



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: August 23, 2010
AGENDA DATE: September 2, 2010
PROJECT ADDRESS: 15 E. Cabrillo Blvd. (MST2010-00033)
 Rusty's
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Daniel Gullett, Associate Planner *DG*

I. PROJECT DESCRIPTION

The project consists of the partial demolition of an existing 142-seat restaurant building; construction of an approximately 1,020 square foot second story addition, 250 square foot second story balcony, and 150 square foot trash enclosure; remodel; and new creekside landscaping. The project is associated with the previously approved Cabrillo Bridge Replacement Project (MST2004-00878, PC Reso. 029-07), which includes demolition of 447 square feet of the restaurant building and the 350 square foot exterior patio over Mission Creek to facilitate replacement of the Cabrillo Bridge and to provide for Mission Creek flood control improvements.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Front Setback Modification on E. Cabrillo Blvd. to allow encroachment of a two-story building into the 20 foot front setback on E. Cabrillo Blvd. (SBMC §28.22.060 & §28.92.110);
2. Front Setback Modification on Helena Ave. to allow encroachment of a two-story building into the 20 foot front setback on Helena Ave. (SBMC §28.22.060 & §28.92.110); and
3. Coastal Development Permit (CDP2010-00005) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

III. RECOMMENDATION

With the proposed modifications, and as conditioned, the proposed project conforms to the City's Zoning Ordinance, policies of the Coastal Act and Coastal Plan, and implementing guidelines. Therefore, staff recommends that the Planning Commission approve the project subject to the conditions of approval in Exhibit A making the findings outlined in Section VII of this report.

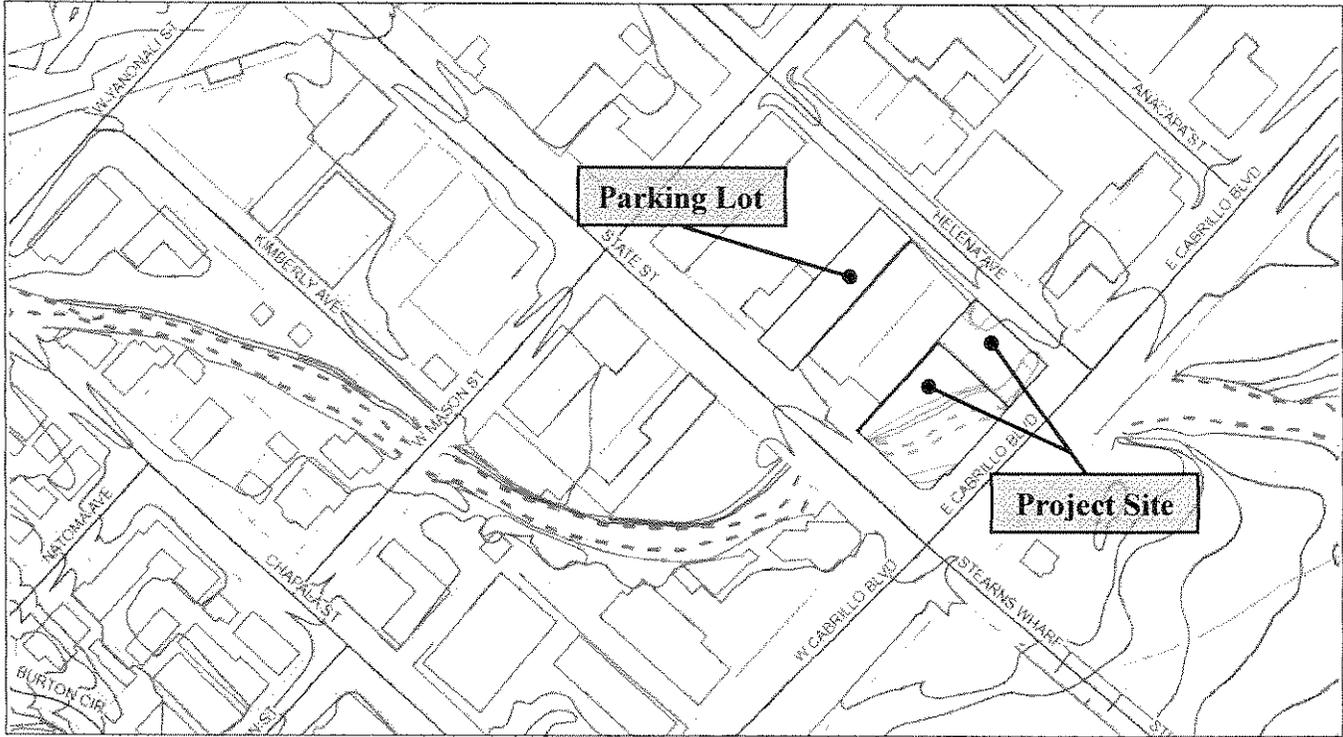


Figure 1: Project Vicinity

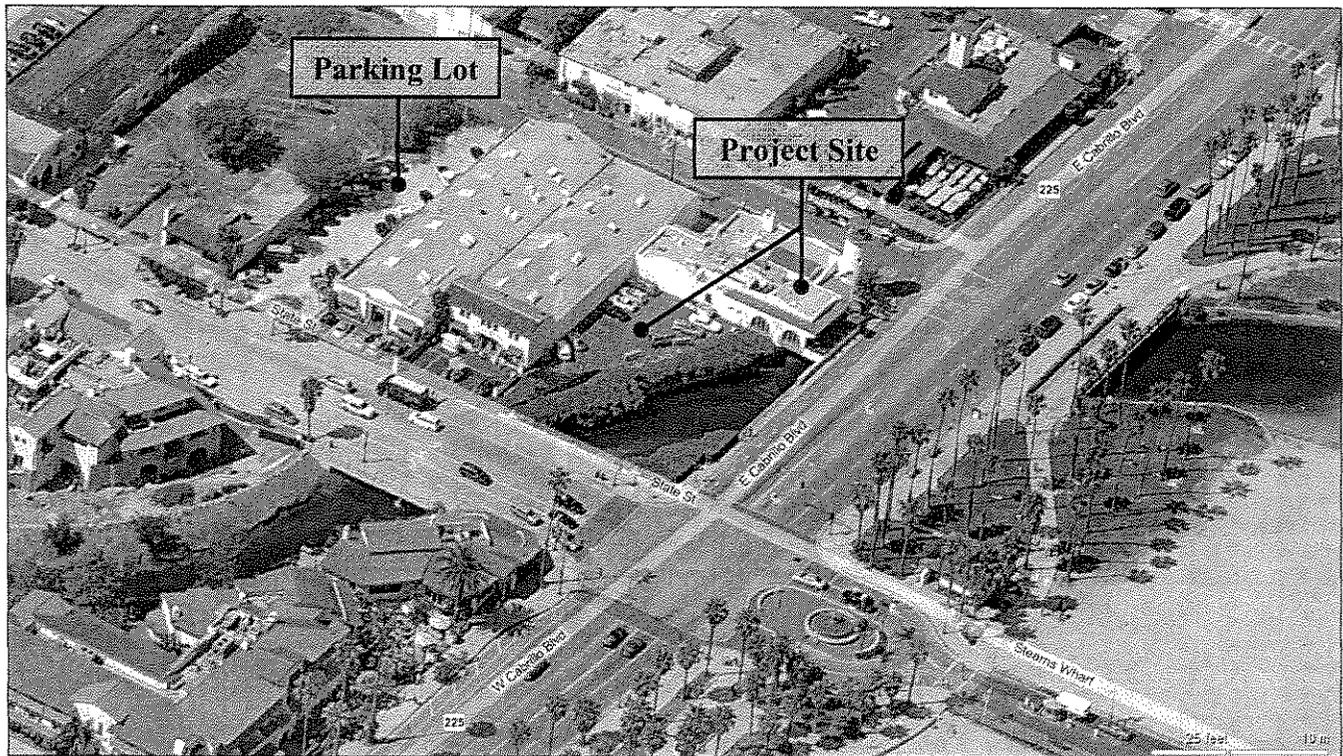


Figure 2: Aerial Photograph

IV. BACKGROUND

The building at 15 E. Cabrillo was originally constructed in 1931 and various additions and remodels have been approved and completed since. The additions included a portion of the restaurant over Mission Creek and the uncovered patio, which the City permitted to attach onto the Cabrillo Bridge structure. The most recent exterior changes to the building were approved by the Planning Commission in 1994 and included the addition of the 45-foot lighthouse element.

The Cabrillo Bridge Replacement Project (MST2004-00878, PC Reso. 029-07) includes full replacement of the Cabrillo Bridge over Mission Creek and the rebuilding of the Mission Creek banks from State St. to the channel to improve the hydraulic conveyance of Mission Creek. The Cabrillo Bridge Replacement Project includes removal and replacement of the existing Rusty's patio and the portion of the building over Mission Creek, removal and replacement of the existing deteriorating channel wall under the structure with a new channel wall.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant	Frank Cunningham, City of Santa Barbara	
Architect	Richard Six, Lenvik & Minor Architects	
Property Owner	Virginia & Renee Castagnola and Family	
Site Information		
Parcel Numbers: 033-111-012 & -011	Lot Area:	0.17 acres (033-111-012) 0.33 acres (033-111-011)
General Plan: Hotel & Related Commerce II Buffer/Stream	Zoning:	HRC-2 (Hotel & Related Commerce) SD-3 (Coastal Overlay Zone)
Existing Use: 033-111-012 (building) 033-111-011 (parking lot)	Topography:	Flat above creek bank
Adjacent Land Uses		
North – Retail Commercial South – City Park	East – Restaurant/Offices West – Restaurant/Hotel	

B. PROJECT STATISTICS

Statistics for APN 033-111-012 (Restaurant parcel)			
Site Coverage	Existing		Proposed
Building	5,851 sf	82%	5,273 sf 74%
Hardscape	1,242 sf	17%	1,013 sf 14%
Landscape/Creek	63 sf	1%	521 sf 7%

VI. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front (Cabrillo Blvd.) -Front (Helena Ave.) -Interior	20 ft for two story buildings None	0 ft (to patio) 0 ft 0 ft	11 ft* 0 ft* 0 ft
Mission Creek Development Limitation	25 ft restriction	-22 ft	8 ft
Building Height	45 ft	45 ft (at tower)	27 ft for project No change at tower
Floor Area / Lot Area	N/A	0.71	0.79
Seating	N/A	142	No change
Parking	47 spaces/7 bicycle**	31 spaces/5 bicycle	No change

* Modification requested

** Restaurant parking is required at a rate of one automobile space for every three seats and one bicycle space per seven automobile spaces provided. The existing parking for the restaurant is non-conforming and provided on APN 033-111-004 with a parking agreement. Since the addition to the restaurant is less than 50% of the existing floor area and no additional seating is proposed, no additional automobile or bicycle parking is required.

While the project provides a net increase of 573 sf of building floor area and a net decrease of 100 sf of outdoor seating area, the increased restaurant area is not considered an expansion or intensification of use because the additional building area is necessary to provide circulation to and from the new second story and the project does not include any increase in the number of seats.

The proposed project would meet the requirements of the HRC-2/SD-3 Zones, with the exception of the 20-foot front setbacks on Helena Ave. and E. Cabrillo Blvd., which are described in the following.

Front Setback Modification on E. Cabrillo Blvd.

The existing site condition includes an uncovered patio at the property line on Cabrillo Blvd., and a building face 11 feet from the Cabrillo Blvd. property line at its closest points. The setback in the HRC-2 zone is 20 feet for buildings that exceed 15 feet in height. The proposed project would retain the 11-foot setback at the lighthouse and at a point west of the new entrance and remove the uncovered patio and building over Mission Creek, increasing the Cabrillo Blvd. setback moving up the creek with a 31-foot front setback in the southwest corner of the building. The result would be an increased average setback from E. Cabrillo Blvd. for the project.

The Zoning Ordinance section on the Hotel and Related Commerce Zones states, "because of its proximity to the shoreline and its location along two major arteries, the HRC-2 Zone strives to promote, maintain and protect visitor serving and commercial recreational uses." Restaurants are a permitted use in the HRC-2 Zone.

Considering the retention of the restaurant use, the Historic Landmarks Commission's support of the project design (discussed below), the resultant less nonconforming setback on E. Cabrillo, and the facilitation of the construction of Cabrillo Bridge project with daylighting of a portion of Mission Creek, staff considers the proposed improvements to be appropriate and in conformance with the purposes and intent of the Zoning Ordinance.

Front Setback Modification on Helena Ave.

The existing building is located on the property line on Helena Ave. and is non-conforming to the Helena Ave. 20 foot front setback. The Zoning Ordinance allows for some improvements to non-conforming buildings; however, those improvements may not change the exterior appearance of the building. The exterior changes within the Helena Ave. setback include a new entry and a second story interior balcony, which would provide space for one table. Since this building was permitted with no setback, and the project proposes changes to the exterior of the building within 20 feet of the Helena Ave. right-of-way, a front setback modification on Helena Ave. is required. The changes proposed within this setback were provided in response to the Historic Landmarks Commission's direction to provide better integration of the second story addition into the building.

Considering the positive conceptual review comments from the Historic Landmarks Commission on the proposed building configuration and the existing building condition, staff considers the proposed improvements to be appropriate and conforming with the purposes and intent of the Zoning Ordinance.

Mission Creek Development Limitation

Zoning Ordinance Section 28.87.250 (*Development Along Creeks*) provides a limitation on development along Mission Creek. The stated intention of the development limitation is to prevent undue damage or destruction of developments by floodwaters, prevent new development from causing undue detrimental impact on adjacent or downstream properties in the event of floodwaters, and protect the public health, safety and welfare.

The area subject to the development limitation includes all property located within the banks and within 25 feet of the top of bank of Mission Creek. Any development proposed within that area and subject to a building permit, including the subject proposal, must be reviewed and approved by the Chief Building Official or the Planning Commission on appeal prior to building permit issuance.

The purpose of the subject project is to facilitate the approved Cabrillo Bridge Replacement Project (MST2004-00878, PC Reso. 029-07). The Cabrillo Bridge Replacement Project provides flood control improvements downstream of the State Street Bridge that increase creek capacity. That project includes the removal and reconstruction of the patio and the portion of the restaurant over Mission Creek in the same footprint. As an alternative to the in-place replacement of the building and patio, the subject project provides significant public benefits with removal of the restaurant structure that extends over Mission Creek and provision of a landscaped eight-foot vegetated creek buffer area.

The Chief Building Official conceptually approved the proposed development within the Mission Creek Development Limitation Area, since the project meets the stated intent of the ordinance and would provide an appropriate improvement on the property. No private development is located downstream from the subject property and the remodeled first floor would be located above the 100-year flood level.

VII. ISSUES

A. DESIGN REVIEW

This project was reviewed by the Historic Landmarks Commission (HLC) twice; first on March 17 and again on May 26, 2010 (meeting minutes are attached as Exhibit D). At its second review, HLC continued the project to the Planning Commission for the land use decision on a 6-2 vote with positive comments. The HLC majority stated that the project meets the Project Compatibility Analysis requirements and indicated, in particular, that the mass, bulk, and scale of the proposed addition are acceptable. The dissenting members were generally supportive of the project but requested that the lighthouse element be removed.

C. COMPLIANCE WITH THE COASTAL ACT/LOCAL COASTAL PLAN

The project site is located in Component 4 of the City's Coastal Plan, which includes the area bordered by Highway 101, Chapala St., Cabrillo Blvd., and Santa Barbara St. Major coastal issues identified by the Coastal Plan in Component 4 include: protection of the Mission Creek environment; hazards from flooding; liquefaction potential; visitor-serving uses; visual quality; and adequate waterfront circulation, public transit, and parking facilities. Pertinent Coastal Act and Coastal Plan policies related to *Water and Marine Environments*, *Locating New Development*, and *Visual Quality* are included below with discussions of project consistency.

The Coastal Plan sets aside all parcels fronting along State St. and Cabrillo Blvd., including the subject parcels for Hotel and Related Commerce uses, which include restaurant uses. The continuation of the restaurant use is consistent with the Hotel and Related Commerce designation.

The Coastal Plan Land Use Map includes buffers along Cabrillo Blvd., State St., and Mission Creek. As defined in the Coastal Plan, the buffers signify the need for a separation between potentially conflicting uses or for an area of transition between land uses not directly compatible. The proposed project provides separation of the restaurant use from Cabrillo Blvd. and Mission Creek where no separation currently exists. With the proposed daylighting of the creek, the eight foot vegetated creek buffer, and no expansion of the restaurant use, staff believes that the proposed development conforms with the purpose of the buffer.

Water and Marine Environments

Coastal Act Section 30231: Biological productivity; water quality

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling

runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act Section 30240: Environmentally sensitive habitat areas; adjacent developments

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Coastal Plan Policy 6.8

The riparian resources, biological productivity, and water quality of the City's coastal zone creeks shall be maintained, preserved, enhanced, and, where feasible, restored.

Coastal Plan Policy 6.10

The City shall require a setback buffer for native vegetation between the top of the bank and any proposed project. This setback will vary depending upon the conditions of the site and the environmental impact of the proposed project.

Discussion: The project would provide biological and water quality improvements without expanding the use of the restaurant by relocating development away from Mission Creek and providing a new eight-foot creek buffer with native vegetation. Considering the existing condition and the size of the restaurant lot, staff's position is that the eight-foot buffer is appropriate in this instance. In addition, the project provides a new covered enclosure for the trash and recycling carts used by Surf N' Wear's Beach House located approximately 56 feet from the creek. The trash carts currently have no enclosure and are located much closer to the creek. Provision of the trash enclosure would result in decreased risk of refuse or runoff contaminated by refuse entering the creek. The project would also provide retention and treatment of the calculated runoff from both of the subject parcels for a one-inch, 24-hour storm consistent with the City's Storm Water Management Program requirements. Therefore, the proposed project is consistent with these policies.

Locating New Development

Coastal Act Section 30253: Minimization of adverse impacts

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Coastal Plan Policy 4.2

New visitor-serving development permitted pursuant to Policy 4.1 (which defines the Hotel and Related Commerce Designations) shall be:

(1) Reviewed by the Architectural Board of Review or the Historic Landmarks Commission for compatible architectural design;

(2) Be consistent with the adopted LCP Visual Quality Policies;

(3) Provide to the maximum extent feasible, public view corridors, open spaces, and pedestrian (and/or bicycle) walkways and facilities;

(4) Provide adequate off-street parking to serve the needs generated by the development; and

(5) Provide measures to mitigate circulation impacts associated with the project, including but not limited to coordination with the Redevelopment Agency's Transportation Plans for the area, provision of in-lieu fees, provision of bicycle facilities, or other appropriate means of mitigation.

Discussion: The restaurant building is located within an identified Flood Hazard Zone and the finished floor elevation would be required to be above the defined base flood elevation. At the time of Building Permit, a soils report would be required to address the potential for liquefaction in the foundation design. The project was conceptually reviewed by the Historic Landmarks Commission and continued with positive comments to the Planning Commission for consideration of the land use applications. As discussed below, the project, as conditioned, is consistent with the Coastal Plan's Visual Policies. Due to the uses, configurations, and sizes of the subject parcels, the provision of a public view corridor or a pedestrian/bicycle walkway is not feasible. The project, however, does provide new open space by removing the building and structure above the creek and including a creek buffer. As stated above, the proposed development maintains the number of existing permitted seats and does not expand the use of the restaurant; therefore, no additional parking spaces are required. Staff does not anticipate the operations of the proposed project to have any adverse affects the circulation, public transit, or parking facilities in the waterfront area beyond the existing conditions. The staff-recommended conditions of approval include standard conditions requiring a traffic control plan and conditions regarding construction hours, construction-related truck trips and routes, and construction parking. Therefore, the project, as conditioned, is consistent with these policies.

Visual Quality

Coastal Act Section 30251: Scenic and visual qualities

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Coastal Plan Policy 9.1

The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved and enhanced.

Coastal Plan Policy 12.2

New developments within the City's Waterfront Area shall be evaluated as to a project's impact upon the area's:

- 1. Openness;*
- 2. Lack of Congestion;*
- 3. Naturalness; and*
- 4. Rhythm.*

Conservation Element Visual Resources Goals

- Restore where feasible, maintain, enhance, and manage the creekside environments within the City as visual amenities, where consistent with sound flood control management and soil conservation techniques.*
- Protect and enhance the scenic character of the City.*
- Maintain the scenic character of the City by preventing unnecessary removal of significant trees and encouraging cultivation of new trees.*
- Protect significant open space areas from the type of development which would degrade the City's visual resources.*

Conservation Element Visual Resources Policies

1.0 Development adjacent to creeks shall not degrade the creeks or their riparian environments.

3.0 New development shall not obstruct scenic view corridors, including those of the ocean and lower elevations of the City viewed respectively from the shoreline and upper foothills, and of the upper foothills and mountains viewed respectively from the beach and lower elevations of the City.

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

4.1 Mature trees should be integrated into project design rather than removed.

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

5.0 Significant open space areas should be protected to preserve the City's visual resources from degradation.

General Policies

Coastal Plan Policy 1.2

Where policies in the land use plan overlap, the policy which is the most protective of resources, i.e. land, water, air, etc., shall take precedence.

Discussion: As shown in the Visual Simulations provided on Sheet P6, the second story addition would result in partial view blockage of the Riviera from prominent public viewing locations in the vicinity of State St. and Cabrillo Blvd., however, mountain views would be retained and the building would retain single-story massing toward the rear of the building, preserving a portion of the existing view from the State St. bridge vicinity. The project would result in enhanced foreground views with the exposure of the creek, new vegetated buffer and relocation of the trash carts into the new trash enclosure. The Historic Landmarks Commission stated that the project was consistent with the Compatibility Analysis requirements and the size, bulk, and scale were acceptable. Staff believes the proposed rearrangement of massing, the reorientation of the building toward State St. and Mission Creek, and the exposure of the creek would enhance the character of the surrounding area and the second story addition is more compatible in terms of size, bulk, and scale with the lighthouse element than the existing condition.

The City developed the Waterfront Area Aesthetic Criteria for New Development Assessment to assist decision makers evaluate the impacts of new development pursuant to Coastal Plan Policy 12.2. The criteria and an evaluation matrix completed by staff are provided as Exhibit E. The attached matrix concludes that the project would not result in negative effects on the area's openness, lack of congestion, naturalness, and rhythm.

The project includes removal of two approximately six-inch-diameter palm trees to accommodate the new entry on the E. Cabrillo Blvd. frontage adjacent to the lighthouse. The staff-recommended conditions of approval include a requirement for a minimum of two appropriately sized and selected replacement trees subject to review by the Historic Landmarks Commission.

The proposed project, as conditioned, is therefore consistent with these policies.

D. ENVIRONMENTAL REVIEW

The City's Environmental Analyst determined that this project is categorically exempt from further environmental review pursuant to the Guidelines for the Implementation of the California Environmental Quality Act (CEQA Guidelines) Section 15301, which exempts additions to existing facilities that result in the lesser of a 50% increase in existing floor area or

2,500 sf. CEQA Guidelines Subsection 15300.2 provides exceptions to categorical exemptions. These exceptions include the possibility of significant effects due to unusual circumstances, hazardous waste sites, and the potential for a significant adverse change to the significance of a historic resource. Staff did not identify an exception to the use of the Section 15301 exemption since no significant impacts would occur due to the proposed development.

VIII. FINDINGS

The Planning Commission finds the following:

A. FRONT SETBACK MODIFICATION (E. CABRILLO BLVD) (SBMC §28.22.060 & 28.92.110)

As shown in Section V of this Staff Report, the requested front setback modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement of the small second-story addition and alterations to the ground floor because of the constrained nature of the site and the necessity to preserve restaurant capacity while pulling the building away from the creek.

B. FRONT SETBACK MODIFICATION (HELENA AVE.) (SBMC §28.22.060 & 28.92.110)

As shown in Section V of this Staff Report, the requested front setback modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement of the small second-story addition and alterations to the ground floor due to the constrained nature of the site, the necessity to maintain the number of seats while pulling the building away from the creek, and the necessity to provide an addition to a non-conforming building consistent with City design guidelines.

C. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.060)

1. The project is consistent with the policies of the California Coastal Act.

As shown in Section VI.C of this Staff Report, the project, as conditioned, is consistent with the policies of the California Coastal Act, including those policies related to Water and Marine Environments, Locating New Development, and Visual Quality.

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.

As shown in Sections V and VI.C of this Staff Report, the project, as conditioned, is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines and, with the requested modifications, all applicable provisions of the of the Municipal Code.

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Exhibits:

- A. Conditions of Approval
- B. Site Plan, Floor Plan, Elevations, Visual Simulations
- C. Applicant's Memorandum, dated June 15, 2010
- D. HLC Minutes of March 17 and May 26, 2010
- E. Waterfront Area Aesthetic Criteria for New Development Assessment

PLANNING COMMISSION CONDITIONS OF APPROVAL

15 E CABRILLO BLVD
FRONT SETBACK MODIFICATIONS, COASTAL DEVELOPMENT PERMIT
SEPTEMBER 2, 2010

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. **Design Review.** The project is subject to the review and approval of the (Historic Landmarks Commission (HLC). HLC shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.
 1. **Creekside Landscaping.** Provide a landscape plan approved by the Creeks Division with native riparian landscaping between the reconfigured restaurant building and the creek wall on APN 033-111-012.
 2. **Tree Removal and Replacement.** All trees removed shall be replaced, at minimum, on a one-to-one basis with trees of an appropriate size and appropriate species or like species, to enhance the site's visual appearance.
 3. **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.
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute *a written instrument*, prepared by Planning staff, 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 September 2, 2010 is limited to the partial demolition of an existing 142-seat restaurant building; construction of an approximately 1,020 square foot second story addition, 250 square foot second story balcony, and 150 square foot trash enclosure; remodel; and new creekside landscaping; and the improvements shown on the plans signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **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.
 3. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the required 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 Storm Water Management Plan BMP

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

4. **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. **Emergency Exiting.** A covenant that provides for a 48-inch-wide emergency ingress and egress route through APN 033-111-011 in favor of APN 033-111-012 between the new emergency exit and the State St. right of way.
 - b. **Openings and Balcony Encroachment.** A covenant that provides for the second story balcony, first floor emergency exit door opening and door swing, and the minimum Building Code requirements for clearance from openings on APN 033-111-011 in favor of APN 033-111-012.
5. **Pesticide or Fertilizer Usage Near Creek.** The use of pesticides or fertilizer shall be prohibited on the two subject parcels, which drain directly into Mission Creek.
6. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
7. **Recyclable Material Use and Collection.** The restaurant operator shall encourage guests to recycle by using reusable or recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers. Recyclable material and green waste collection and pick-up areas shall be provided on-site for the restaurant

operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.

8. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
- 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. **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.
 2. **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.
 3. **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.
 4. **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.
 5. **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.
 6. **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 Public Works Director/Transportation Manager. Construction

and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.

- D. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance:
1. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 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. **Parks and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park and Recreation Commission for the removal of trees within the required front setback with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground.
- 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, outlined in Section A above.
 2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

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

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

3. **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 Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B.5, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
4. **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., Archaeologist contract submitted to Community Development 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.

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. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
3. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager.
4. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating (GVWR) of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
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
Cesar Chavez Day	March 31st*
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*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 that is answered by a person, not a machine.

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. **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.

9. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
10. **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 and 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 construction contact phone number shall include an option to contact a person instead of a machine in case of emergency. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
12. **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.
13. **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 (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090.
2. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
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.

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 APPROVAL TIME LIMITS:

The Planning Commission's action approving the Modifications shall terminate two (2) years from the date of the approval, per Section 28.87.360 of the Santa Barbara Municipal Code, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

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

	915 West Hager Street Santa Barbara, CA 93101 (805) 966-8857 Fax: (805) 966-7286 www.lenvikandminor.com	Client: City of Santa Barbara Public Works 1000 Santa Barbara, CA 93101	The Castagnola Building 15 East Cabrillo Blvd Santa Barbara, CA 93101	Site Plan including Adjacent Parcel	Date: 06/05/09 Drawn by: [Name] Project No: [Number] Sheet: [Number] of [Total]
	Credit:	Scale:	Title:	P1	

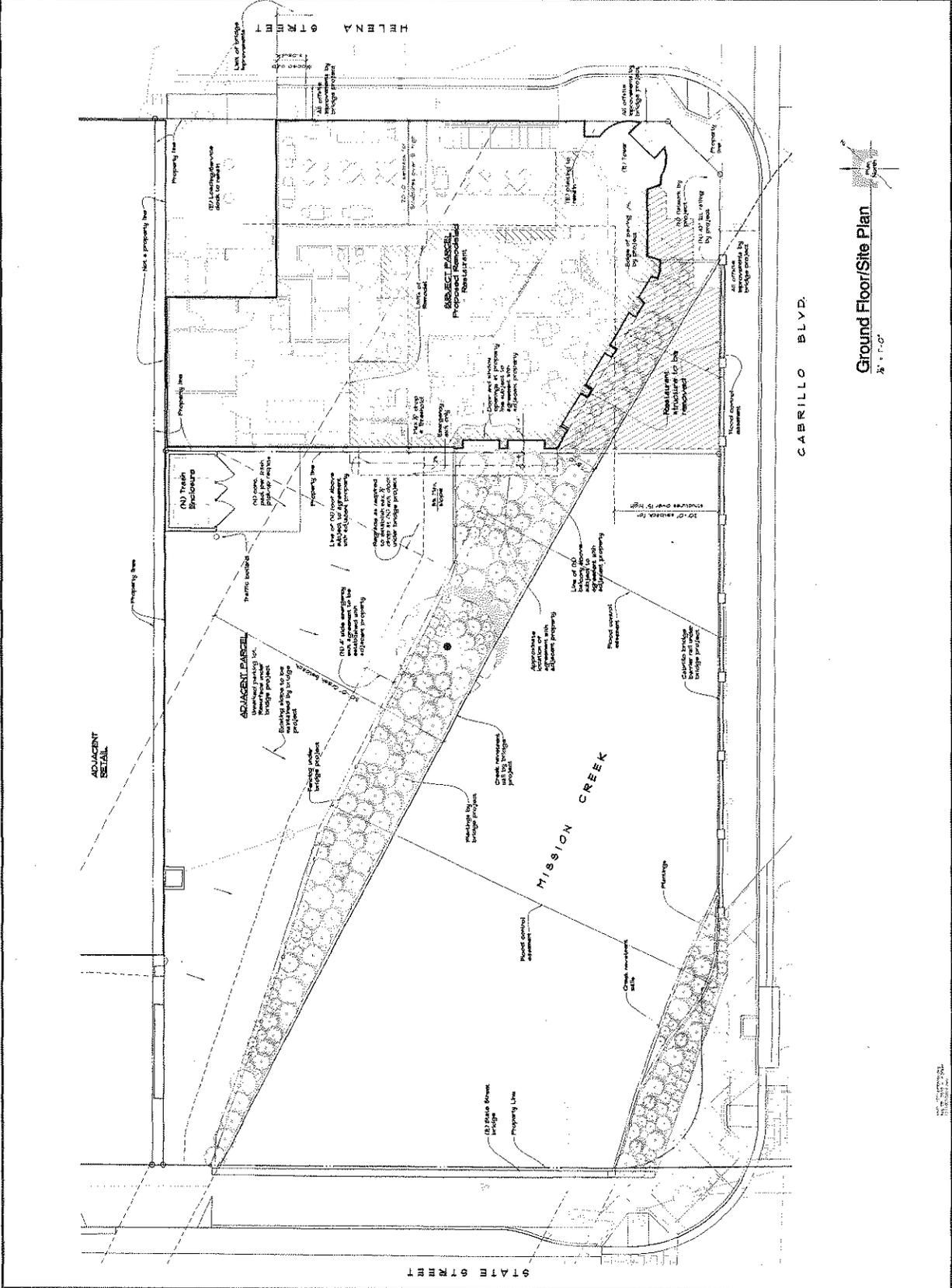


EXHIBIT B

Client:

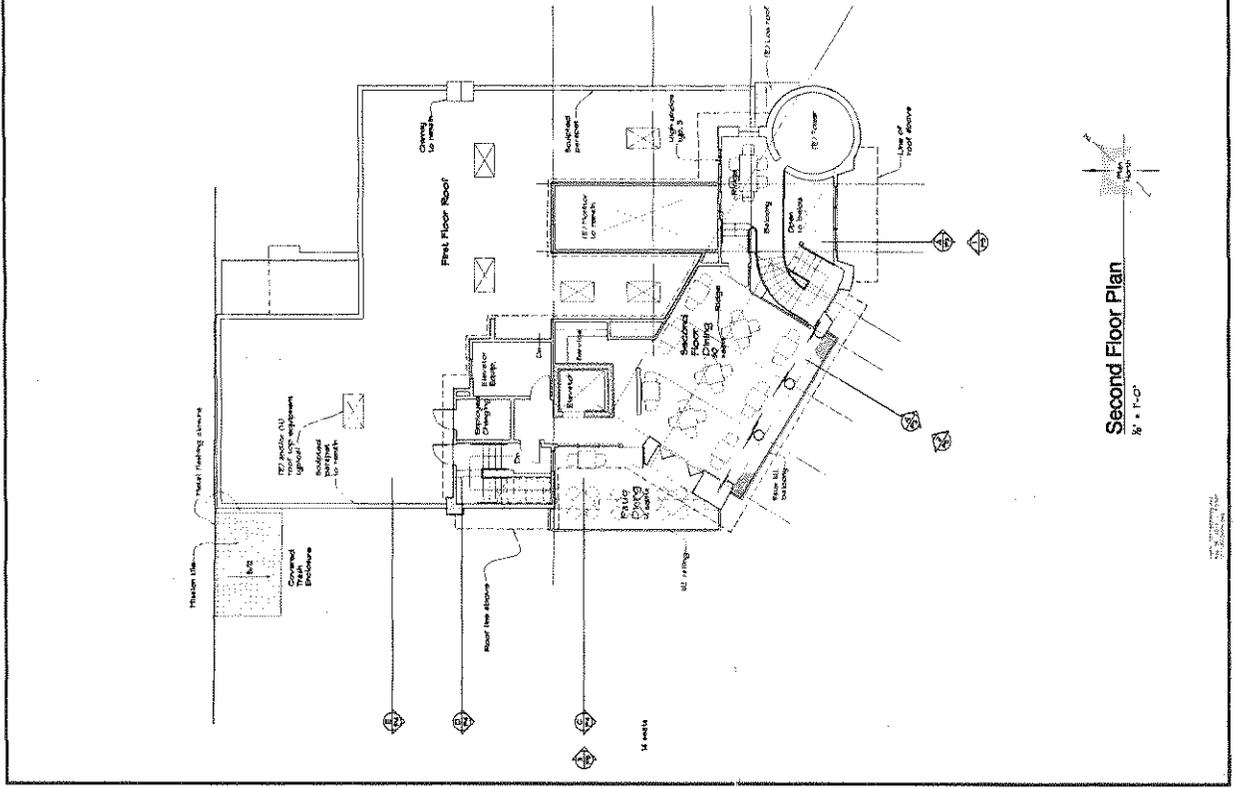
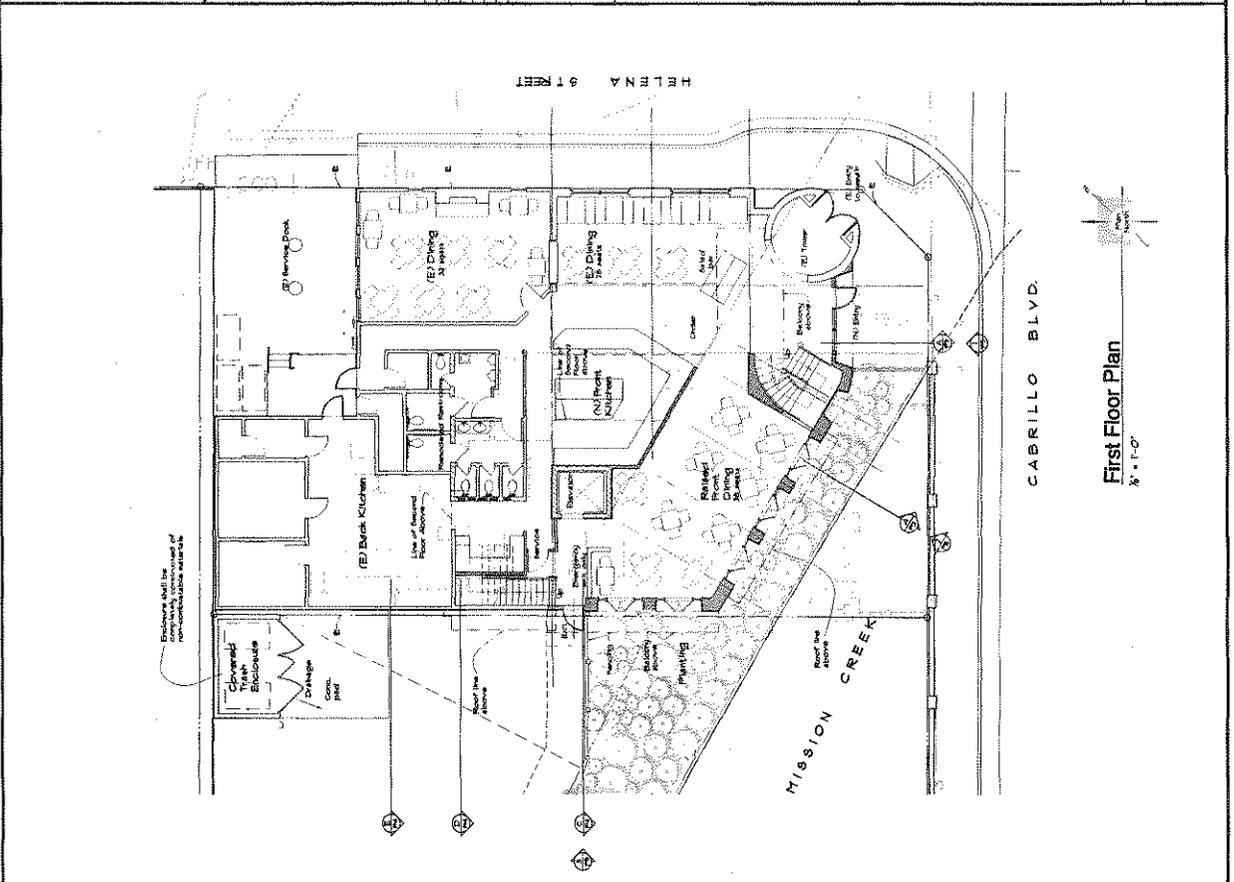
City of Santa Barbara	Public Works
16 East Cabrillo Blvd	Santa Barbara, CA 93101

The Castagnola Building
16 East Cabrillo Blvd
Santa Barbara, CA 93101

Floor Plans

Sheet No.	P2
Scale	1/8" = 1'-0"
Date	08/05/05
Author	MM
Checker	MM
Plotter	MM

First Floor Plan
1/8" = 1'-0"



Second Floor Plan
1/8" = 1'-0"

NOT TO SCALE



City of Santa Barbara
Public Works Department

Interoffice Memorandum

DATE: June 15, 2010
TO: Planning Commission
FROM: Frank Cunningham, Project Manager
SUBJECT: **Cabrillo Boulevard Bridge DART Application Comments (MST 2010-00033)**

Transmitted herewith, to the members of the Planning Commission, is a copy of responses to DART Application Section 2. "Letter from Applicant".

Public Works Staff in conjunction with City Attorney Stephen Willey have met with the property owners of 15 East Cabrillo Blvd (Rusty's Pizza) and their legal representatives to negotiate right-of-way needs for the City's project to replace the bridge. The original concept to remove and replace the portion of the restaurant dining and patio was needed in the City's efforts to replace the bridge and complete other creek improvements. This original concept was met with numerous issues, concerns, and obstacles, in particular, the replacement of the building and patio that would continue to cantilever out over Mission Creek. These existing private building improvements built within the creek limits were a concern in regards to existing Flood Zone, liability, hydraulic modeling, County Flood Control maintenance, and environmental issues.

The new concept to remove a portion of the building and patio to be able to replace the bridge and all the existing creek walls and then relocate the removed dining space to a second story location resolves all of the previous hurdles and obstacles. City staff and Richard Six, of Lenvik and Minor Architects, presented conceptual drawings and photos to the Historic Landmarks Commission (HLC) for the second story option on May 26, 2010. The HLC was very supportive of the project appearance, improved setbacks from Cabrillo Blvd., and new proposed set-back from the Mission Creek embankment.

The following responses to DART application topics are submitted for your review and consideration:

SECTION 1. COMPLETED MASTER APPLICATION FORM: Completed for HLC in March 2010.

SECTION 2. LETTER FROM APPLICANT:

a. The City, on behalf of the Cabrillo Blvd. Bridge Replacement Project, and Property Owners are seeking review and approval for consistency with the Coastal Act and City's Local Coastal Plan from the Planning Commission for the proposed building modification project, including a setback modification from the HRC-II 20 ft. front setback to 11 ft. on Cabrillo Blvd. The current building setback of zero (0) from Cabrillo Blvd. will be improved to 11 ft. as a result of this project.

c. Pre-application reviews:

Historic Landmarks Commission	Meeting Date: 3-17-10	Action-Comments
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Historic Landmarks Commission Meeting Date: 5-26-10 Action-Conceptual Approval

d. Relevant information on this project would include:

1. Cabrillo Blvd. Bridge Replacement Project (MST 2004-00878) acquired all of the necessary permits, including Regional Water Quality-Section 401 Water Quality Certification, California Department of Fish and Game-Streambed Alteration Permit, U.S. Army Corps of Engineers permit, California Coastal Commission permit, Coastal Development Permit, and Biological Opinions from National Marine Fisheries Service, and U.S. Fish and Wildlife Services to remove and replace the bridge, including the building and patio work at Rusty's Pizza. The City, in having all of these required regulatory permits will dictate that any work being done in or adjacent to the creek will have to be by City contractors as part of the bridge work. Once the building and patio demo-work and creek revetment wall replacement is completed and backfilled, the owner's contractors can then reconstruct building footings, walls, and roofs as needed for the second story relocation.

e. Project Justification:

The City in its quest to replace a structurally deficient City bridge with Federal funding began discussions with the property owners of 15 E. Cabrillo Blvd. to negotiate necessary street easements and temporary construction easements (TCE). The property owners and City would not be proposing this partial building/patio removal and relocation to a second floor if not for the City bridge replacement project.

The original scope of work was to remove and replace a portion of the Rusty's building and patio as needed to replace the bridge. This work scope did not include any creek wall improvements at this location, and replaced the building and patio back over Mission Creek as it is today. The removal and replacement of private improvements (portion of building and patio) in a known deficient flood plain (Mission Creek) that was being upgraded by an Army Corp. of Engineers (Lower Mission Creek Project) became a concerning issue of public/private liability and creek capacity concerns. The new second story concept will enable complete creek improvements, minimize creek flooding damage, enable County Flood Control to take possession of creek improvements, and eliminate any private improvements dependency on public infrastructure.

The new concept to remove and relocate the dining area to a second story location also allows the project to make significant improvements in adhering to City standards. The Cabrillo Blvd. street setbacks will be increased from zero (0) to 11 feet. The patio and portion of building that currently overhangs Mission Creek and is attached to Cabrillo Bridge will be removed. The proposed project will remove all private infrastructures from the creek and stipulate an eight (8) foot setback from the new creek wall. This is an acceptable setback distance for Santa Barbara County Flood Control to accept and maintain the new creek wall.

The use of participating bridge Federal funds has very restrictive conditions. It is necessary to avoid any appearance of federal funding gifts, minimize impacts on the environment, traffic, parking, and any other City General Plan criteria. The building owners will only be entitled to funding allocations necessary to replace the equivalent loss of commercial dining square footage removed from the first floor and relocated to the second floor. There will not be any project funding allocations for increased dining square footage. The current project proposal has only a slight increase in square footage, partially due to stair and elevator losses, and there will be an actual reduction in the number of dining room seats. This seating reduction will help to maintain the status quo in regards to parking requirements and traffic impacts. The building envelope upon the parcel will be reduced with the second story relocation and thereby minimizing or reducing any environmental impacts or storm water run-off issues.

f. Significant Issues and Problems:

Since the HLC did not feel there were any view restrictions, there are no significant issues or concerns. The proposed federally subsidized project to remove a portion of the building and patio to a second story location will significantly improve many aspects of the parcel, Mission Creek, creek hydraulics, and the building setbacks and appearance (architecture). It will also facilitate the City's project to replace the deteriorated Cabrillo Blvd. Bridge and make significant creek improvements.

g. Detailed Description of Proposed Project:

1 thru 4) As per the submitted plans: The proposed project consists of removing from the first floor approximately 350 SF of patio dining and 460 SF of interior dining and relocating this removed dining space (approximately 1240 SF including needed stairs (2) and elevator) to a second story on the existing building.

5) There is no proposed removal of vegetation or trees. In fact, the area adjacent to Mission Creek where the patio and partial building was removed will be landscaped with native vegetation.

6) There are no relevant drainage issues. The existing building foot print will be reduced. The current building roof drainage to the adjacent streets or parking lot will be maintained. The previous drainage from the patio into Mission Creek will be eliminated and a landscaped filter/buffer will exist between the new building and Mission Creek.

7) Parking will not be impacted by the project due to the reduction in seating capacity. The proposed project includes significant opportunities and improvements in landscaping on the site.

8) There will be only minor grading, with no imports or exports. All concrete and wood debris will be removed to a recycling center in accordance with City Ordinance No. 5438

- 9) The adjacent properties are commercial and commercial serving. No change in use is anticipated. To the south is City Park/Waterfront (Chase Palm Park) with no impacts.
- 10) I. The proposed project does not anticipate including any significant added exterior lighting.
- II. The proposed project would not involve creating new or additional smoke or odors.
- III. The proposed project would not involve creating any new noise sources.
- IV. Geotectical and soils reports have been prepared for the adjacent bridge work.
- V. Resource studies, biological assessments reports, archeological reports, and historic structures reports have all been prepared for the adjacent bridge and building work (remove and replace).
- VI. There are no existing or proposed designated recreational trails on this project.
- VII. The property is located adjacent to a creek (Mission Creek).
- 11) The building demolition work will be performed by the City's bridge contractor as a part of the Cabrillo Bridge Replacement Project construction. The City (Public Works Department) has acquired all of the necessary regulatory permits required to perform this demolition work in and adjacent to Mission Creek. This project will be limited to the reconstruction of the partially demo'd building to a second story location.
 - I. The estimated duration for the building demolition will be approximately three (3) weeks.
 - II. There will be no grading or regrading of the parcel. A new exterior footing will be excavated and then poured with concrete.
 - III. The estimated duration of construction activities will be nine (9) to twelve (12) months.
 - IV. During the building reconstruction, there will likely be a standard crew of five (5) or six (6) carpenters and labors with occasional plumbers, electricians, HVAC workers, and finish workers (carpet, paint, drywall, and tile workers). These crews will utilize standard nail guns, drills, saws, and compressors.
 - V. There will be an occasional need for a truck crane to place delivered wood and equipment on the second story and roof levels. The access, deliveries, and lay-down areas will be the existing parking lot (triangle lot) to the west and Helena Street and delivery ramp area on the east side.

H Hazardous Materials.

HISTORIC LANDMARKS COMMISSION MINUTES

March 17, 2010 – First HLC Concept Review

13 E CABRILLO BLVD

Assessor's Parcel Number: 033-111-012

Application Number: MST2010-00033

Owner: Virginia and Renee Castagnola Family

Architect: James Zimmerman

Business Name: Lighthouse Restaurant

(This proposed project is related to the E. Cabrillo Bridge Replacement Project. Proposed additions and alterations to an existing 5,155 square foot commercial building on a 7,274 square foot parcel in the Appealable Jurisdiction of the Coastal Zone. The changes include demolition of 1,166 square feet on the first floor (part of which is currently overhanging Mission Creek), a 1,036 square foot second floor addition and stairway, and a new 350 square foot outdoor patio on the first floor. City Council approval is requested for a variance for the project to encroach into the ten foot E. Cabrillo Blvd. setback, Planning Commission approval is requested for a Coastal Development Permit and a zoning modification to encroach into the twenty foot front yard setback, and the Chief Building official will need to make Development Along Creeks findings as well as assure compliance with Mission Creek development standards. The project will result in credit of 130 square feet of Measure "E" floor area.)

(Project requires Environmental Assessment and Planning Commission approval of a Coastal Development Permit.)

Present: Jim Zimmerman, Architect
Virginia and Renee Castagnola
Steve Wiley, City Attorney

Staff comment: Susan Gantz, Planning Technician, commented that the Compatibility Analysis criteria must be met.

Public comment opened at 1:56 p.m.

Kellam de Forest, local resident, commented about the lighthouse not belonging there, and questioned whether the proposed second floor would block views from Cabrillo Boulevard.

Public comment closed at 1:58 p.m.

Motion: Continued two weeks with the following comments:

1. The landscape buffer between the creek and the building is much appreciated; it is an amenity to the City and community.
2. There is concern with how the second story is expressed; it should be a more traditional idiosyncratic view of Santa Barbara architecture with thicker walls and recessed windows.
3. Further explore the expression of the staircase, especially at the roof. It was suggested that it not be a chimney plaster element.
4. The second story should integrate better into the overall building and not appear separated; create more singularity.
5. Provide first and second-floor roof plans, sections, more elevations, and more descriptive photographs of existing conditions.

Action: Pujo/Suding, 9/0/0. Motion carried.

May 26, 2010 – Second HLC Concept Review

13 E CABRILLO BLVD

Assessor's Parcel Number: 033-111-012
Application Number: MST2010-00033
Owner: Virginia and Renee Castagnola Family
Architect: Lenvik and Minor Architects
Engineer: Frank Cunningham
Business Name: Lighthouse Restaurant

(The proposed project is related to the E. Cabrillo Bridge Replacement Project. Proposed additions and alterations to an existing 5,155 square foot commercial building on a 7,274 square foot parcel in the Appealable Jurisdiction of the Coastal Zone. The changes include demolition of 1,166 square feet on the first floor [part of which is currently overhanging Mission Creek], a 1,036 square foot second-floor addition and stairway, and a new 350 square foot outdoor patio on the first floor. City Council approval is requested for a variance for the project to encroach into the ten foot E. Cabrillo Blvd. setback, Planning Commission approval is requested for a Coastal Development Permit and a Zoning Modification to encroach into the twenty foot front yard setback, and the Chief Building Official will need to make Development Along Creeks findings as well as assure compliance with Mission Creek development standards. The project will result in credit of 130 square feet of Measure "E" floor area.)

(Second Concept Review. Project requires Environmental Assessment, Compatibility Findings, and Planning Commission approval of a Coastal Development Permit.)

Present: Richard Six, Architect
Virginia Castagnola, Owner
Pat Kelly, City Engineer/Assistant Public Works Director
Debra Andaloro, City Senior Planner

Public comment opened at 2:01 p.m.

Kellam de Forest, local resident, commented about the lighthouse tower and asked about its function.

Public comment closed at 2:03 p.m.

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

1. The mass, bulk, and scale of the proposed addition is acceptable.
2. The location and size of the trash enclosure are acceptable.
3. Additional landscaping is requested.
4. The details will be worked on after the development review is completed.
5. At least two Commissioners find the project supportable, but have trouble with the lighthouse remaining as part of the project.

Action: Pujo/Drury, 6/2/0. (Boucher/Suding opposed. Sharpe absent.) Motion carried.

Motion: Reopen the item in order to make compatibility analysis findings.

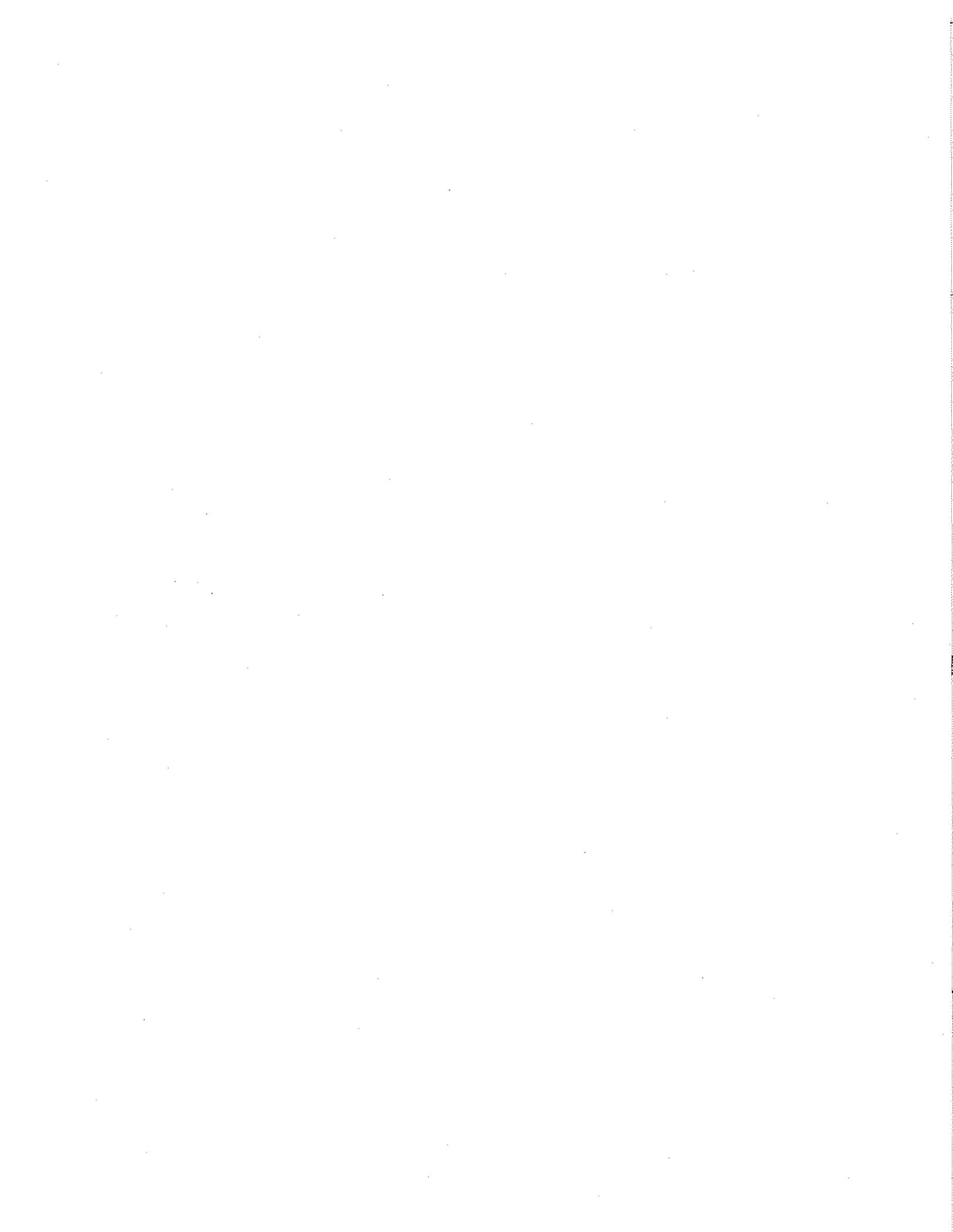
Action: Pujo/Drury, 8/0/0. (Sharpe absent.) Motion carried.

Substitute

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

1. The mass, bulk, and scale of the proposed addition is acceptable.
2. The location and size of the trash enclosure are acceptable.
3. Additional landscaping is requested, particularly more trees and more planting at the trash enclosure.
4. The details will be worked on after the development review is completed.
5. At least two Commissioners find the project supportable, but have trouble with the lighthouse remaining as part of the project.
6. The project meets all six of the Compatibility Analysis requirements.

Action: Pujo/Drury, 6/2/0. (Boucher/Suding opposed. Sharpe absent.) Motion carried.



WATERFRONT AREA AESTHETIC CRITERIA FOR NEW DEVELOPMENT ASSESSMENT

I. BACKGROUND

The Locating New Development Section of the Local Coastal Plan (LCP) provides for protecting, maintaining and enhancing the visual qualities of the City's Waterfront Area by establishing criteria to evaluate the appropriate intensity of potential development. These criteria are based on the visual resources which presently exist: openness; lack of congestion; naturalness; and rhythm. Policy 12.2 requires that the impact of new development be evaluated with respect to those resources. The policy further requires that the City develop objective criteria to assist decision makers in assessing the impacts of new development.

II. WATERFRONT AREA

The Waterfront Area is the area south of U.S. Highway 101 between Pershing Park and the Harbor on the west and Milpas Street on the east (See attached map, Figure 1). The area includes major recreational facilities including the Santa Barbara Harbor and Marina, Stearns Wharf and Chase Palm Park. The Waterfront Area also includes area designated for a wide variety of general and ocean-oriented industrial and visitor-serving commercial uses.

III. EVALUATION MATRIX

In accordance with Section 30251 of the Coastal Act, the scenic and visual qualities of the coastal areas are to be protected, restored and enhanced. Section 30252 requires that public access be maintained and enhanced. These parameters can be compared to the aspects of openness, lack of congestion, naturalness and rhythm. The attached matrix (Figure 2) illustrates how these parameters can be evaluated on a project by project basis. The decision maker, in using this worksheet, can evaluate a project's positive, negative or indifferent aesthetic effect on the Waterfront Area's ambiance. Application of the following evaluation criteria will help in determining if a project protects, maintains and enhances visual quality.

IV. EVALUATION CRITERIA

The dimensions described below define each section illustrated on the attached Evaluation Matrix (Figure 2). These dimensions can be considered as increments or measures to gauge a particular development's aesthetic performance and its relationship with the surrounding neighborhood. This matrix is for use by the decision maker and the applicant/developer to determine on an individual and/or collective basis the project's aesthetic relationship to the Waterfront Area:

A. DIMENSIONS

1. Openness. One of the special qualities of the Santa Barbara Waterfront is its sense of openness and freedom from clutter, with unimpaired views of the shoreline and mountains. The beaches are broad and enhanced by the presence of Chase Palm Park, the Andree Clark Bird Refuge, and predominantly one-story buildings on the north side of Cabrillo Boulevard.

Several dimensions of openness can be identified:

- a. Building density, scale, mass and height. In protecting, enhancing and restoring openness, this dimension is the most important. Each development, large or small, must be critically gauged as to its relationship with the surrounding neighborhood; essentially how well the project fits in. Buildings which provide setbacks and building separation promote the feeling of openness and allow views to the ocean. Stepping back the second and third stories from the edges of the property provides visual separation from buildings on adjacent properties which maintains views to the foothills and mountains.

Pedestrian orientation in building and site design is vitally important in promoting human scale. Buildings that open up to and are oriented to the pedestrian invite and promote the visitor-serving aspect of the Waterfront Area.

The south side of Cabrillo Boulevard where there are public facilities provided promotes the feeling of openness and allows views to the ocean. The recently approved (not yet developed) Park Plaza Hotel project proposed on the north side of Cabrillo Boulevard provides in its design major building separations, view corridors and height limitations (one and two stories closer to Cabrillo Blvd. and limited three stories set back to the rear of the property) which will preserve views to the mountains and foothills and will maintain a scale that will protect, enhance and restore the feeling of openness in the Waterfront Area. The Ambassador Park area on the north side of Cabrillo Boulevard in the West Beach area provides a distinct view separation, promotes visual relief and views to the ocean and Harbor.

By contrast, portions of the north side of Cabrillo Boulevard are intensely developed and do not promote openness. The East Beach townhouses and the Mar Monte (Sheraton) Hotel are large, imposing structures which appear to intrude into the open space area. Such structures do not protect, enhance and restore the feeling of openness in the Waterfront Area.

- b. Functional access. A number of aspects facilitate being able to get to the Waterfront easily and contribute to a sense of openness. These include the absence of private property on the south side of the boulevard; convenience of parking along the boulevard, especially on the south side; the general absence of obstructions to and along the beach, though there are some notable exceptions (Stearns Wharf, Harbor facilities, art show on Sunday); and proximity to many residential neighborhoods.
- c. Land use patterns. Several aspects of land use patterns support openness. The residential areas are compact, yet open and green. Neighborhood parks (e.g., Pershing, Punta Gorda) contribute to the feeling of openness,

and complement the parks directly adjacent to the beach. Low scale commercial structures are in keeping with low scale residences. In a sense, the neighborhoods spill out and open onto the Waterfront, rather than being confined or blocked by heavy industrial uses or major arterial highways as in many urban areas.

- d. **Vegetation.** The ultimate scale and mass of landscaping is an important consideration in maintaining openness. While there are many palm trees along Chase Palm Park, they enhance the openness and do not obstruct the overall views to the ocean and foothills. On the other hand, the treeline north of Cabrillo Boulevard on the Southern Pacific property blocks views to the foothills and mountains and may conflict with openness at that location. Hence, landscaping material should be carefully selected so that, when mature, it enhances views and avoids blocking or hindering openness.
2. **Lack of Congestion.** The sense of openness in the Waterfront is unquestionably enhanced by a relative lack of congestion. With the exception of summer weekends, one can still move freely along the beaches, bikeways, and Cabrillo Boulevard in relative quiet.
 - a. **Traffic flow.** Traffic flow along the Waterfront has increased dramatically in all modes. Cabrillo Boulevard has all the attributes of a "grand boulevard." Motorists can drive along leisurely and enjoy the view, unimpeded by cross traffic or stop lights. Increased congestion, however, especially during summer weekends will degrade this feeling. Heavy traffic, hazards due to conflicts with bicycles and pedestrians crossing the boulevard, and the congestion in the vicinity of the art show, reduce the experience to the level of a four lane arterial during rush hour.
 - b. **Parking.** Parking on the south side of the boulevard interferes with the view, especially when the art show is in progress, and poses hazards to bicyclists and motorists. While more off-street parking may be desirable, its placement in parking lots on the beach clashes severely with the naturalness of the setting. The presence of autos, whether moving or parked, leads to a feeling of congestion.
 - c. **Public facilities planning.** The placing of public facilities all along the Waterfront, rather than concentrating them in one or two locations, contributes to an uncongested Waterfront. The Harbor, however, is the exception. Here, parking lots stretch from Leadbetter Beach to the municipal pool, and are filled by an assortment of vehicles, including cars, boats, trailers, and RVs. This high concentration, while necessary for the Harbor to function, detracts from the openness and lack of congestion which should be achieved.

- d. Land use patterns. While motels and other commercial uses add to congestion, their being mixed with residential uses helps distribute the intensity. Accompanying noise and congestion are also more evenly diffused, helping to relieve localized concentrations of noise and intense activity.
3. Naturalness. The Waterfront's openness and lack of congestion are complemented by the natural setting in which Santa Barbara lies. Views to the foothills and mountains are still largely unimpeded by structures; in particular, the views from Stearns Wharf, Chase Palm Park, and East Beach offer unparalleled beauty. The coastal greenery and landscaping, the contour of the beaches and coastline in this area, and the sandy beaches all contribute to the strong image of Santa Barbara's natural beauty. These following dimensions form the basis for criteria which can be used to judge whether or not projects proposed for the Waterfront will uphold the quality of naturalness.

- a. Views. Views are the most important dimension of naturalness. These views are to the ocean, other points along the Waterfront, and to the foothills and mountains. The contrast between the sweep of the coastline and the sweep of the mountains is especially dramatic and heightened by the linear elements of Chase Palm Park and Cabrillo Boulevard.
- b. Public aesthetics. The spacious and well-planned public facilities provide a calm contrast to the busy city for both residents and visitors. These facilities and public amenities show that the people of Santa Barbara care, and that they have balanced economics with natural aesthetics. This is especially evident in the contrast between the north and south sides of Cabrillo Boulevard. While the north side is commercial, the south side is predominantly low density recreation and park space.

However, there are a number of points of concern which future developers must consider in working through the dynamics of this balance. The north side of Cabrillo Boulevard, especially from State Street to Pershing Park, warrants special consideration. While the Spanish motif helps to unify structural elements, there are other elements which should be considered to create a unity such as signing, lighting, detailing and color.

- c. Landscaping. Landscaping enhances the feeling of naturalness of the Waterfront. A number of aspects of landscaping are important in promoting the feeling of naturalness. These include undeveloped landscaping, use of mature shrubbery and trees, as in Chase Palm Park, and the contrast of tall trees and low shrubbery.
- d. Adjacency. Adjacency is an important dimension of naturalness. The parks and the beaches are adjacent to the Boulevard (e.g., East Beach, Leadbetter Beach). This promotes a sense of having natural wealth and beauty readily available.

4. Rhythm. The Waterfront has evolved slowly over the years, both resisting and accepting various patterns, both human and natural, which combine to create a richly dimensioned image of the Waterfront. There are daily patterns, the weekend-weekday contrasts, the sun, which both rises and sets on the Waterfront. There is the early morning haze which breaks by afternoon, the ebb and flow of people biking, skating, standing in lines for dinner. There is diversity in this rhythm, and care expressed by the diversity which exists. Rhythm is an extremely subtle resource quality, yet it gives strength to all the other qualities which characterize the Waterfront.

Rhythm includes:

- a. Diversity. Diversity refers to the number of differences existing in the Waterfront. First, there are many things to do – driving, walking, biking, skating, eating, jogging, strolling through the art show on Sunday. Second, there is variety in the way these things can be done with facilities of different kinds and intensities to support these activities. Sometimes, however, these facilities are heavily used by conflicting activities, as is the bikeway at present. Third, there is social complexity. The Waterfront is not just a tourist mecca; people also live and work there. The Harbor in particular is a working harbor with both residential and commercial purpose.
- b. Use patterns. Diversity creates differences in use patterns, and use patterns themselves vary. It is important to note that there are patterns, rather than one stream of continuous activity. These differences in use patterns allow people to pick and choose the times and places for enjoying the Waterfront. Probably the most clear cut example of how differences coexist and create their own rhythm is given by the art show. On Sunday, the art show adds excitement and provides a focal point for visitors and residents alike. By Sunday evening, and for the rest of the week, it has disappeared.
- c. Design details. Rhythm occurs spontaneously and is a normal outcome of diversity. Small details, however, modulate rhythms or suppress them altogether. Conversely, design can create rhythm by providing settings for new activities.

B. PARAMETERS

The three (3) parameters; protects, enhances and restores, are further defined as follows:

1. Protects: This means that the dimensions are incorporated into project design to a degree that defends or guards against damage or injury to the existing ambience of the area.

2. Enhances: This means that the dimensions are incorporated into project design to a degree that raises to a higher degree, intensifies or raises the value of the visual qualities of the area.
3. Restores: This means that the dimensions are incorporated into a project design to a degree that returns to a state of soundness or vigor or normal condition the visual qualities of the area.

FIGURE 2

WATERFRONT AREA NEW DEVELOPMENT EVALUATION MATRIX				
+ Means: Creates a Positive Effect - Means: Creates a Negative Effect 0 Means: Neither a Positive or Negative Effect				
DIMENSIONS		PARAMETERS		
		PROTECTS	ENHANCES	RESTORES
OPENNESS	Building Density, Scale and Mass	○	+	+
	Functional Access	○	○	○
	Land Use Patterns	○	+	+
	Vegetation	○	+	+
LACK OF CONGESTION	Traffic Flow	○	○	○
	Parking	○	○	○
	Public Facilities Planning	○	○	○
	Land Use Patterns	○	○	○
NATURALNESS	Views	○	+	+
	Public Aesthetics	+	+	+
	Landscaping	○	+	+
	Adjacency	+	+	+
RHYTHM	Diversity	+	+	+
	Use Patterns	+	+	+
	Design Details	+	+	○

