



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: April 10, 2008
AGENDA DATE: April 17, 2008
PROJECT ADDRESS: 210 W. Carrillo Street (MST2007-00554)
 "Radio Square" Project
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JMH*
 Kathleen Kennedy, Associate Planner *Kath*

I. PROJECT DESCRIPTION

The proposal involves the demolition of the existing Carrillo Plaza/Radio Square shopping center, which consists of 18,547 sq. ft. of commercial space, and the construction of a new two- and three-story mixed-use development on a 1.17 acre parcel. The commercial portion of the project would consist of 12,851 square feet of commercial space that would be divided into five commercial condominium units. Utility and service areas would comprise an additional 3,450 square feet. The residential portion of the project would consist of 32 condominium units (27 market rate and 5 affordable). The proposal includes one more affordable unit than is required by the Inclusionary Housing Ordinance. A total of 122 parking spaces would be located within a two-level subterranean garage.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification of the lot area requirements to allow five (5) density bonus residential units on a lot in the C-2 Zone (SBMC§28.21.080 & 28.43); and
2. A Tentative Subdivision Map for a one-lot subdivision to create thirty-two (32) residential condominium units and five (5) commercial condominium units. (SBMC§27.07 and 27.13).

III. RECOMMENDATION

With approval of the modification for the required inclusionary housing units and one bonus density unit, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VI of this report, and subject to the conditions of approval in Exhibit A.

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Conceptual Motion Company	Property Owner: DBN Carrillo LLC
Parcel Number: APN 039-271-025	Lot Area: 50,784 sq. ft. (gross) 49,881 square feet (net)
General Plan: General Commerce	Zoning: C-2, Commercial
Existing Use: Commercial	Topography: Flat
Adjacent Land Uses: North - Residential South - Commercial East - Commercial West - Commercial	

B. PROJECT STATISTICS

Commercial	Existing (net)	Proposed (net)
	18,547 square feet	12,851 sq. ft. plus 3,450 sq. ft. of utility and service area

Residential Units (32)	# of Bedrooms	Unit Size (net)	Private Outdoor Living Space
Unit 101	1	1,539 sq. ft.	1,014 sq. ft.
Unit 102 (affordable)	2	1,163 sq. ft.	280 sq. ft.
Unit 103	1	1,474 sq. ft.	124 sq. ft.
Unit 104	Studio	1,347 sq. ft.	267 sq. ft.
Unit 105	1	1,564 sq. ft.	304 sq. ft.
Unit 113	1	1,528 sq. ft.	468 sq. ft.
Unit 114	1	1,561 sq. ft.	101 sq. ft.
Unit 201	Studio	1,360 sq. ft.	234 sq. ft.
Unit 202	1	1,564 sq. ft.	257 sq. ft.
Unit 204 (affordable)	1	858 sq. ft.	139 sq. ft.
Unit 206 (affordable)	1	859 sq. ft.	259 sq. ft.
Unit 207	Studio	1,359 sq. ft.	257 sq. ft.
Unit 208 (affordable)	Studio	658 sq. ft.	61 sq. ft.
Unit 209	Studio	1,235 sq. ft.	142 sq. ft.
Unit 210	2	1,961 sq. ft.	376 sq. ft.
Unit 211	Studio	1,351 sq. ft.	100 sq. ft.
Unit 212	Studio	1,181 sq. ft.	65 sq. ft.

Unit 213	Studio	1,347 sq. ft.	120 sq. ft.
Unit 214	1	1,564 sq. ft.	410 sq. ft.
Unit 215	1	1,562 sq. ft.	297 sq. ft.
Unit 216	1	1,527 sq. ft.	100 sq. ft.
Unit 217	Studio	1,294 sq. ft.	193 sq. ft.
Unit 301	Studio	1,306 sq. ft.	106 sq. ft.
Unit 302	Studio	1,360 sq. ft.	366 sq. ft.
Unit 303	2	1,972 sq. ft.	278 sq. ft.
Unit 304 (affordable)	1	814 sq. ft.	206 sq. ft.
Unit 305	2	1,972 sq. ft.	1,193 sq. ft.
Unit 306	2	2,320 sq. ft.	1,744 sq. ft.
Unit 307	2	1,970 sq. ft.	1,157 sq. ft.
Unit 308	2	1,970sq. ft.	215 sq. ft.
Unit 309	Studio	1,349 sq. ft.	366 sq. ft.
Unit 310	Studio	997 sq. ft.	234 sq. ft.

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front -Interior/Rear	none none	0'	Varies from 0' to 70' (at plaza)
Building Height	4 stories, 60 feet	1 story, 18' average	3 stories, 40 feet max.
Parking Spaces	Commercial: 1 space/ 250 sq. ft. = 65 Residential: 57 Total required: 122	71 parking spaces	122 parking spaces
Lot Area Required for Each Unit (Variable Density)	Studios: 12 x 1,600 sq. ft. =19,200 sq. ft.; 1-bedrooms: 9 x 1,840 sq. ft. = 16,560 sq. ft.; 2-bedrooms: 6 x 2,320 sq. ft. =13,920 sq. ft. 49,680 sq. ft. required for 27 units	N/A	Lot Area Modification needed for 5 affordable units.

Standard	Requirement/ Allowance	Existing	Proposed
Private Outdoor Living Space	For second floors and above Studios: 60 sq. ft. 1-bedroom: 72 sq. ft. 2-bedroom: 84 sq. ft.	N/A	Each unit either meets or exceeds the minimum requirement
Lot Coverage			
-Building	N/A	20,244 sq. ft.(40%)	32,163 sq. ft.(64%)
-Paving/Driveway	N/A	29,056 sq. ft.(57%)	432 sq. ft.(1%)
-Landscaping	N/A	<u>1,484 sq. ft.(3%)</u>	<u>17,286 sq. ft.(35%)</u>
		50,784sq.ft.(100%)	49,881 sq. ft. (100%)

Lot Area Modification: The proposed project would meet the C-2, Commercial zone requirements as well as the requirements for new residential condominiums, with the exception of the required lot area. The lot area used in the variable density calculation is 49,881 square feet, which is the remaining lot area after the four foot wide dedication to the City for sidewalk purposes is deducted. The result is that a total of 27 residential units (using the proposed bedroom count) would be allowed under the City's variable density ordinance.

Under the Inclusionary Housing Ordinance, all projects with 10 or more dwelling units require at least 15% of the total units to be constructed and offered for sale as Inclusionary Units restricted for owner-occupancy by either Middle Income or Upper Middle Income Households. In this case, four additional middle-income units would be required. For the four required inclusionary units, the Planning Commission must approve the modification if the project is approved. The applicant, in response to previous comments made by the Planning Commission, has proposed an additional affordable unit, for a total of five affordable units. Applicants who construct Inclusionary Housing units as part of the project are entitled to a density bonus for the number of Inclusionary Units to be provided onsite. This is processed through an approval of a Lot Area Modification. The Lot Area Modification also applies to the Bonus Density unit that is proposed, above and beyond the required Inclusionary Units and can be denied, even if the project is approved.

Inclusionary Housing Ordinance: The project has also been reviewed for consistency with the other Inclusionary Housing Ordinance requirements. It was determined that the proposed project meets the requirement that the affordable units be integrated into the development and that the affordable units equal or exceed the average number of bedrooms in the market rate units.

Unit sizes: The Planning Commission has previously expressed concern about the large size of condominium units being proposed in the City and, in response, has established an informal guideline to limit condominium sizes to 85% of the lot area required under variable density provisions. The mix of units in this project includes fourteen studios, eleven one-bedroom, and eleven two-bedroom units. The only proposed unit that does not meet this guideline is Unit 306, which is a 2,320 square foot, two-bedroom unit.

VI. ISSUES

A. PROJECT HISTORY

A proposal that included 55 residential units and 18,369 square feet of commercial space was originally submitted for review by the City. During environmental review, it was determined that the prior project would result in potentially significant impacts associated with traffic and an Environmental Impact Report (EIR) would be required. Rather than go forward with the EIR, the applicant elected to withdraw the application and then submit a new application that consisted of 55 residential units and significantly less commercial square footage that would not result in potentially significant impacts associated with traffic. The revised project was reviewed by the Historic Landmarks Commission and an environmental hearing was held to discuss the new Initial Study/Draft Negative Declaration. Based on comments received from the Historic Landmarks Commission regarding size, bulk and scale, the applicant presented an alternate proposal during the environmental hearing that consisted of 31 residential units (27 market rate and 4 affordable), slightly more commercial space and the elimination of the fourth floor. Based on comments received from the Planning Commission at that hearing, the applicant submitted a further revised proposal that includes one additional affordable unit. The current proposal is described below.

B. CURRENT PROJECT DESCRIPTION

The current proposal is a two- and three-story mixed-use development that would be a maximum height of 40 feet. The commercial portion of the project would consist of 12,851 square feet of commercial space that would be divided into five commercial condominium units located on the ground floor. Utility and service areas would comprise an additional 3,450 square feet with the majority located within the underground garage. The residential portion of the project would consist of 32 condominium units (27 market rate units and 5 affordable units). The proposal includes one more affordable unit than is required by the Inclusionary Housing Ordinance, as discussed above. A total of 122 parking spaces would be located within a two-level subterranean garage. Vehicular entrance and exit ramps would be provided on Carrillo Street and an exit only ramp would be provided on De la Vina Street.

The project site is required to undergo substantial remediation due to the site containing known soil and groundwater contamination, primarily from historical use of tetrachloroethylene (PCE) associated with an onsite dry cleaning establishment. The project will adhere to the Corrective Action Plan that was recently approved by the California Regional Water Quality Control Board.

C. DESIGN REVIEW

The proposed project was reviewed by the Historic Landmarks Commission (HLC) on four occasions (see Exhibit C of MND – HLC Minutes). On March 19, 2008, the Commission continued the project to the Planning Commission with the comments that the project is compatible with the neighborhood and the massing along De la Vina Street is acceptable. The Commission also stated that a modification to the massing along the northern property line is

needed as well as other design refinements in regard to the courtyards, landscaping, roof lines, building corners, and the plaza.

D. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element: The project site is located in the West Downtown neighborhood, which is bounded on the north by Sola Street, on the south and west by Highway 101, and on the east by De la Vina, Ortega and Chapala Streets. The West Downtown neighborhood currently contains a mix of both commercial and residential uses. It is one of the oldest residential neighborhoods in the City, and it contains some of Santa Barbara's architecturally important residential structures. Many of these homes have been converted into relatively low-density apartments, such as those located directly north of the project site. When the Land Use Element was adopted, it was noted that new apartment complexes were replacing older single-family houses and the area was being converted to higher-density residential and commercial uses, with an emphasis in commercial activities along Chapala and Carrillo Streets. The proposed project would continue this trend as this is a high-density residential project with commercial space on the first floor along Carrillo Street.

The Land Use Element indicates that the primary function of this part of West Carrillo Street, located west of De la Vina Street, is to carry traffic from the Mesa and the freeway into the downtown area and that future commercial uses bordering Carrillo Street should be designed to minimize conflict with smooth traffic flow into the Central Business District. The Traffic Analysis prepared for the proposed project indicates that it will generate less average daily trips than what currently exists onsite; therefore, it is not expected to conflict with the existing traffic flow.

The Land Use Element also states that the area should be an attractive entrance to the City and consist of low intensity commercial uses that would be suited to this transition area. The proposed project which has been reduced from a predominately three- and four-story development to a two- and three-story design appears to meet these criteria.

Although the Land Use Element states that new development should use cross streets for access whenever possible rather than taking access off Carrillo Street, Transportation staff concurs with the Traffic and Circulation Study, which states that if access were not provided into the site from Carrillo Street, traffic would be required to use a more circuitous route through the surrounding residential neighborhood. The proposed design with ingress and egress on Carrillo Street appears to be superior to providing access only from De la Vina Street.

Circulation Element: The proposed project is consistent with Policy 13.2 of the Circulation Element which states that the City should allow more compact, pedestrian-oriented development along major transit corridors, because the project is located on Carrillo Street, a major transit corridor and close to the Greyhound and MTD bus stations. It is also consistent with Implementation Strategy 13.1.1 which is to "encourage the development of projects that combine and locate residential uses near areas of employment and services." Finally, it appears to be consistent with Implementation Strategy 13.4.2 by "creating attractive, interesting, and pleasing building facades that are oriented toward paseos, streets and sidewalks" as well as by "placing parking lots underground".

Housing Element: Santa Barbara has very little vacant land for new residential development. Therefore, City housing policies support build out of infill housing units in the City's urban areas. The City's Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. The project would be consistent with the Housing Element as it will contribute 27 market rate and 5 affordable residential units to the City's existing housing stock.

In accordance with Policy 3.3, which requires new development to be compatible with the prevailing character of the neighborhood, the proposed development appears to be compatible in scale, size and design with the surrounding neighborhood as demonstrated by the model presented by the applicant and noted in the comments by the Historic Landmarks Commission. The surrounding neighborhood is comprised of a mix of commercial and residential buildings of varying heights. One of the Implementation Strategies of this policy is to consider allowing increased densities along transit and transportation corridors. In this case, the project would be located along Carrillo Street, a major transit corridor.

Urban Design Guidelines: The Urban Design Guidelines provide a framework for the City's design review process, assisting staff and decision makers with implementing the City's policies. Some of the goals of the Urban Design Guidelines that appear to be met with the proposed project include 1) compatibility with the character of the City, the surrounding neighborhood, and adjacent properties; 2) buildings that relate to the street at a pedestrian scale; 3) buildings designed to actively contribute to the life of the street; 4) provision of courtyards, plazas, and placitas; and 5) placing parking underground.

Pedestrian Master Plan: The project conforms to the purpose and intent of the City's adopted Pedestrian Master Plan. Both Carrillo and De la Vina Streets provide the recommended eight feet of "Through Pedestrian Zone", the area where pedestrian traffic is unencumbered by obstructions. To achieve the necessary pedestrian use area, the project proposes dedication of approximately four feet of property as public right-of-way. Frontage (building buffer) and Furniture Zones are also provided for the pedestrian corridor. The De la Vina Street side of the project does not have a continuous Frontage Zone; however, Staff believes that the proposed wide sidewalk and the project's spacious opening at the corner will more than adequately contribute to a positive pedestrian experience.

E. ENVIRONMENTAL REVIEW

An Initial Study was prepared for the subject project because the California Environmental Quality Act (CEQA) requires environmental assessment of the proposal. The Environmental Analyst found that, although the proposed project could potentially have significant adverse impacts related to air quality, cultural resources, hazards, noise, public services, and water environment, mitigation measures described in the Initial Study and agreed to by the applicant would reduce potential impacts to less than significant levels. In addition, recommended mitigation measures were identified to further reduce less than significant impacts associated with air quality, biological resources, cultural resources, public services and transportation issues.

A Draft Initial Study and a Draft Mitigated Negative Declaration (MND) was prepared for this project, and a public review period was held from January 14, 2008 to February 4, 2008. Seven comments letters were received during the public review period. On January 24, 2008, the Planning Commission conducted a public hearing to accept comments regarding the Draft MND. Six individuals as well as the Planning Commission provided comments. The comment letters and the responses to comments received regarding the Draft MND are attached.

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

VII. FINDINGS

The Planning Commission finds the following:

A. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION

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

B. LOT AREA MODIFICATION (SBMC §28.21.080)

A Modification of the lot area requirement to allow five (5) bonus density units is consistent with the purposes and intent of the Zoning Ordinance to construct housing units which are affordable to middle-income households and is necessary to secure an appropriate improvement on a lot and to meet the requirements of the Inclusionary Housing Ordinance.

C. THE TENTATIVE MAP (SBMC §27.07.100)

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

D. 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.

Exhibits:

- A. Conditions of Approval
- B. Site Plan

- C. Applicant's letter, dated April 17, 2008
- D. Final Mitigated Negative Declaration (includes Public Comment Letters, Response to Comments, and Mitigation Monitoring and Reporting Program) available upon request or on the City's website at www.santabarbaraca.gov/eir.

PLANNING COMMISSION CONDITIONS OF APPROVAL

210 W. CARRILLO STREET, RADIO SQUARE PROJECT
MODIFICATION AND TENTATIVE SUBDIVISION MAP
APRIL 17, 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. **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 Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
 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 Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
 5. **Ownership Unit Affordability Restrictions.** The dwelling units designated as units number 102, 204, 206, 208, and 304 on the project plans and Tentative Subdivision Map shall be designated as Affordable Middle Income Units and sold

only to and occupied only by households who qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

Units No. 208 and 304 (Studio units) =	<u>\$149,400</u>
Units No. 204 and 206 (one-bedroom units) =	<u>\$199,700</u>
Unit No. 102 (two-bedroom units) =	<u>\$249,900</u>

The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

6. **Approved Development.** The development of the Real Property approved by the Planning Commission on April 17, 2008 is limited to the construction of a new two- and three-story mixed-use development consisting of 12,851 square feet of commercial space to be divided into five commercial condominium units, 3,450 square feet utility and service area, 32 residential condominium units (27 market rate and 5 affordable), 122 parking spaces located within a two-level subterranean garage and the improvements shown on the project plans and Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
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. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.

- d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - e. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
 - f. **Gas Fireplaces.** Only gas fireplaces, not wood-burning fireplaces, shall be allowed.
 - g. **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.
8. **Use Limitations.** Due to potential traffic, air quality and parking impacts, uses other than general office are not permitted within the commercial square footage and no residential square footage may be converted to commercial square footage 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.
- In addition, dry cleaners and gasoline dispensing facilities shall be restricted according to California Air Resources Board and APCD requirements.
9. **Transportation Demand Management.**
- a. **Bus Routes and Schedules Posted.** Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
 - b. **Bicycle Parking.** A total of 43 bicycle parking spaces shall be provided on the Plaza level, including 14 onsite covered spaces, 11 bicycle hitching post spaces, and 18 offsite bicycle hitching post spaces located along the street frontage and near the entrances of the commercial spaces.
10. **Residential Permit Parking Program.** The City's Residential Permit Parking Program shall not be available to residents of this project or their guests.
- B. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:

1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
2. **Dedication(s).** Dedication of 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. A dedication of an easement for All Street Purposes along Carrillo Street in order to establish an additional four-foot (4'-0") wide public right-of-way for a total width of a twelve-foot (12'-0") sidewalk
 - b. An Easement in Gross for the purposes of Water Meter Reading and Maintenance of water meters to the City of Santa Barbara.
3. **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*. Public Works Engineering Division Staff will prepare said agreement for the Owner's signature.
4. **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.
5. **Drainage Calculations/Hydrology Report.** 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.
6. **Carrillo Street Public Improvements.** The Owner shall submit C-1 public improvement for construction of improvements along the property frontage on Carrillo Street. The C-1 plans shall be submitted separately from plans submitted for a Building Permit, shall be prepared by a registered civil engineer, and shall be reviewed and signed by the City Engineer. As determined by the Public Works Department, the improvements shall include the following: Construct two (2) new concrete raised medians with landscaping in the center of the street, twelve-foot wide City standard sidewalk (City standard unless otherwise approved by the City Engineer), one commercial style driveway apron modified to meet Title 24 requirements, curb and gutter, Dual Directional access ramp at intersection of Carrillo and De La Vina Streets, connection to City water and sewer mains, extend existing sewer main +/-330 linear feet, construct drainage improvements with supporting drainage calculations and connection to existing City storm drain system, storm drain stenciling at drop inlets, preserve and protect the existing State Street style City standard street light on Carrillo Street, supply and install one (1)

new State Street style City standard street light adjacent to pedestrian access, obtain HLC approval to either preserve and protect existing Teardrop style street light with traffic signal mounted on it located at the intersection, or to replace this existing street light with State Street style street light to match other City standard street lights for this section of Carrillo Street, asphalt slurry seal to the centerline of the street along entire subject property frontage and a minimum of twenty-feet (20') beyond the limits of all trenching, re-striping of roadway lanes, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs (2006 MUTCD with CA supplements), supply and install new street trees and tree grates as approved by the City Arborist and HLC, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

7. **De La Vina Street Public Improvements.** The Owner shall submit C-1 public improvement for construction of improvements along the property frontage on De La Vina Street. The C-1 plans shall be submitted separately from plans submitted for a Building Permit, shall be prepared by a registered civil engineer, and shall be reviewed and signed by the City Engineer. As determined by the Public Works Department, the improvements shall include the following: City standard sidewalk unless otherwise approved by the City Engineer, three (3) alley-entrance style driveway aprons modified to meet Title 24 requirements (one of which is located at adjacent site APN 039-271-010), curb and gutter, asphalt slurry seal to the centerline of the street along entire subject property frontage, re-striping of roadway lanes, connection to City water and sewer mains, construct supporting drainage calculations for installation of curb drain outlet(s) and connection to City storm drain system, supply and install two (2) new City standard street lights style determined by HLC and the Public Works Facilities Manager, preserve and protect existing traffic signal, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs (2006 MUTCD with CA supplements), storm drain stenciling, supply and install new street trees and tree grates per approval of the City Arborist and HLC and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
 8. **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.
 9. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
- C. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the

specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fee required is \$1,876.75 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination (which the City is required to file within five days of project approval) cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.

- D. **Design Review.** The following items are subject to the review and approval of the Historic Landmarks Commission (HLC). HLC shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Reduction in the Massing.** A reduction in the massing of that portion of the project immediately adjacent to the neighborhood to the north shall be incorporated into the design. (CR-2)
 2. **Noise Barriers.** Noise barriers shall be installed on the balconies of those residential units as required by the Acoustical Study.
 3. **Street Landscaping.** Increased street landscaping shall be encouraged.
 4. **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.
- E. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
 3. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
- F. **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. **Completion of 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, such as a demolition permit to remove the existing structures onsite. (H-1)
3. **Air Pollution Control District (APCD) Permit Required.** An Air Pollution Control District permit is required prior to commencement of the soil remediation project.
4. **APCD Form Required.** Prior to demolition, an "Asbestos Demolition/Renovation Notification" form must be delivered to APCD.
5. **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.
6. **Archaeological Monitoring Contract.** Submit to the Planning Division a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by Stone Archaeological Consulting, dated June 2006. The contract shall be subject to the review and approval of the Planning Division.

The archaeologist's monitoring contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist 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, preparation of further site studies and/or mitigation.

If the discovery consists of possible human remains, the Owner shall contact the Santa Barbara County Coroner immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The Owner shall retain 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, the Owner shall retain 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.

7. **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:
 - a. **Initial Sale Price Restrictions.** The dwelling units designated as Units 102, 204, 206, 208, and 304 on the Tentative Subdivision Map and project plans shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall be determined by Housing Programs staff based on the City's Affordable Housing Policies and Procedures in effect on the date of project approval by the Planning Commission.
 - b. **Resale Restrictions.** The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

8. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Contractor and each subcontractor.
- G. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Historic Landmarks Commission.
 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 Contractor and each Subcontractor.
 3. **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-4)
 4. **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.
 5. **Sound Barriers.** As part of the building plan submittal, noise barriers shall be installed at the balcony boundaries of those residential units which would not otherwise comply with the maximum allowed noise level of 60 dBA Ldn for

private outdoor living spaces. The noise barriers shall comply with the specific height and construction requirements stated in the acoustical study. (N-1)

6. **Interior Noise Reduction:** As identified in the Preliminary Acoustical Study, certain residential units shall require a "windows closed" condition in order to meet the maximum interior 45 dBA Ldn noise level standard. As a result, these units shall provide mechanical vents. (N-2)
7. **Final Acoustical Study.** A Final Acoustical Study shall be submitted for review and approval as part of the building plan submittal and shall include verification that the construction noise levels are reduced to the most reasonable extent possible, that interior noise levels are reduced to 45dBA Ldn or less and that exterior noise levels for the required private outdoor living spaces is reduced to 60dBA Ldn or less. (N-3)
8. **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-2)
9. **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.
10. **Archaeological Monitoring.** After removal of all structures and pavement, construction shall be temporarily suspended and a City-qualified archaeologist shall be retained to inspect the ground of the entire impact area to ensure the likely absence of any prehistoric archaeological resources. If no prehistoric cultural remains are identified on the exposed ground surface during the surface survey, it is reasonable to assume that no buried Native American prehistoric site is located within the project site, as this location has not been subject to substantial natural alluviation that could deeply bury such deposits. Therefore, no further prehistoric archaeological investigations would be necessary.

In the unlikely event that prehistoric cultural remains are identified on the ground surface during the inspection, a City-qualified archaeologist and a City-qualified Native American representative shall be retained to monitor all subsequent construction excavations until a depth is reached below any potential to disturb the remains, pursuant to the City MEA Guidelines for Archaeological Resources and Historic Structures and Sites criteria. The archaeologist shall determine the need for any other actions, including collecting a representative sample of prehistoric remains, consistent with a Phase 3 Data Recovery excavation as defined in City

MEA Guidelines for Archaeological Resources and Historic Structures and Sites criteria.

A City-qualified archeologist with experience in historic archaeology shall be retained to monitor construction of the first 3 feet of excavation within the existing parking areas along the mid-section of the project site extending from De la Vina Street south to the project boundary parallel to Bath Street, within the area where outhouses associated with the 4th Ward/Jefferson School are indicated on the Sanborn Fire Insurance Maps from 1886 to 1907. If historic materials are identified, the archaeologist shall determine the need for any other actions, including collecting a representative sample of prehistoric remains, consistent with a Phase 3 excavation as defined in City MEA Guidelines for Archaeological Resources and Historic Structures and Sites criteria.

11. **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 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.
12. **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-1)

13. **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-3)
14. **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 employ 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 above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
15. **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. (PS-2)
16. **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-1)
17. **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)

18. **Ingress and Egress Improvements:** Stop signs and pavement markings shall be installed onsite at parking garage entrance and exits.
19. **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.
20. **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.
21. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

- H. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.
 1. **APCD Authority to Construct Permits.** APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g. emergency standby generators) and boilers/large water heaters whose combined heat input rating exceeds 2.0 million BTUs per hour.

2. **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)
3. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-2)
4. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-3)
5. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed at all access points to prevent tracking of mud on to public roads. (AQ-4)
6. **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)
7. **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)
8. **Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-7)
9. **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. (AQ-8)
10. **Diesel Engines.** Construction contracts must specify that only heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized. (AQ-9)
 11. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-10)
 12. **Equipment Use Management.** 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)
 13. **Equipment Maintenance.** Construction equipment shall be maintained in tune per the manufacturer's specifications. (AQ-12)
 14. **Engine Timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. (AQ-13)
 15. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-14)
 16. **Diesel Emission Reduction.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed. (AQ-15)
 17. **Diesel Equipment Reduction.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-16)
 18. **Biodiesel.** To the maximum extent feasible, biodiesel shall be used for all construction equipment. (AQ-17)
 19. **Engine Idling Limitations.** At all times, idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. State law requires that drivers of diesel-fueled commercial vehicles weighing more than 10,000 pounds:
 - a. shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location,
 - b. shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if you have a sleeper berth and you are within 100 feet of a restricted area (homes and schools). (AQ-18)
 20. **Minimize Employee Trips.** Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite. (AQ-19)

21. **Arborist's Report.** During construction, carry out measures to protect the coral tree as recommended in the Arborist's Report, prepared by Bill Spiewak, dated March 27, 2006. (BIO-1)
22. **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)
23. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
24. **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.
25. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager.
26. **Construction Traffic Haul Routes.** The haul routes for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Manager. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through residential neighborhoods and minimize congestion. (T-1)
27. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
28. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 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.

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-5)

29. **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-6)
30. **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. Stockpiling and vehicle staging areas shall be located as far as practical from sensitive noise receptors. (N-7)
31. **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-8)
32. **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)
33. **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.
34. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
35. **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.
36. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
37. **Mitigation Monitoring Compliance Reports.** The PEC shall submit monthly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department.
38. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) and Project Environmental Coordinator's (PEC) name, contractor(s) and PEC's telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height.
39. **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.
40. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.

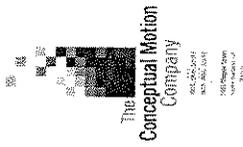
41. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
 42. **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)
- I. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements *caused by construction* (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Construction of the public improvements, as shown in the separate C-1 Public Improvement Plans, including utility service undergrounding and installation of street trees.
 3. **Manholes.** Raise all sewer and water manholes on easement to final finished grade where applicable.
 4. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.
 5. **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.
 6. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy whichever is earlier.
 7. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

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

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

NOTICE OF MODIFICATION AND TENTATIVE SUBDIVISION MAP 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.



The
Conceptual Motion
Company

1000 S. GARDEN STREET
SANTA ANA, CALIFORNIA 92705
TEL: 714.261.1000
WWW.CONCEPTUALMOTION.COM

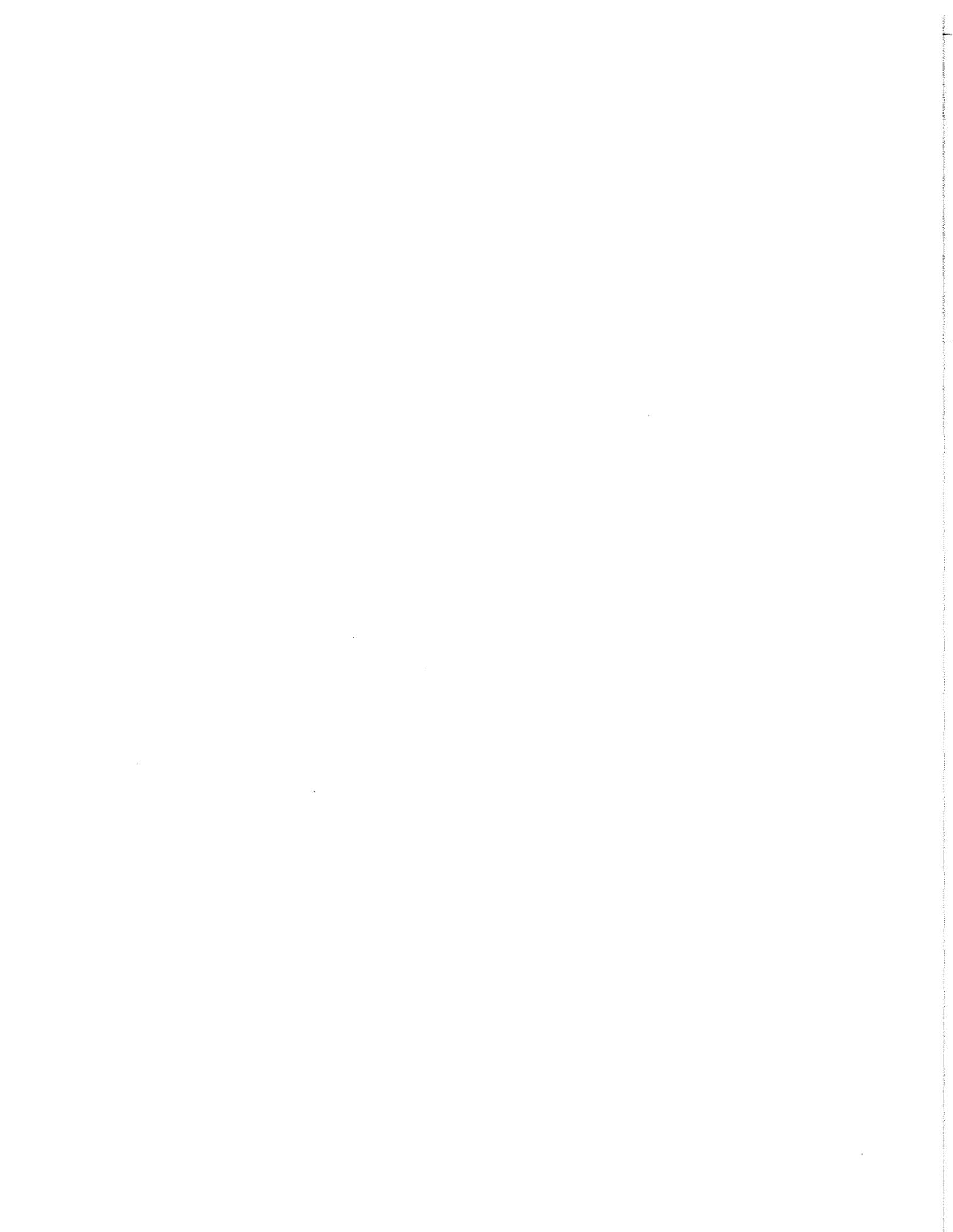


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RADIO SQUARE

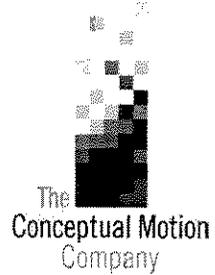
210 HERRING AVENUE, SUITE 101
SANTA ANA, CALIFORNIA 92701
PROJECT # 08-001-001

NO.	DESCRIPTION	DATE
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April 17th, 2008

Planning Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, Ca 93101



Re: 210 West Carrillo (Radio Square)

MST #: MST2007-00554
Project APN#: 039-271-025
Project Address: 210 West Carrillo Street
Santa Barbara, Ca 93101

Dear Planning Commissioners,

PROJECT DESCRIPTION:

The proposed project "Radio Square" is to be located at 210 West Carrillo Street, the current site of the Carrillo Plaza Shopping Center.

This existing strip center is architecturally uninteresting and, in the mind of the owner **DBN Carrillo LLC**, is at the end of its economic life cycle. The center includes 18,547 sq. ft. of single level multi-tenant retail, services and restaurant uses. The anchor tenant is Carrows Restaurant (approx. 5,963 sq. ft.) located on the corner of the property closest to the intersection of De La Vina and Carrillo Streets. The Property is in the City of Santa Barbara, it is within the City of Santa Barbara Redevelopment District and within the El Pueblo Viejo Landmark District. The Property is made up of two parcels with a gross lot area of 50,784 sq. ft. (approx. 1.2 acres) and is a designated C-2 zoned parcel.

Both parcels adjacent to the property are also zoned C-2. Immediately to our west, the property is occupied by CVS Drug Store. Across the road from us and to the east is *RALPHS* Supermarket. To the south is a strip shopping center and diagonally across from us is a *Jiffy Lube*. A multi-family residential property is our immediate neighbor to the north.

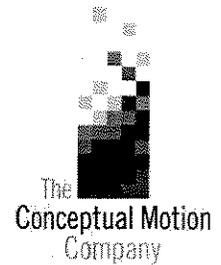
The subject property is not located adjacent or near to a creek or other water course.

1501
Chapala Street
Santa Barbara, CA
93101

ARCHITECTURE PLANNING MANAGEMENT STRATEGY

CONCEPTUALMOTION.COM

EXHIBIT C



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805.966.3349

Proposed Demolition:

Direction from the Regional Water Quality Board regarding the clean up of a soil contamination provide the opportunity to redevelop this property. The proposed project calls for the demolition of all existing structures (18,547 sq. ft.) on the site and the removal of contaminated soils will be facilitated by the construction of below grade structured parking for the project.

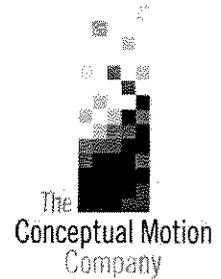
Proposed Use:

A 60,588 sq. ft. (N.Z.S.F.) Mixed Use and Transit Oriented Development (plus below grade parking on two levels) with ground floor commercial / residential spaces arranged around a paseo and courtyard plan with a maximum of two levels of residential above (max. 3-levels and 40 ft height limit):

The Program includes (N.Z.S.F.):

- 12,851 sq. ft. commercial space on ground floor
- 3,450 sq. ft. non-habitable utility and service rooms on ground floor
- 45,886 sq. ft. residential area on the first, second and third levels, comprising;
 - 32 Residential Units:
 - 5 Affordable Units (see Inclusionary Housing Plan)
 - 27 Market Rate Units
 - The Unit Mix allows for a variety of housing types:
 - 14 Studio Units
 - 11 One Bedroom Units
 - 7 Two bedroom Units
- Average Unit Size (all residential units) is 1,434 sq. ft.
- The size of all residential units, except one, is less than 85% of the allowable lot area (for that unit type per Variable Density Ordinance)
- A 348 sq. ft. Residential Amenity/Service area (mail) is provided
- 65 commercial parking spaces (per ordinance requirements) and resident guest parking spaces are provided in a parking level below grade
- 57 residential parking spaces (per ordinance requirements) are provided in a second level below grade with exclusive access for residents
- 25 bicycle parking spaces (per ordinance requirements)

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93101



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- 300 sq. ft. minimum private lockable storage will be provided for each residential unit in separate lockable storage or secured space with private parking areas
- 17,718 sq. ft. of common open space is provided on grade (35%) with 4,453 sq. ft. of landscaped area
- Building lot coverage (GSF):
 - 65% at 1st level
 - 59% at 2nd level
 - 39% at 3rd level

Inclusionary Housing Plan:

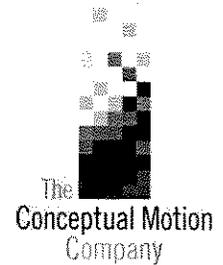
We worked closely with Mr. Steven Faulstich over the past two and one half years; throughout the PRT and DART process within the original project application to arrive at an Inclusionary Housing Plan (IHP) that provides five (18.5% of total unit count) Affordable residential units in the project (see attached IHP submitted with application). The Housing & Redevelopment Division have indicated that our proposed IHP is consistent with, and meets the intent of the inclusionary Housing Ordinance.

LEED Certification / Sustainability components:

The project will be designed to comply with a LEED certification rating. We would anticipate utilizing the City of Santa Barbara's Green Buildings Incentive Program once the time comes to process permits via the Building and Safety Division. Sustainable components planned for the project include:

- Access to alternative public transportation
- Proximity to workplace; pedestrian oriented development
- Green building methods and materials
- Radiant Flooring
- Efficient Instant Hot Water systems
- Recycled Waste Management
- Improved Water Retention and Management
- Removal of contaminated soils and groundwater clean up
- Housing and retail uses on the same site
- Photovoltaic Solar for site lighting

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Livability:

The average private open space provided for each residential unit is well in excess of ordinance requirements. The common open space provided within the project is over twice that amount required by ordinance.

In addition, the majority of the 32 residential units have two exterior walls. The units that do not have two exterior walls are provided with loggias. This allows natural sun light and excellent natural cross flow ventilation, major components of residential livability. This is possible due to the advantageous layout of the courtyard and paseo routing within the project. Most of the 32 residential units overlook one of the courtyards.

Transit Oriented Development (T.O.D.):

This project is located on a major transit corridor and is contiguous to the MTD and Greyhound Transit Center. Furthermore, the project is immediately contiguous to the downtown commercial and office districts and to numerous lifestyle amenities that can be accessed by the residents without the need for automobile use. For example, immediately adjacent to our project site are a grocery store and a drug store. A diagram indicating the ready availability of services and amenities to project residents is attached to this application.

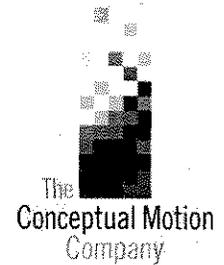
Building Height, Mass and Scale:

Radio Square is a One, Two and Three Story project with the primary massing setback from the street and toward the center of the project.

Our actual maximum building height of 39'-6" is 30% lower than the maximum permitted building height of 60'-0" (C-2 zone development standards). On Carrillo Street frontage we have primarily constrained our building facade to two-stories with a parapet height of 29'-6". On De la Vina Street, our building facade is primarily two-story and 29'-6" at the parapet. A small section extends to three stories and has a maximum height of 39'-6"

A model was prepared at the request of the Historic Landmarks Commission and will be available to the Planning Commission during the review of the project. Upon reviewing the project model, the Historic Landmarks Commission deemed the project to be compatible with neighborhood scale

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and character and with a unanimous 6-0 vote, continued the project to the Planning Commission for deliberation.

Paseos and Courtyards (Radio Square):

We believe it is very important that projects within downtown Santa Barbara are inclusive of the public, as opposed to exclusive enclaves that turn their back on the street. As a result, we have planned to set back from the intersection of De La Vina and Carrillo Street to form a plaza – Radio Square; that can become an integral part of Santa Barbara's public realm, for the community to enjoy.

At the suggestion of the Planning Commission, we have added the potential for a future Paseo connection to our project from the neighboring commercial property to the west. This connection would only be implemented upon the request and with the future agreement of Radio Square residents and the adjacent owner(s) and approvals from the City.

City of Santa Barbara Pedestrian Circulation Plan:

We have set back our buildings on Carrillo Street four feet (4'-0") from the existing R.O.W. to accommodate a requested dedication and made provision for an access easement to the City of Santa Barbara to allow for the implementation of the city's circulation plan goals to have a 12'-0" wide right of way for pedestrians along Carrillo.

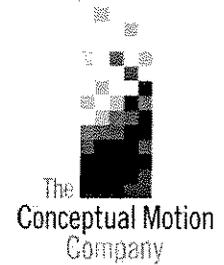
Drainage:

Hydrology calculations have been prepared and were included within the original application. The calculations show that the amount of drainage flowing from the site will not exceed the pre-project condition. Best Water Management Practices will be adopted when engineering drainage systems for this project.

Exterior Lighting:

New exterior lighting is to be proposed throughout the project. The exterior lighting will be installed consistent with the City of Santa Barbara Lighting Municipal Code Ordinance # 22.75.010. Fixtures will be selected to minimize night sky and neighborhood intrusion (per LEED guidelines). A photovoltaic

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system will be incorporated so that most or all of the project's site lighting can come from solar
Lighting Fixtures will be designed and / or selected based upon consistency with guidelines for the El Pueblo Viejo (EPV) district.

Hazardous Materials:

The property is subject to a Clean Up and Abatement Order (R3-2005-0033) from the California Regional Water Quality Control Board (RWQCB) related to the discovery of tetrachloroethylene (PCE) contamination: dry cleaning fluid was accidentally discharged by a former property tenant and has migrated into soils and groundwater. This Clean Up and Abatement Order (previously submitted) is the impetus for this development proposal. *Kennedy Jenks Consultants are the Engineers and Scientists* working with the RWQCB to implement a work plan for the clean up and abatement (statement from Kennedy Jenks attached). DBN's plans for the redevelopment of the property will resolve this environmental problem.

The Clean Up and Abatement Order, along with a letter from Kennedy Jenks describing the proposed Remediation approach pending approval from the RWQCB, was provided along with the original project application and is on file within the City's records for the project.

CONSTRUCTION:

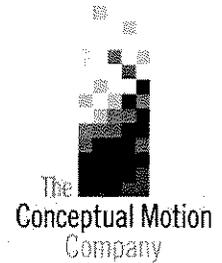
Phasing:

There has been no change to our anticipated schedule lead times for demolition and construction related to this project since our last submittal. The project will be built in a single phase with the following components and durations (subject, of course to the usual weather and other force majeure events):

Estimated Project Duration:

Demolition	2 Months
Excavation and Shoring	5 Months
	7 Months

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Concrete Work	10 Months
Frame Construction	<u>8 Months</u>
	18 Months

GRADING:

The volume of clean soil to be exported is approx. 33,000 to 38,000 cubic yards (CY). It is anticipated that an additional 10,000 to 12,000 cubic yards (CY) of impacted soil volume will need to be removed for an estimated total for removal of 45,000 to 50,000 cubic yards (CY). The amount of import fill is estimated to be 3,700 cubic yards (CY)

There has been no change to our preliminary estimate of grading quantities since our prior submittal.

CONSTRUCTION NOISE MITIGATION:

Refer Acoustic Recommendations submitted with application

TENTATIVE MAP:

A Tentative Map is included within the application; The Tentative Map calls for the creation of a one-lot subdivision to create thirty two (32) residential condominium units and five (5) commercial condominium units.

PLANNING POLICY REFERENCE:

Having determined that excavation and disposal is the preferred method of abatement of the spill and that such a program will necessitate the demolition of the existing center, we looked to the City of Santa Barbara's community planning goals and objectives for insight as to the program most suitable for redevelopment of the project site. Policy documents that we referenced in preparing our program for the site are:

- City of Santa Barbara General Plan / Land Use Element; with specific references pertaining to:

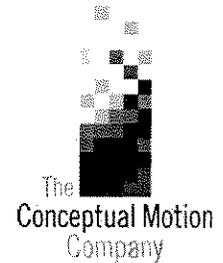
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- Population
- Downtown
- West Carrillo Street
- West Downtown
- City of Santa Barbara General Plan Update: Conditions Trends and Issues – August 2005 – Measure E
- City of Santa Barbara Housing Element – February 2004
- City of Santa Barbara Urban Design Guidelines: City Grid
- City of Santa Barbara El Pueblo Viejo District Guidelines
- City of Santa Barbara Municipal Code

We included sections of these policy documents that we believe most pertinent to the development of a program for Radio Square in our presentation to the City of Santa Barbara Planning Commission on May 4th, 2006. An extract of that presentation was previously submitted. In summary, the City of Santa Barbara community planning policies call for:

- *Further concentration, intensification and more efficient use of the present core (Downtown) rather than by following the usual pattern of outward growth*
- *West Carrillo should be developed as an attractive entrance to the CBD*
- *The General Plan considers the West Downtown to be appropriate for apartment development*
- *Encourage the re-use and revitalization of existing buildings in commercial areas (the city's version of anti-sprawl)*
- *Provide full range of housing (vary sufficiently in type and affordability)*
- *Minimize existing tenant displacement*
- *Balancing jobs and housing opportunities*
- *Place landscaped open space into developments*
- *Encourage pedestrian activity*
- *Provide visual interest for pedestrians*
- *Encourage the provision of courtyards, plazas and placitas throughout the City*
- *Reduce the visibility of automobiles*
- *Increase the convenience of walking, bicycling and transit*
- *Paseos are essential elements*

Our program responds directly to these policy documents. In addition, we have drawn upon the insights of many planning organizations related to smart growth principles and sustainability in developing our project proposal.



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And finally, we sought to develop a program that would successfully target the housing needs of current residents; a transit oriented development based upon sound planning principles that honors the traditional values of our community by preserving and enhancing its character. Radio Square is a mixed use project based upon a paseo and courtyard design that will provide an attractive entrance to Santa Barbara's CBD. It provides a range of housing with 18.5% of the units affordable, and without any subsidy from the public purse. The advantages of Radio Square can be summarized as below;

- More effective Brownfield clean up than mitigate in place
- More attractive entrance to Santa Barbara's CBD
- Continuation and viability of low intensity commercial use
- Add to diverse and affordable housing stocks
- Housing on existing transit corridor
- Housing with access to alternate transportation
- Housing near jobs
- Public access to the project's paseos and plazas
- Reduce heat gain from elimination of existing surface parking lot
- Newer and more sustainable buildings
- Improvements to pedestrian amenities – right of way improvements
- Automobile parking is hidden from view

REQUEST FOR MODIFICATIONS:

We are requesting only one modification; to allow for an adjustment to lot area requirements that in turn; allow for the provision of affordable housing units. We do not require any site or design constraint related modifications.

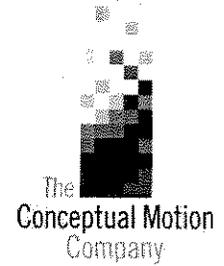
All other ordinance provisions are being met in this project.

PRIOR REVIEW:

The project was originally submitted for Pre-Application Review Team (PRT) in November of 2005. Since then, the City has reviewed and commented on the project and the project has undergone the following reviews:

- January 31, 2006 PRT Comment Letter issued

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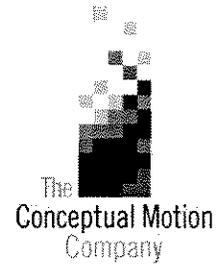
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- February 7, 2006 PRT Staff Meeting
- May 3, 2006 HLC concept review
- May 4, 2006 Planning Commission (PC) review
- November 30th, 2007 Original DART conditionally complete
- April 19th, 2007 EIR Scope Hearing – Original Project
- December 12th, 2007 HLC concept review
- January 24th, 2008 MND / Public Comment
- February 6th, 2008 HLC concept review
- March 5th, 2008 HLC concept review
- March 19th, 2008 HLC concept review

CHANGES MADE IN RESPONSE TO PREVIOUS PLANNING COMMISSION COMMENTS

1. Commission thought some affordable units should be added, potentially via a middle ground which would include some four story element
 - Retained three (3) story project and added one Affordable Unit for a total of five Affordable Units (18.5%)
2. Commissioners expressed concern at the size of market rate units relative to affordable units
 - Affordable unit size (relative to market rate) is greater than required by the Inclusionary Housing Ordinance
 - Added one more affordable unit for a total of five
 - Total area dedicated to affordable increased 20%
 - All market rate units, with one exception, are less than 85% of the allowable lot area (per Variable Density Ordinance)
3. Provide more landscaping and outdoor space for children
 - Landscaping increased from 2,889 sq. ft. to 4,453 sq. ft.
 - Surveyed available recreation amenities within 10 minute walking distance of project site:
 - Westside Community Center
 - Teen Center
 - Alameda Park
 - De La Guerra Plaza
 - Courthouse Sunken Garden
 - Bohnett Park
 - Community Recreation Center
 - Library

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4. Review potential impact in adjacent historic resources
 - Reviewed with HLC
 - HLC requested focused letter addressing potential impacts
 - Report concluding no significant impact accepted by HLC

DISCRETIONARY APPROVALS BEING SOUGHT:

We are seeking Planning Commission approval for the following discretionary applications:

- A Modification of the lot area requirements to allow 5 density bonus units on a lot in the C-2 Zone (SBMC §28.21.080, SBMC §28.92.026.A);
- A Tentative Subdivision Map for a one-lot subdivision to create thirty two (32) residential condominium units and five (5) commercial condominium units (SBMC 27.07 and 27.13).

RELEVANT PROJECT INFORMATION INCLUDED WITHIN APPLICATION:

- Preliminary Title Report
- Fire Protection / Life Safety Code / ADA Narrative
- Traffic & Parking Analysis
- Hazardous Waste and Substances Statement
- Construction Staging and Traffic Management Plan
- Proposed Truck Hauling route
- Preliminary Foundation Investigation
- Engineering Geology report
- Clean Up and Abatement Order
- Archeological Study
- Arborist's Report
- Noise / Acoustical Analysis and Evaluation Report
- Waste Management Plan
- Inclusionary Housing Plan

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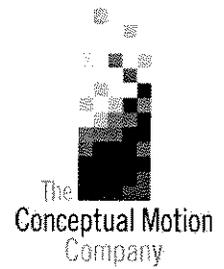
SUMMARY

The applicant, DBN Carrillo, LLC has strived to respond to the comments of the Planning Commission and to bring you a project that meets the goals and intent of all existing plans, policies and associated regulatory ordinances and at the same time, provide the maximum Community Benefit possible. This Community Benefit can be found in the following critical project components:

1. Clean up of an existing Brownfield site.
2. Redevelopment and re-positioning of an obsolete strip retail center
3. The introduction of Spanish Colonial Revival architecture onto the site and into El Pueblo Viejo district
4. The introduction of 32 additional housing units in the downtown area
5. A reduction in PM Peak and overall traffic trips and no change to AM peak trips
6. Fully provided parking (per ordinance requirements)
7. The provision of 5 Affordable units (18.5%)
8. The provision of a variety of Housing Types
9. The provision of Housing near to Jobs
10. The provision of Housing near to Public Transportation
11. Convert an auto dependent / suburban land use to a Mixed Use / Transit Oriented and Pedestrian friendly environment
12. Sustainable Design and Green Building practices
13. Ground Level Paseos and Plazas accessible to the public which extend the pedestrian realm
14. Improved water quality and management
15. Design and planning which embraces and balances community values seeking to provide housing while at the same time, preserve the character and scale of our neighborhoods by keeping new construction at 3 stories and below 40'-0" high.

The applicant believes these community benefits are provided within a project that conforms to all applicable zoning ordinances and to the goals and intent of the Urban Design Guidelines and the Goals and Intent of the El Pueblo Viejo Design Guidelines applicable to this site.

The Property Owner; Mr. Steve Delson of DBN Carrillo, LLC, intends to clean up 210 West Carrillo according to the requirements of the Clean Up and Abatement Order issued by the RWQCB; and in the process develop the site to provide much needed housing and associated amenities to the City of Santa Barbara; without public funds.



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Mr. Delson is aware of this firm's involvement in the community planning and visioning process in Santa Barbara and has indicated a willingness to listen to our advice regarding the most appropriate Program for development of the site. We have arrived at the most "appropriate" program by considering the site and its situation relative to the community at large, and relative to the broader discussion the community is engaged in with regards to what is the most beneficial manner with which to provide housing without undermining the balance of other important community values; i.e. the preservation of the existing residential neighborhoods, open space, mitigating traffic, etc.

Please do not hesitate to call with any questions you may have.

Regards,

Steve Yates
President / CEO

CC Mr. David Gustafson City of Santa Barbara – Comm. Dev.
Mr. Steve Delson DBN Carrillo, LLC
Mr. Gerhard Mayer The Conceptual Motion Company
Mr. Dan Weber The Conceptual Motion Company
Mr. Bud Laurent Coastal Housing Coalition
Mr. Steve Cushman Chamber of Commerce

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