generation Calculation
 For 8 Dwelling Units of Residential Condominium / Townhouse
 September 18, 2006

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	5.86	3.09	1.00	47
7-9 AM Peak Hour Enter	0.07	0.00	1.00	1
7-9 AM Peak Hour Exit	0.37	0.00	1.00	3
7-9 AM Peak Hour Total	0.44	0.69	1.00	4
4-6 PM Peak Hour Enter	0.35	0.00	1.00	3
4-6 PM Peak Hour Exit	0.17	0.00	1.00	1
4-6 PM Peak Hour Total	0.52	0.75	1.00	4
Saturday 2-Way Volume	5.67	3.10	1.00	45
Saturday Peak Hour Enter	0.25	0.00	1.00	2
Saturday Peak Hour Exit	0.22	0.00	1.00	2
Saturday Peak Hour Total	0.47	0.71	1.00	4

Note: A zero indicates no data available.
 Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Summary of Trip Generation Calculation
 For 5.876 T.G.L.A. of Specialty Retail Center
 September 18, 2006

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	49.19	0.00	1.00	289
7-9 AM Peak Hour Enter	0.00	0.00	1.00	0
7-9 AM Peak Hour Exit	0.00	0.00	1.00	0
7-9 AM Peak Hour Total	0.00	0.00	1.00	0
4-6 PM Peak Hour Enter	2.66	0.00	1.00	16
4-6 PM Peak Hour Exit	3.39	0.00	1.00	20
4-6 PM Peak Hour Total	6.06	0.00	1.00	36
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.

The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $T = 42.78(X) + 37.66, R^2 = 0.69$
 7-9 AM Peak Hr. Total: 0
 $R^2 = 0, 0 \text{ Enter}, 0 \text{ Exit}$
 4-6 PM Peak Hr. Total: $T = 2.4(X) + 21.48$
 $R^2 = 0.98, 0.44 \text{ Enter}, 0.56 \text{ Exit}$
 AM Gen Pk Hr. Total: $T = 4.91(X) + 115.59$
 $R^2 = 0.9, 0.48 \text{ Enter}, 0.52 \text{ Exit}$
 PM Gen Pk Hr. Total: 0
 $R^2 = 0, 0 \text{ Enter}, 0 \text{ Exit}$
 Sat. 2-Way Volume: 0, $R^2 = 0$
 Sat. Pk Hr. Total: 0
 $R^2 = 0, 0 \text{ Enter}, 0 \text{ Exit}$
 Sun. 2-Way Volume: 0, $R^2 = 0$
 Sun. Pk Hr. Total: 0
 $R^2 = 0, 0 \text{ Enter}, 0 \text{ Exit}$

Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Table 5.28
 Pass-By Trips and Diverted Linked Trips
 Weekday, p.m. Peak Period
 Land Use 944—Gasoline/Service Station

SIZE (1,000 SQ FT, GFA)	VEHICLE FUELING POSITIONS	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PRIMARY TRIP (%)	NON-PASS- BY TRIP (%)	DIVERTED LINKED TRIP (%)	PASS-BY TRIP (%)	ADJ. STREET PEAK HOUR VOLUME	SOURCE
n/a	n/a	Chicago suburbs, IL	1987	48	3:00-7:00 p.m.	--	79	--	21	n/a	Kenig, O'Hara, Humes, Flock
n/a	n/a	Chicago suburbs, IL	1987	34	3:00-6:00 p.m.	--	75	--	25	n/a	Kenig, O'Hara, Humes, Flock
n/a	n/a	Chicago suburbs, IL	1987	42	3:00-6:00 p.m.	--	80	--	20	n/a	Kenig, O'Hara, Humes, Flock
2.3	6	Gaithersburg, MD	1992	55	4:00-6:00 p.m.	11	--	49	40	2,760	RBA
2.1	6	Bethesda, MD	1992	30	4:00-6:00 p.m.	20	--	27	53	1,060	RBA
1.7	6	Wheaton, MD	1992	18	4:00-6:00 p.m.	6	--	33	61	2,510	RBA
2.0	8	Gaithersburg, MD	1992	47	4:00-6:00 p.m.	23	--	15	62	2,635	RBA
1.2	6	Damascus, MD	1992	26	4:00-6:00 p.m.	11	--	31	58	1,020	RBA
0.3	12	Wheaton, MD	1992	52	4:00-6:00 p.m.	10	--	52	38	3,835	RBA

Average Pass-By Trip Percentage: 42

Table 5.27
 Pass-By Trips and Diverted Linked Trips
 Weekday, a.m. Peak Period

Land Use 944 — Gasoline/Service Station

SIZE (1,000 SQ FT, GFA)	VEHICLE FUELING POSITIONS	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PRIMARY TRIP (%)	NOM. PASS- BY TRIP (%)	DIVERTED LINKED TRIP (%)	PASS-BY TRIP (%)	ADJ STREET PEAK HOUR VOLUME	SOURCE
2.3	6	Gaithersburg, MD	1992	37	7:00-9:00 a.m.	41	—	27	32	2,080	RBA
2.1	6	Bethesda, MD	1992	26	7:00-9:00 a.m.	23	—	19	58	2,060	RBA
1.7	6	Wheaton, MD	1992	21	7:00-9:00 a.m.	14	—	19	67	900	RBA
2.0	8	Gaithersburg, MD	1992	46	7:00-9:00 a.m.	13	—	0	87	2,235	RBA
1.2	6	Damascus, MD	1992	21	7:00-9:00 a.m.	28	—	29	43	870	RBA
0.3	12	Wheaton, MD	1992	36	7:00-9:00 a.m.	8	—	31	61	3,480	RBA

Average Pass-By Trip Percentage: 58

(or any multi-family units more than 20 DU/acre)
 Military Housing (off base, multi-family)
 (less than 6 DU/acre)
 (6-20 DU/acre)
 Mobile Home
 Family
 Adults Only
 Retirement Community
 Congregate Care Facility

RESTAURANTS (51:37:12)

Quality
 Sit-down, high turnover
 Fast Food (w/drive-through)
 Fast Food (without drive-through)
 Delicatessen (7am-4pm)

8/dwelling unit (3:7) 9% (6:4)
 6/dwelling unit (3:7) 9% (6:4)
 5/dwelling unit, 40/acre* (3:7) 11% (6:4)
 3/dwelling unit, 20/acre* (3:7) 10% (6:4)
 4/dwelling unit** (4:6) 7% (6:4)
 2.5/dwelling unit** (6:4) 8% (5:5)
 100/1000 sq. ft., 3/seat, 500/acre*** (6:4) 8% (7:3)
 160/1000 sq. ft., 6/seat, 1000/acre*** (5:5) 8% (6:4)
 650/1000 sq. ft., 20/seat, 3000/acre*** (5:5) 7% (5:5)
 700/1000 sq. ft.** (6:4) 5% (6:4)
 150/1000 sq. ft., 11/seat* (6:4) 9% (3:7)

TRANSPORTATION

Bus Depot
 Truck Terminal
 Waterport/Marine Terminal
 Transit Station (Light Rail w/parking)
 Park & Ride Lots

25/1000 sq. ft.** (4:6) 9% (5:5)
 10/1000 sq. ft., 7/bay, 80/acre** (7:3) 14% (3:7)
 170/berth, 12/acre** (7:3) 14% (3:7)
 300/acre, 2 1/2/parking space (4/occupied)**
 400/acre (600/paved acre)
 5/parking space (8/occupied)**

* Primary source, San Diego Traffic Generators

** Other sources: ITE Trip Generation Report (6th Edition), Trip Generation Rates (other agencies and publications), various SANDAG B CALTRANS studies, reports and estimates

† Trip category percentage ratios are daily from local household surveys; often cannot be applied to very specific land uses, and do not include non-resident drivers

(Data: SANDAG Analysis of Trip Division, revised November, 1990)

PRIMARY - one trip directly between origin and primary destination

DIVERTED - linked trip flowing one or more stops along the way to a primary destination, whose distance compared to direct distance ≥ 1 mile

PASS-BY - undiverted or diverted < 1 mile

† Trip lengths are average weighted for all trips to and from general land use site. (All trips system-wide average length = 6.9 miles)

‡ Fitted curve equation: $\ln(T) = 0.502 \ln(x) + 5.945$ T = total trips, x = 1,000 sq. ft.

§ Fitted curve equation: $\ln(T) = 0.756 \ln(x) + 3.950$

¶ Fitted curve equation: $\ln(T) = -2.169 \ln(x) + 12.85$

‡ Suggested PASS-BY undiverted or diverted (< 1 mile) percentages for trip rate reductions only during P.M. peak period (based on combination of local data/review and other sources**):

COMMERCIAL/RETAIL	20%
Regional Shopping Center	30%
Community	40%
Neighborhood	10%
Specialty retail/Shop Commercial (other)	40%
Supermarket	50%
Convenience Market	30%
Discount Club/Store	25%
Bank	50%
FINANCIAL	10%
AUTOMOBILE	20%
Gasoline Station	40%
RESTAURANT	
Quality	
Sit-down high turnover	
Fast Food	



† Trip Reductions - In order to help promote regional "smart growth" policies and acknowledge San Diego's expanding mass transit system, consider vehicle trip rate reductions (with proper documentation and necessary adjustments for peak periods). The following are some examples:

[1] A 5% daily trip reduction for land uses with transit access or near transit stations accessible within 1/4 mile.

[2] Up to 10% daily trip reduction for mixed use developments where residential and commercial retail are combined (demonstrate mode split of walking trips to replace vehicular trips)

We had provided Mr. Wallace, the present owner of the adjacent property with concept drawings in February of 2006. We had many telephone conversations with Mr. Wallace, answering his questions prior his purchasing the property in April of 06'. We were under the impression that before the purchase he felt our proposal would increase his property value and block unwanted street noise. Mr. Wallace sometime after the purchase let it be known that he now feels otherwise.

The commission had requested that we be sensitive to the northerly property and we feel that we have. As it now stands the first and second story of our proposal enjoys less than what the adjoining property could build under their zoning.

- **Westerly Neighbor:** Some commissioners had asked that we break the third floor elevation, into two parts. We have done that. Mr. and Mrs. Murphy, owners of the westerly building, requested that we redesign to allow them to access their trash through a small paseo on our property. They also requested that we provide some additional setback between the buildings in difference to the zoning which allows for a zero foot setback. We redesigned to accommodate them and have provided a small paseo, and additional setback to the satisfaction of the Murphy's.

We request the following discretionary approvals:

1. A Local Coastal Plan (LCP) Amendment to allow for the zone change
2. A Zone Change to re-zone the northern portion of the property from R-2/S-D-3 to C-1/S-D-3 (SBMC §28.92.015).
3. A Tentative Subdivision Map to create commercial and residential condominiums (SBMC §27.07).
4. A Development Plan to allow the proposed nonresidential development (SBMC §28.87.300).
5. A Modification: To allow a portion of the building to encroach seven feet six inches into the northern side yard setback (§28.92.110.A.2)

- Justification:
- 1) We propose to build a structure which is consistent with the R-3 Zoning requirements. The second floor is residential in use, and would be compatible with the neighboring residence.
 - 2) The existing Ficus trees screen the two residential uses.
 - 3) We propose setbacks which are greater than those required of the neighboring residence.
 - 4) Section (§28.63.050) states that building height adjacent to residential shall not exceed that of the most restrictive adjacent residential zone for that part of the structure within 23' or (½) the height of the proposed structure, "whichever is less". Our proposal meets this requirement for the height limitation.

6. A Modification: To allow the encroachment of an emergency stairway in the front yard setback on Olive Mill Road. To encroach into the required 10' setback, the stair would reduce the setback to 8" and 5'-8" (§28.92.110.A.2)
- Justification: 1) This is an emergency stair required for both the parking garage below and the residential units above. It is necessary to secure an appropriate improvement to the lot and to promote uniformity of improvement.
2) Additionally, the encroachment is offset by the public improvements proposed outside the property line, and the undulation of our building from the setbacks.
7. A Modification: To allow the 10% common open space to be located above the ground floor level. (§28.92.110.A.2)
- Justification: 1) In addition to the 10% (1,820 s.f.) common open space provided on the second level we are providing 5.6% (1,020 s.f.) on the ground level for a total of 15.6% (2,840 s.f.) common open space.
8. A Modification: To allow the encroachment of a covered balcony in the front yard setback on Coast Village Road. (§28.92.110.A.2) The setback reduces to 6'-6" at the balcony and 4'-6" at the roof overhang.
- Justification: 1) This is a modification only due to the fact that the balcony is covered. The portion of the balcony that is very minor helps with the uniformity of the improvement by being covered. Uncovered there would be no modification.

Project Description:

The site is located at the corner of Coast Village Road and Olive Mill Road, and consists of an existing Unocal 76' Gas Station with two repair bays, (8) fueling positions and a hand car washing area to the rear of the site. The site contains 18,196 sf. and mostly paving, building and minimal landscaping (3.7%). The site's General Plan Designation is Commercial. Roughly half the site is zoned C-1 and half R-2. The Planning Commission unanimously voted to initiate the R-2 to C-1 zone change on April 7, 2005.

This application proposes to remove the existing station, service bays, pumps, canopy and car wash (+/-2,250 sf. under roof) as well as remove the underground tanks, etc. In its place, this application proposes to construct (28) parking spaces underground and (9) spaces at grade level for a total of (37). Additionally (4) public spaces would be added adjacent to Coast Village Rd. The proposed building would consist of 5,000 sf. of commercial business space at grade level and (8) residential units above on the second and third levels.

The automobile trip generations were studied by Associated Transportation Engineers in a report dated September 28, 2006. The scenario of eliminating the existing service station and replacing it with the proposed project would result in a reduction of 367 average daily trips, a reduction of 36 A.M. peak hour trips, and a reduction of 19 P.M. peak hour trips.

Project Statistics Comparisons:

<u>Prior February 16, 2006 Concept Review</u>				<u>Current Proposal</u>		
Commercial		5,000 sf. (Net)		5,000 sf. (Net)		
		BDRMS	SIZE (Net)	BDRMS	SIZE (Net)	(Sec. 28.90.100) Parking Required
Residential	Unit 1	2	1,808 sf.	2	1,604 sf.	2
	Unit 2	2	1,531 sf.	2	1,486 sf.	2
	Unit 3	1	1,444 sf.	1	1,292 sf.	1.5
	Unit 4	1	1,413 sf.	1	1,112 sf.	1.5
	Unit 5	3	2,034 sf.	3	2,162 sf.	2
	Unit 6	2	1,553 sf.	2	1,394 sf.	2
	Unit 7	2	1,497 sf.	2	1,444 sf.	2
	Unit 8	2	1,885 sf.	2	1,776 sf.	2
TOTALS		15	13,165 sf	15	12,270 sf.	15 + 2 guests
Parking Provided (23) Underground Spaces (15) Above Ground Spaces (38) Total Parking Spaces				(28) Underground Spaces (9) Above Ground Spaces (37) Total Parking Spaces		
Parking Required Commercial 5,000/250 = 20 Spaces Residential = 17 spaces Total 37 spaces				5,000/250 = 20 Spaces = 17 spaces Total 37 spaces		
Site Coverage (18,196sf.) Building 14,000 sf. 76.94% Driveways 1,653 sf. 9.08% Common Outdoor Area 2,543 sf. 13.98% (Common Patio, Walks/Planters)				Site Coverage Building 12,697 sf. 69.78% Driveway 1,279 sf. 7.02% Common Outdoor Area 4,220 sf. 23.20% (Common Patio, Walks/Planters)		

Revisions responding to the previous Planning Commissions "concept" comments:

A.) What we had asked the Commission to give direction on:

- Land use and site design.
- Project relationship to the residential zone to the north.
- Parking design.
- Mass, bulk, and scale of the development.
- Setbacks and modification requests.
- Solar access setback regulations versus building height setback regulations.
- Neighborhood compatibility.

B.) Commissioner comments from the February 16, 2006 hearing:

- Would like the applicant to study the possibility of placing as many cars underground as possible, thus opening up more ground space for a significant plaza at the corner.
- Generally supportive of the setback modifications.
- Supportive of the solar access setback versus the building height setback regulations.
- Would like to see the height of the building be as efficient (squeezed) as possible.
- Would like to protect the ficus trees adjacent to the Northerly residential property, and have a back up plan if they fail. Same for the cypress along the Westerly property line but not as important.
- Supportive of the architectural style, pedestrian feel and site planning approach as a gateway to Coast Village Rd.
- Be sensitive to the transition from commercial to the northerly residential neighborhood.
- Break up the massing on the west elevation.
- Generally supportive of the project as a balance to the Montecito Inn and transition to residential.
- Supportive of the site layout by protecting the private outdoor spaces by putting them on the interior courtyard, and stepping the building elevation at the corner.
- Appreciated our efforts to include the neighbors. "To paraphrase a neighbor quote" after reviewing the concept 3D simulations. If these are accurate I can live with the amount of mountain view remaining.
- Need to hear more about the impacts of construction on business and the neighborhood.

C.) Our responses to the commission & neighbors "concept" comments and direction:

- The "underground" parking was studied at length. Providing all parking underground was not possible. However, we were able to eliminate the two entry vehicular access off Olive Mill Rd., shift a number of cars to the basement, reduce the public's view into the upper parking, add more landscape on Olive Mill and Coast Village Rd., and create a larger pedestrian plaza at the corner and along the full length of Coast Village Rd.
- We have moved the Coast Village Rd. elevation ten feet plus further back from the property line, eliminating that modification request. The pedestrian plaza was expanded, as requested.
- We have made adjustments to the Olive Mill elevation so that the modification request is for the stairs only.
- We have redesigned unit #8 "adjacent to the north residential property" to exceed the R-3 setbacks. It is now setback a full ten feet for the entire first and second floors, and the third floor now sets back the full commercial to residential zone rule of half the building height.

C.) Cont.

- We have increased the setbacks of the West elevation adjacent to the C-2 Zone (currently commercial parking) to fully comply or exceed the R-3 Zone setbacks.
- We broke up the massing of the west elevation as requested. We also increased the setback adjacent to the Monterey style building in response to that neighbors request.
- Building heights (sec. 28.04.120): The highest ridge of our concept drawings were 35'-6". Our current plan is 35'-1" to 35'-6" and is consistent with the Local Coastal Plan and Zoning Ordinance. In addition this project is lower than the lowest example described in the Mahan 3-story study of 2005'. Finally, we propose to reduce the tower three feet to a maximum height of 39'-8".
- The Current C-1 Zoning Ordinance allows for three stories with a maximum of 45' in height; we are well below that. Additionally the re-zoning of the North portion of this parcel from R-2 to C-1 is supported by staff and had received a unanimous planning commission vote to initiate in April of 2005'.
- The Current General Plan for Coast Village Rd. designates this area for commercial uses and it anticipates it expanding. In addition to commercial development it also anticipates further residential development; both of which we propose to provide.
- The Current Land Use Policy for Coast Village Rd. designates this area as Component # 7 of the L.U.P.. The document references several categories and then comments on them. Item # 7.3 Major Coastal Issues: There are no major coastal issues within this area. Item # 7.5 Constraints on Development: Presently, there are no constraints upon development within this component area.
- Our transition to the northerly 7-R-1 residential neighborhood we feel is sensitive. The 7-R-1 zone is for single family with a 25'-0" height potential and a 5'-0" setback. Our height adjacent to the neighbor is 29'-8".

In addition, to complying with the solar ordinance, our proposed buildings will step away from the property line from between 10' and 32'+ and are broken to appear as two buildings separated by a 28' wide by 64' deep courtyard.

This project would preserve the existing Ficus trees and keep the existing retaining wall so as not to risk staff's concern for disturbing the trees. In addition, the building itself would shield street noise affecting the neighbor's property. Finally, this re-design would place residential storage spaces opposite the neighbors' outdoor living area, further protecting him from potential sound spill.

- Our arborist study shows an exceedingly good chance of survival for the Ficus. We also have added an additional foot of planter beyond his recommendation.
- Three of the Italian cypress on our property closest to Coast Village Road adjacent to the westerly commercial Monterey building will be saved.
- This project would place more cars underground and would create a larger plaza at the corner and along the entire Coast Village Road frontage than previously proposed. "This eliminates the previous ten foot setback modification request".

Page 8
1298 Coast Village Road
Montecito, CA 93108
A.P.N. # 009-230-43 Zone: C-1/ R-2
(Planning Commission DAR #1)

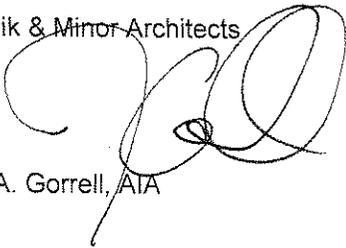
- We have reduced the 2nd floor footprint facing Olive Mill Rd. thus limiting that modification request to the emergency exit stairs only.
- We have maintained the north modification request to comply with the R-3 and solar setbacks versus the 10' or half the building height, whichever is greater rule. Staff has indicated support for these throughout the PRT and DART process. And it was our understanding that the PC were generally supportive at the concept hearing. However, we have made further adjustments as previously described in this letter.

Project Goals Remain the Same:

1. Better utilization of the property at 1298 Coast Village Road.
2. Fill a need for more retail/commercial space along Coast Village Road.
3. Fill a need for more residential in the form of a mixed use building
4. Design a building that is respectful of being a gateway entry to Coast Village Road.
5. The design should be in character with the best examples in the neighborhood.
6. The design should enhance the street scape
7. The residential private outdoor spaces should be protected from street noise and have views of the mountains.
8. The net result at the end of the project should reinvigorate the corner, be a positive for the Owner, community at large and the neighbors of Coast Village Road.

Sincerely,

Lenvik & Minor Architects



Jeff A. Gorrell, AIA

