



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

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

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

I. INTRODUCTION

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

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

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

II. PARKING MODIFICATION

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

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

A. PARKING AND ITE’S PARKING GENERATION MANUAL

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

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

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

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

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

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

B. SIMILAR SANTA BARBARA OFFICE PARKING CHARACTERISTICS

Penfield & Smith

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

Fithian Building

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

C. GRANADA GARAGE

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

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

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

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

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

E. UNBUNDLED PARKING

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

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

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

F. TRAFFIC AND PARKING POLICY

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

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

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

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

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

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

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

G. CONCLUSION

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

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

III. OTHER ISSUES

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

A. CONFERENCE ROOM

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

B. NOISE

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

C. REVISED CONDITIONS OF APPROVAL

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

IV. RECOMMENDATION

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

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Exhibits:

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

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City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

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

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

I. PROJECT DESCRIPTION

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

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

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

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

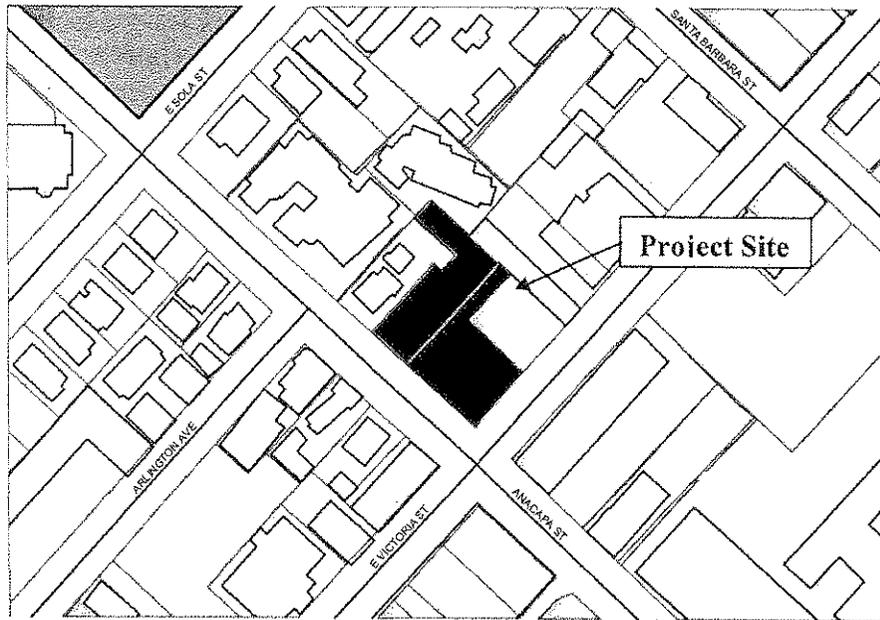
II. REQUIRED APPLICATIONS

The proposed project requires the following discretionary applications:

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

III. RECOMMENDATION

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



Vicinity Map for 101 E. Victoria Street

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

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

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

B. PROJECT STATISTICS

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

V. ZONING ORDINANCE CONSISTENCY

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

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

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

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

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

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

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

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

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

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

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

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

VI. ISSUES

A. PLANNING COMMISSION CONCEPT REVIEW

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

B. COMPLIANCE WITH THE GENERAL PLAN

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

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

C. DESIGN REVIEW

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

D. ENVIRONMENTAL REVIEW

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

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

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

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

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

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

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

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

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

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

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

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

VII. FINDINGS

The Planning Commission finds the following:

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

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

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

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

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

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

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

D. ECONOMIC DEVELOPMENT DESIGNATION (SBMC§28.87.300)

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

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

Exhibits:

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

June 20, 2008

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

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

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

Dear Chair Myers and Members of the Planning Commission:

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

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

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

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

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

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

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

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

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

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

Sincerely,



Eva A. Turenchalk, AICP
LEED® Accredited Professional

Land Use: 701 Office Building

Land Use Description

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

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

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

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

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

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

Database Description

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

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



Parking Systems Inc.

Report of Sound Meter Measurements

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

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

Typical A Weighted Sound Level Data

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

2013.doc

PLANNING COMMISSION CONDITIONS OF APPROVAL

101 E. VICTORIA STREET
MODIFICATION, TENTATIVE SUBDIVISION MAP, DEVELOPMENT PLAN APPROVAL
AND PRELIMINARY ECONOMIC DEVELOPMENT DESIGNATION
~~MAY 22, 2008~~JULY 10, 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. **Approved Development.** The development of the Real Property approved by the Planning Commission on ~~May 22, 2008~~July 10, 2008 is limited to fifty (50) commercial condominium units (17,607 square feet (net) of non-residential floor area) and the improvements shown on the Tentative Subdivision Map and project plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and

restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

6. **Use Limitations.** Due to potential traffic and parking impacts, uses other than general office (such as medical/dental office, restaurant, bar/night club, or retail uses) are not permitted without further environmental and/or Planning Commission review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.
7. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Garage Parking Assignments.** A covenant that includes a requirement that all parking spaces be kept open and available for the parking of vehicles in the manner for which the parking spaces were designed and permitted. No more than eight parking spaces shall be assigned to 109 E. Victoria Street (APN 029-071-012). The remainder of the parking spaces shall remain unassigned and available to all users of the site. A sign shall be installed near the parking lot entrance that indicates when the lot is full.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.

- e. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
- f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- g. **Bus Passes.** All Owners and/or employers shall purchase Metropolitan Transit District (MTD) bus passes or the equivalent for their employees. These passes shall be provided free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to new employees when they are hired.
- h. The Condominium Association shall provide contact information to the surrounding neighbors upon request. The contact person shall have authority to address neighbor complaints regarding the operation of the project and its occupants.

B. Public Works Submittal Prior to Final Map Approval. The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:

1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - a. An Easement for All Street Purposes at the intersection of Victoria and Anacapa Streets in order to establish a minimum of a four-foot wide public right-of-way clearance at the back of proposed access ramp.
3. **Private Easements.** The Owner shall submit copies of the executed easement documents (Parking and Access Easements; Light, Air and Landscaping Easements; and Trash Area and Access Easements). The executed easement documents shall be recorded at the same time as the Final Map or prior to the issuance of any building or grading permit.
4. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
5. **Anacapa Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Anacapa Street. As determined by the Public Works Department, the improvements shall include

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

6. **Victoria Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Victoria Street. As determined by the Public Works Department, the improvements shall include new curb and gutter where damaged, slurry seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, public drainage improvements with supporting drainage calculations for installation of 10 inch drainage pipe, preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs per 2006 MUTCD with CA supplements, supply and install new street trees per approval of the City Arborist and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
 7. **Land Development Agreement.** The Owner shall submit an executed Agreement for *Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
 8. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
 9. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
 3. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines and the MUTCD with CA supplements. Traffic Control Plans are subject to approval by the Transportation Manager.
- D. 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. **Completion of Corrective Action Plan.** Written evidence of completion of a Corrective Action Plan by 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.
 2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
 3. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
 4. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Contractor and each subcontractor.

E. **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. **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
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. 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.

2. **Sandstone Curb Recycling.** If any existing sandstone curb in the public right-of-way is removed and not reused, it shall be salvaged and carefully transported to the City Corporation Annex Yard.
3. **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.
4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
5. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
6. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

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

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

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

7. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:

- a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits *without extensions* may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
8. **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.
9. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
 10. **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.
 11. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 12. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(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.

13. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
14. **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.
15. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
 1. **Repair Damaged Public Improvements.** Repair any damaged public improvements *caused by construction* (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.
3. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
4. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.

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

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

NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

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

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

REVISED PLANNING COMMISSION CONDITIONS OF APPROVAL

101 E. VICTORIA STREET

MAY 22, 2008 JULY 10, 2008

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**NOTICE OF MODIFICATION AND TENTATIVE SUBDIVISION MAP APPROVAL
TIME LIMITS:**

By operation of Municipal Code Section 28.87.370 and Government Code Section 66452.6(a) (1), the Planning Commission's action approving the Tentative Map shall expire three (3) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110, in no case may the total length of time (including all extensions) exceed the five year limit specified in Government Code Section 66452.6(e).

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