



# City of Santa Barbara California

III.A.

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** October 25, 2012  
**AGENDA DATE:** November 1, 2012  
**PROJECT ADDRESS:** 1130 N. Milpas Street (MST2009-00551)  
Santa Barbara Bowl  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
Danny Kato, Senior Planner *DK*  
Kathleen Kennedy, Associate Planner *KK*

### I. PROJECT DESCRIPTION

The project consists of a new 2,210 square foot (net), one-story box office building with public restrooms, and a new pedestrian plaza and pathway with security check areas. A new shuttle bus stop and eight new bicycle parking spaces are also proposed. Sections of the sandstone walls would be removed and re-used. A new cul-de-sac, sidewalk, vehicular gate (with Fire Department Knox Box), and pedestrian gate are proposed at the termination of Lowena Drive. Grading consists of approximately 2,700 cubic yards of cut and 1,200 cubic yards of fill. The project also includes the vacation of a portion of Lowena Drive and a General Plan Map Amendment to change the land use designation from Medium High Density Residential (15-27 du/acre) to Institutional. No operational changes to the Santa Barbara Bowl are proposed.

Santa Barbara Bowl improvements proposed on the adjacent County-owned property are subject to courtesy review only, and consist of restriping of the parking lot to increase parking for passenger vehicles, tour buses and semi-trailer trucks; new valet bicycle parking; new stone retaining wall and oak trees on east hillside; and the remodeling of existing 1,400 sq. ft. ticket office (Dreier Building) into a security office and conference room. Grading consists of 730 cubic yards of cut.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. Initiation of General Plan Map Amendment (from Medium-High Density Residential to Institutional) (SBMC § 28.07.010);
- B. A Modification to allow a new 5'-3" high retaining wall that exceeds the maximum allowable height of 3'-6" within ten feet of the front lot line on Milpas Street (SBMC §28.92.110.A);
- C. A Modification to allow new variable height retaining walls (max. 15') that exceed the maximum allowable height of 3'-6" within ten feet of the front lot line on Lowena Drive (SBMC §28.92.110.A);

- D. A Modification to allow a new 3’-6” high guard rail on top of a new 8’ maximum high retaining wall that exceeds the maximum allowable height of 8’ within the six foot interior setback (SBMC §28.92.110.A); and
- E. A Conditional Use Permit to allow a quasi-public facility to operate in a residential zone (SBMC §28.94.030.W).

Action requiring approval by the City Council (under separate application to Public Works):

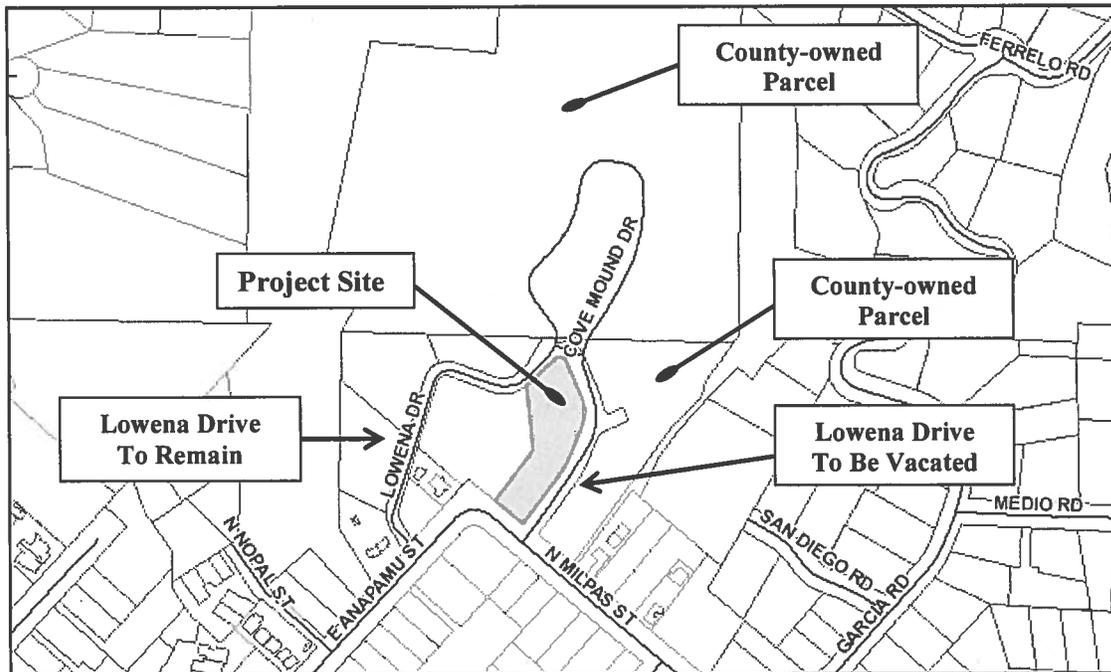
- F. Vacation of a portion of Lowena Drive.

**APPLICATION DEEMED COMPLETE:** September 21, 2012  
**DATE ACTION REQUIRED:** December 20, 2012

### III. RECOMMENDATION

Staff recommends that the Planning Commission initiate the requested General Plan Map Amendment. If initiated, the change will be included in the Plan Santa Barbara General Plan implementation project with other General Plan Map Amendments and rezones to be considered by City Council.

If approved as proposed, the project would conform 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 also recommends that the Commission approve the project, making the findings outlined in Section X of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map of 1130 N. Milpas Street

#### **IV. BACKGROUND**

Constructed in 1936, the Santa Barbara Bowl is the largest outdoor amphitheater in Santa Barbara County, with seating for approximately 4600 patrons. The Santa Barbara Bowl facility is primarily located on two County-owned parcels within the City of Santa Barbara. These parcels are leased to the Santa Barbara Bowl Foundation, the non-profit organization that manages the facility. About 30 shows are produced each year with additional use by other non-profit organizations.

Currently, the Santa Barbara Bowl facilities are located on three parcels as shown on the vicinity map above and the table below.

<b>APN</b>	<b>Address</b>	<b>Acreage</b>	<b>Owner</b>
029-201-004 (subject parcel)	1130 N. Milpas St.	0.68 acres	Santa Barbara Bowl Foundation
029-202-001	1122 N. Milpas St.	1.66 acres	Santa Barbara County
029-110-023	1126 N. Milpas St.	15.16 acres	Santa Barbara County

The Santa Barbara Bowl is considered a quasi-public use. Public or quasi-public projects that are located on County-owned property within the City limits obtain County approvals rather than City approvals, although courtesy review of these projects by the City is common. In the 1990's, the County approved a Master Plan for the Santa Barbara Bowl. Since then the following improvements to the facility have been completed:

1. Overlook Plaza: Construction of new plaza; replacement of aging spotlight platform; new public restrooms; upgrade fire access road; oak tree plantings.
2. Bowl Seating: New handrails; replacement of bench seating with new fixed seating; replacement of stonework.
3. Stage Area: Reconstruction of stage and basement; expansion of public restrooms; concession upgrades; new performer's dressing rooms; relocation and expansion of storm drain system; expansion of parking area.
4. McCaw Terrace and Concession Plaza: Construction of lounge and terrace deck on upper level and beverage concession windows on lower level.
5. Redding Gate and Glen: Replacement of chain link fence with new Redding Gate; renovation of the hardscape and landscape; new oak tree shaded pathway to amphitheater.

The approved Master Plan also included the removal of the existing box office (Dreier Building), construction of a new box office, lower plaza and pedestrian walkway, and the elimination of more than half of the existing parking spaces on the County-owned property. However, this part of the Master Plan was revised when the Santa Barbara Bowl Foundation acquired the subject parcel in 2005 and received City approval to demolish the residence, lath house and 2,500 square feet of greenhouses.

In 2006, the Santa Barbara Bowl Foundation was granted a Conditional Use Permit by the City Planning Commission to allow temporary placement of two storage containers and six employee

parking spaces on the subject parcel, with the knowledge that a new box office and pedestrian plaza would be proposed for this site in the near future.

On January 31, 2012, a concept review hearing on the request to vacate a portion of Lowena Drive was held by the City Council, since the Vacation is an essential part of the project that requires Council approval. Council provided positive comments to the applicant and as a result, the applicant submitted the formal Vacation and Conditional Use Permit applications.

**V. SITE INFORMATION**

<b>Applicant:</b>	Trish Allen, Suzanne Elledge Planning & Permitting Services		
<b>Property Owner:</b>	Santa Barbara Bowl Foundation		
<b>Site Information</b>			
<b>Parcel Number:</b>	029-201-004	<b>Lot Area:</b>	29,644 sq. ft. (0.68 acres)
<b>General Plan:</b>	Medium High Density Residential (15-27 du/acre)	<b>Zoning:</b>	R-3 (Limited Multiple-family Residence) & E-1 (One-family Residence)
<b>Existing Use:</b>	Storage, Parking	<b>Topography:</b>	Varies, average 24% slope
<b>Adjacent Land Uses</b>			
	<b>North</b> - Residential <b>South</b> - Santa Barbara Bowl		<b>East</b> - Santa Barbara Bowl <b>West</b> - Milpas St., Commercial

**VI. POLICY AND ZONING CONSISTENCY ANALYSIS**

**A. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing	Proposed
<b>Setbacks</b> -Front -Interior	R-3 (10'); E-1 (30') R-3 (6'); E-1 (10') Double setbacks for non-residential uses.	N/A	R-3 (20'); E-1 (N/A) R-3 (12'); E-1 (N/A)
<b>Building Height</b>	R-3 (3 stories, 45')	N/A	16'-6" to 18' max.
<b>Lot Coverage</b>			
<b>Building</b>	25% or less	N/A	2,770 sf      9%
<b>Paving/Driveway</b>	N/A	N/A	10,300 sf      35%
<b>Landscaping</b>	N/A	N/A	16,574 sf      56%

The subject parcel is split zoned R-3 (Limited Multiple-Family Residence) and E-1 (One-Family Residence). The proposed building would be located on the R-3 side of the parcel. With the approval of the Vacation as well as the Modifications described below, the project would meet all applicable requirements of the Zoning Ordinance.

Because the parcel is split zoned, it will be included in the upcoming Plan Santa Barbara General Plan implementation project to rezone split zoned properties in the City resulting in the whole parcel becoming R-3.

The proposed project would not result in the need for additional parking spaces because the required parking for the Santa Barbara Bowl is based on the number of amphitheater seats, not square footage of structures. The City considers the existing parking to be non-conforming, and recognizes that off-site parking spaces are provided in the surrounding neighborhood (e.g., Santa Barbara High School). Existing parking and traffic management practices are described in Exhibit E.

Also, a request for nonresidential square footage is not required because the proposed box office building has less net square footage than the greenhouses that were demolished on the site in 2005.

## 1. MODIFICATIONS

### a. Over Height Front Wall Modification – Milpas Street

The application includes a Modification request to allow a new 5'-3" high retaining wall that exceeds the maximum allowable height of 3'-6" within ten feet of the front lot line on Milpas Street.

A portion of the existing sandstone wall along the Milpas Street frontage would be removed, and the grade would be lowered in order to construct the pedestrian plaza. Where the existing wall would terminate, a new wall of the same height would be constructed to retain the remaining hillside. Sandstone from the demolished wall would be reused on the new wall. Staff is in support of the modification request because it would be necessary to retain the grade at this location, and the new wall would match the height of the wall that would remain. Also, the design of the plaza results in a lower wall along the driveway, which would provide better visibility for vehicles and pedestrians at this location.

### b. Over Height Front Wall Modification – Lowena Drive

The application includes a Modification request to allow new variable height retaining walls (max. 15') that exceed the maximum allowable height of 3'-6" within ten feet of the front lot line on Lowena Drive.

The vacation of the portion of Lowena Drive within the Santa Barbara Bowl parking lot would result in the creation of a dead end street; therefore, a cul-de-sac is required to provide a vehicular turnaround area. Retaining walls would be necessary to construct the new sidewalk and cul-de-sac due to the grade change on the project site. Rather than one very high wall, two walls are proposed as shown on the plan, with some sections exceeding 3'-6" in height. Staff is in support of the modification request because the walls have been minimized to the extent possible, are necessary to construct the needed sidewalk and turnaround due to the existing grade, would be screened from the west by existing and proposed landscaping in the area, and would have a sandstone veneer to match other walls at the Bowl.

c. Over Height Interior Yard Wall/Rail Modification

The application includes a Modification request to allow a new 3'-6" high guard rail on top of a new 8' maximum high retaining wall that exceeds the maximum allowable height of 8' within the six foot interior setback.

A new retaining wall is proposed behind the new box office building because the structure is built into the hillside. Due to the grade change between the project site and the adjacent site, a 3'-6" guard railing is required for safety reasons. Staff is in support of the modification request because the guard rail is required for safety reasons due to the grade change and is necessary in order to construct the current design.

**2. CONDITIONAL USE PERMIT**

Public or quasi-public facilities are allowed in any zone with a Conditional Use Permit. As stated above, the Santa Barbara Bowl is considered a quasi-public use. The proposed project is an extension of the existing Santa Barbara Bowl facility located on the adjacent parcels. It was originally the intention of the Bowl to construct the new box office and plaza in the existing parking lot. With the purchase of the subject property, the design was revised. Currently both vehicular and pedestrian access to the Santa Barbara Bowl is provided along Lowena Drive. The main purpose of the proposed project is to provide improved circulation for concert patrons by separating vehicular and pedestrian access to the site. Staff is in support of the Conditional Use Permit application because the proposed project is a minor change to the overall facility, will not affect the neighborhood in an adverse way, and will increase the safety between vehicle and pedestrians during events.

The standard findings required for all uses allowed with a Conditional Use Permit can be made, as shown in Section X below. As with all Conditional Use Permits, the Planning Commission may impose other conditions and restrictions upon the proposed use consistent with the Comprehensive General Plan and may require security to assure satisfactory performance of all conditions and restrictions.

**B. GENERAL PLAN CONSISTENCY**

*Land Use Element:* The project site is located in the Lower Riviera neighborhood. The neighborhood lies below the Riviera Neighborhood and Alameda Padre Serra, and is bordered on the west by the Old Mission and on the east by Canon Perdido Street. The neighborhood includes single and multi-family development as well as some commercial development. The project site has a Land Use designation of Medium-High Density Residential (15-27 du/acre). This designation principally serves as a transition from the medium density neighborhoods to the commercial centers of the city.

The Santa Barbara Bowl is already a significant land use in the neighborhood, and the expansion of the facility onto the adjacent parcel would not create an adverse impact on the neighborhood. Rather, it would improve both vehicular and pedestrian access for the Bowl. The other Santa Barbara Bowl parcels have a Land Use designation of Institutional; therefore, Staff recommends a General Plan Map Amendment to change the Land Use designation of the project site to Institutional as well. With the exception of the Cottage Health Systems

employee housing project, very little new housing has been constructed in the neighborhood since 1990 so the change is not expected to have a negative impact on housing. With the amendment, the proposed project can be found consistent with the policies of the Land Use Element of the General Plan.

*Circulation Element:* As stated above, the Santa Barbara Bowl is a significant land use in the neighborhood. The proposed project would provide improved vehicular and pedestrian access to and from the Santa Barbara Bowl. The approved Master Plan for the Santa Barbara Bowl included a new box office and pedestrian plaza; however, it was to be on the adjacent County-owned parcels and would have resulted in a reduction in parking spaces. Development on the project site would enable more separation between pedestrian and vehicular traffic that was originally planned, as well as increase the number of parking spaces. These improvements would provide a benefit to the community and would not create an adverse impact on the neighborhood. Therefore, the proposed project can be found consistent with the policies of the Circulation Element of the General Plan.

## **VII. VACATION REQUEST**

An important part of the proposed project is the vacation of the portion of Lowena Drive that bisects the Santa Barbara Bowl properties. This portion of the road has the appearance of being part of the Santa Barbara Bowl parking lot, is closed off during events, and is rarely used by residents of Lowena Drive. The other portion of the road is used by the residents of Lowena Drive and would remain as is.

In 1955, the City accepted a public street easement and the corresponding responsibility to maintain Lowena Drive, along with many other poorly maintained private roads that were being used by the public. The vacation of this portion of Lowena Drive means that any existing City easements would be removed, and the City would no longer be responsible for maintenance, although maintenance on this portion has generally been provided by the Santa Barbara Bowl. The County owns the real property underlying Lowena Drive; however, there may be other existing private easements in the road that would be addressed during the vacation process.

Because this portion of Lowena Drive would no longer be a road, the setback requirement from the southerly property line of the subject parcel changes from a front setback to an interior setback; however, this does not affect the design of the project in any way.

Public Works Department staff supports the vacation of the City's easements. If the proposed box office project is approved, the next step would be for Council to approve the Intent to Vacate proposal at the November 13, 2012 meeting.

## **VIII. ENVIRONMENTAL REVIEW**

*Historic Resources:* In 2005, a Historic Structures/Sites Report was prepared by Fermina Murray, Consultant Historian, to evaluate the residence, lath house and greenhouses prior to demolition. The report identified the significant features of the property: two sandstone retaining walls (circa 1915 and 1946) and mature landscaping including Coast Live Oaks. The recommendations in the report included large format photographic documentation of the greenhouses before demolition, protection of existing vegetation, preservation of the sandstone walls that are worthy of Structure of Merit designation, and a commemorative display about the

Begonia Nursery and its owner, Rudolf Ziesenhenné. The photographic documentation was completed as part of the demolition project, and the vegetation was protected. The requirement for the commemorative display was deferred.

Recently, an Addendum to the Historic Structures/Sites Report was prepared by Fermina Murray to evaluate the impacts of the current project. The Addendum concluded that the alteration to the 1915 sandstone wall would be done in a non-adverse manner where the physical characteristics of the wall would continue to convey its significance and eligibility for designation as a Structure of Merit; the proposed landscape plan would retain the character-defining foliage of the property; the commemorative display would be well placed within the project; and the proposed box office building would be compatible with the Dreier Building. Also, upon closer examination, it was determined that the 1946 wall is not of high quality; however, the project would only minimally change the distinctive materials and special relationship. The report further concluded that the potential impacts of the project would be less than significant. Along with accepting the Addendum on August 29, 2012, the Historic Landmarks Commission (HLC) requested that their recommendations on the proposed design be forwarded to the Architectural Board of Review (see Exhibit D). At an upcoming meeting, the Historic Landmarks Commission will determine whether the stone walls should be placed on the City's potential historic structures list.

*Biological Resources - Oak Trees:* A Tree Assessment and Protection Plan (June 4, 2012) and Addendum (September 17, 2012) were prepared for the project by Bill Spiewak. One oak tree (no #) was removed previously due to its poor condition and nine additional oaks would be removed as part of the project. Oak #1 is in poor condition; oaks #2 & 7 require removal to accommodate the new pathway; oak #8 is dead; oak #12 would be removed to accommodate the new cul-de-sac; and oak #30 would be removed to accommodate the new retaining wall behind the box office building. Three oak trees (# 35, 36 & 37) would be removed from the hill near the parking lot on the County-owned parcel. Also, oak #13 would be potentially impacted; therefore, mitigation is required. Because oak #8 is dead, it does not require mitigation. Three oaks were recently removed as part of the Overlook Plaza project. This results in a total of 13 oaks requiring mitigation. At a 5:1 replacement ratio, 65 replacement oaks would be required.

A total of 77 oaks would be planted (2 on the subject parcel, 25 on the hillside & 50 elsewhere on the Santa Barbara Bowl property), exceeding the requirement by 12 oaks.

In addition, the California pepper tree and a stone pine tree that are being removed from the parking lot will be replaced by the planting of two California Sycamores on the project site.

*Conclusion:* Staff has determined that the project qualifies for an exemption from further environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15303 (c), New Construction, as it involves the construction of a new structure not exceeding 2500 square feet in floor area or not exceeding 10,000 square feet on a site zoned for such use and does not involve the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

**IX. DESIGN REVIEW**

This project was reviewed by the Architectural Board of Review (ABR) on 3 separate occasions (meeting minutes are attached as Exhibit D). The ABR provided comments on the proposal on the project site, as well as the associated improvements on the County-owned parcels. At the first two hearings, the ABR expressed concerns regarding the design of the box office building and its compatibility with the adjacent Dreier Building. At the third meeting, the ABR reviewed a revised building design, and stated that the project met the Project Compatibility criteria in SBMC §22.68.045. The ABR continued the project to the Planning Commission with overall positive comments. No one from the public wished to speak.

Also, as stated previously, the HLC requested that their recommendations on the proposed design be forwarded to the ABR (see Exhibit D).

**X. FINDINGS**

The Planning Commission finds the following:

**A. MODIFICATION (SBMC §28.92.110.A.2)**

As described in Section VI.A.1 above, the modification to allow a new 5'-3" high retaining wall that exceeds the maximum allowable height of 3'-6" within ten feet of the front lot line on Milpas Street is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot because it would be necessary to retain the grade at this location and the new wall would match the height of the wall that would remain. Also, the design of the plaza results in a lower wall along the driveway, which would provide better visibility for vehicles and pedestrians at this location.

As described in Section VI.A.1 above, the modification to allow new variable height retaining walls (max. 15') that exceed the maximum allowable height of 3'-6" within ten feet of the front lot line on Lowena Drive is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot because the walls have been minimized to the extent possible, are necessary to construct the needed sidewalk and turnaround due to the existing grade, would be screened from the west by existing and proposed landscaping in the area, and would have a sandstone veneer to match other walls at the Bowl.

As described in Section VI.A.1 above, the modification to allow a new 3'-6" high guard rail on top of a new 8' maximum high retaining wall that exceeds the maximum allowable height of 8' within the six foot interior setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot because the guard rail is required for safety reasons due to the grade change and is necessary in order to construct the current design.

**B. CONDITIONAL USE PERMIT (SBMC §28.94.030)**

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan. *The Santa Barbara Bowl is an existing quasi-public use in the neighborhood. The construction of a box office and pedestrian plaza on the subject parcel is consistent with the existing use of the facility. The Land Use Designation is proposed to be changed from Medium High Density*

*Residential to Institutional and is consistent with the intent of the Land Use and Circulation Elements of the General Plan as discussed in Section VI.B above.*

2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved. *The Santa Barbara Bowl facility is an existing use in the neighborhood that has been operating for decades. The proposed project is a minor change to the overall facility, will not affect the neighborhood in an adverse way, and will increase the safety between vehicle and pedestrians during events as stated in Sections VI.A.2 and VI.B above.*

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided. *As stated in section VI.A above, for non-residential uses in a residential zone the required setbacks are doubled. In this case, the new box office building, which is a low intensity use except during events, meets the double setback requirement from Milpas Street and the adjacent parcel to the north.*

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time. *As stated in section VI.A above, no additional parking is required because the number of required spaces is determined by the number of seats, not square footage of structures. Improved access for both vehicles and pedestrians will be provided. The gate at the end of Lowena Drive will have a Knox Box to allow access by the Fire Department.*

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title. *As stated in section IX above, the ABR determined that the architecture and landscape design are compatible with the character of the area and the existing Santa Barbara Bowl facilities. Staff does not recommend that development rights be offered to the City.*

6. Compliance with any additional specific requirements for a conditional use permit. *There are no additional specific requirements.*

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated September 19, 2012
- D. ABR and HLC Minutes
- E. Santa Barbara Bowl Event Information

## PLANNING COMMISSION CONDITIONS OF APPROVAL

1130 N. MILPAS STREET, SANTA BARBARA BOWL  
MODIFICATIONS, CONDITIONAL USE PERMIT  
NOVEMBER 1, 2012

I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Submit an application for a Public Works Permit (PBW) for all required public improvements, including submittal of separate C-1 drawings for construction of new cul-de-sac on Lowena Drive, submittal of securities for public improvements, Public Works plan for improvements along N. Milpas Street, and submittal of proposed Agreement for Privatization of Public Water Main.
2. Obtain approval of Vacation by the City Council. Refer to condition B "Approval Contingent upon Vacation of Lowena Drive".
3. Obtain all required design review approvals.
4. Pay Land Development Team Recovery Fee.
5. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading for on-site work only (if desired). Comply with condition G "Construction Implementation Requirements."
6. Record any required documents (see Recorded Conditions Agreement section).
7. Permits.
  - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
  - b. Obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Approval Contingent upon Vacation of Lowena Drive.** Approval of the subject project is contingent upon approval of the Vacation of a portion of Lowena Drive by the City Council.

C. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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 November 1, 2012 is limited to a new 2,210 square foot (net), one-story box office building with public restrooms, new pedestrian plaza and pathway with security check areas, new shuttle bus stop and eight new bicycle

parking spaces, and a new cul-de-sac, sidewalk, vehicular gate (with Fire Department Knox Box), and pedestrian gate at the termination of Lowena Drive. Grading consists of approximately 2,700 cubic yards of cut and 1,200 cubic yards of fill. The project also includes other improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Agreement to Maintain Private Water System.** The Owner shall have Owner's Land Use Attorney prepare an agreement indicating the City is relinquishing all responsibility for the private water system on the Santa Barbara Bowl Property, and indicate how the private water system will be maintained and regularly flushed to maintain State Drinking Water Standards.
3. **Street Easement Deed.** A *Street Easement Deed* shall be recorded prior to issuance of any permits, for construction of a portion of the new cul-de-sac at the end of Lowena Drive, which may be partially constructed on private property.
4. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. 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 Owner 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.

- D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Tree Protection Plan.** Include a note on the plans that the recommendations contained in the Tree Assessment and Protection Plan (June 4, 2012) and Addendum (September 17, 2012) prepared by Bill Spiewak shall be implemented.
  2. **Screened Backflow Device.** The backflow devices for fire sprinklers and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.
  3. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by ABR.
  4. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.  

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
  5. **Commemorative Display.** The final design for the Begonia Nursery commemorative display shall be approved by the Historic Landmarks Commission.
  6. **Sandstone Wall Construction Drawings.** The City Urban Historian shall review and approve the construction drawings for the new sandstone walls to be reconstructed in the pedestrian plaza.
- E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
    - a. **Vacation of a Portion of Lowena Street.** The Vacation process shall be completed following submittal of securities for public improvements and concurrently with a minimum of 30%-60% complete C-1 drawings.
    - b. **Lowena Drive Easement Dedication.** The Owner shall dedicate an easement to the City of Santa Barbara for the construction of public improvements and other pertinent improvements which may end up on

portions of the private property as part of the public rights-of-way. A *Street Easement Deed* will be prepared by City staff, and the applicant's licensed surveyor shall submit a legal description of the easement areas to be offered to the City, which will be attached to the agreement as Exhibit A.

- c. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit drainage calculations and worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices, prepared by a registered civil engineer demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the 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 (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

- d. **900 Block Lowena Drive Public Improvements.** The Owner shall submit separate C-1 public improvement plans for construction of a new cul-de-sac and miscellaneous frontage improvements along the property frontage on Lowena Drive. Plans shall identify the portions of private property to be dedicated to the City of Santa Barbara as shown and described in an *Easement For All Street Purposes*, including the proposed retaining walls if they encroach into the public rights-of-way. C-1 public improvement plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following:

*Asphalt concrete cul-de-sac (minimum of 21-ft 3-inch Radius) on aggregate base per current Greenbook standards, vehicular gate (with Fire Department Knox Box), and pedestrian gate at the termination of Lowena Drive, City standard Drop Inlet, drainage dissipater to discharge to (E) historical sheet flow, connection of private on-site water system to City water per City standard details for water meters and Reduced Pressure Principal Assembly valve, private blow-off valve or private fire hydrant to*

*keep private water system to meet State drinking water quality standards, supply and install (1) 20-foot tall residential City Standard Dome Style street light (70 watt), supply and install directional/regulatory traffic control signs per the 2012 CA MUTCD during construction, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.*

- e. **North Milpas Street Public Improvements.** The Owner shall submit separate public improvement plans for miscellaneous improvements along the property frontage on N. Milpas Street including but not limited to *saw-cut and replace +/- 125-linear feet of sidewalk, and one 32-foot wide commercial driveway apron, +/- 175 linear feet of curb and gutter, +/- 24-foot wide pedestrian access ramp/apron with five to six bollards, removable rail and terra cotta truncated domes, supply and install directional/regulatory traffic control signs per the 2012 CA MUTCD during construction, and provide adequate positive drainage from site.* Any work in the public right-of-way requires a Public Works Permit.
  - f. **Minor Encroachment Permit.** The owner shall submit separate application for a minor encroachment permit for the five to six privately owned and maintained bollards and 24' wide access ramp/apron. Any other encroachment or other permits from the City or other jurisdictions (e. g., State, County Flood Control, County Real Property, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.
  - g. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site. The Haul Routes shall be approved by the Transportation Manager.
  - h. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more 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.) in order to help reduce truck traffic on adjacent streets and roadways.
  - i. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Agreement to Construct and Install Improvements (Not a Subdivision)* (prepared by the Engineering staff), an Engineer's Estimate signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the Agreement.
2. **Community Development Department.**
- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition C "Recorded Conditions Agreement" to

the Community Development Department prior to issuance of any building permits.

- b. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
- c. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D "Design Review," and all elements/specifications shall be implemented on-site.
- d. **Large-format Digital Photo-documentation.** Large-format digital photo-documentation of the 1915 and 1946 sandstone walls shall be submitted and accepted by the City Urban Historian prior to dismantling.
- e. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are 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, including demolition and grading.

- 1. **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 Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.

2. **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), construction 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. 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.
3. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.
4. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
5. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager.
6. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nest(s).
7. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
  - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
  - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.

- c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
- j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- k. Diesel powered equipment should be replaced by electric equipment whenever feasible.

- l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
  - m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
  - o. The engine size of construction equipment shall be the minimum practical size.
  - p. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
8. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City Master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- 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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. 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 public improvement plans or building plans, shall be completed.
  3. **Oak Tree Replacement:** Evidence of completion of all proposed oak tree plantings on the project site and on the County-owned properties (APN 029-110-023 & 029-202-001) shall be submitted to the Planning Division.
  4. **Storm Water Pollution Control and Drainage System:** Evidence of completion of all proposed storm water/ drainage improvements on the County-owned property (APN 029-202-001) shall be submitted to the Planning Division and the Creeks Division.
- H. **General Conditions.**
1. **Prior Conditions.** These conditions shall supersede the conditions identified in Planning Commission Resolution 048-06.
  2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
  3. **Approval Limitations.**
    - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
    - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
    - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the

permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
5. **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 being notified of a lawsuit regarding 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.

## II. **NOTICE OF CONDITIONAL USE PERMIT AND MODIFICATION APPROVAL TIME LIMITS:**

The Planning Commission action approving the Conditional Use Permit and Modifications, shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, 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 and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.







S U Z A N N E  E L L E D G E  
P L A N N I N G & P E R M I T T I N G S E R V I C E S , I N C .

PRINCIPAL PLANNERS  
SUZANNE ELLEDGE • LAUREL F. PEREZ

19 September 2012

RECEIVED  
SEP 21 2012

CITY OF SANTA BARBARA  
PLANNING DIVISION

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

**RE: 1130 N. Milpas Street – Santa Barbara Bowl Box Office & Lower Plaza  
Applicant Letter/Project Description**

Dear Commissioners,

On behalf of the Santa Barbara Bowl, we are pleased to submit this Applicant Letter/Project Description for your review as part of the project consideration.

**I. Background**

The Santa Barbara Bowl, a County-owned facility constructed in 1936 using Works Progress Administration funds to serve as an annual performance venue for Old Spanish Days' Fiesta, is the largest outdoor amphitheater – 4,562 seats - between Los Angeles and San Francisco. The Bowl hosts approximately 25-30 shows a season. The Foundation was established in 1981 and through a 45-year lease agreement entered into with the County of Santa Barbara in 1994, was granted the responsibility of managing operations, developing capital improvements, and providing diverse entertainment for the Santa Barbara community.

The Bowl Box Office & Lower Plaza project is the culmination of the Bowl's Renovation and Restoration Master Plan developed by the Foundation in 1992. Master Plan phases that have been completed include the following:

- Overlook Plaza – The replacement of an aging Spotlight Platform and construction of a new plaza with a canopy of oak trees and views of the City below. Phase -1 was completed in 2010. Phase-2 involves the addition of a new restroom building, carts for beverage and food service and an upgraded fire access road.
- Bowl Seating Improvements – New fixed seating replaced the benches, handrails were added and deteriorating stone work was replaced.

- Stage Area – the pavilion stage and backstage facilities were reconstructed to include new performer facilities, public restrooms, concession upgrades, and a permanent shell structure (2008).
- Wendy McCaw Terrace & Concession Plaza – The concession plaza was brought to ADA standards in 2001. The McCaw Terrace was constructed in 2004 and included a lounge and terrace deck on the upper level with beverage concession windows on the lower level.
- Glen Landscaping – In 2009, the Redding Gate was completed, replacing an existing chain link fence. This was followed in 2010 with renovated hardscape and landscape in the glen which included an oak tree shaded pathway that leads up to the amphitheater.

In 2005 the Bowl Foundation acquired the property at 1130 N. Milpas Street, a former begonia nursery, owned and operated by Rudy Zeisenhenne for many years. This property is subject to the City of Santa Barbara permit process whereas the adjacent Bowl property is subject to the County of Santa Barbara review process.

## **II. Project Description (Bowl Foundation owned property)**

The subject property is located near the intersection of Milpas Street and East Anapamu Street. The property is bounded by Milpas Street on the west, the existing Santa Barbara Bowl Dreier box office building and parking lot on the south, Lowena Drive and the Bowl's Glen on the east, and a residential property to the north.

The property is split zoned. The west half of the project site is zoned R3 (Limited Multiple-Family Residence) and is bounded by an existing sandstone retaining wall that is approximately four (4) feet in height. The east half of the property, zoned E1 (One-Family Residence), is covered with oak trees, pittosporum, a few palms and ornamental trees. The General Plan Land Use Designation is General Urban/Medium-High Density Residential (15-27 du/acre). The property is 29,644 square feet.

Currently the site, surrounded with chain link fencing, is developed with two (2) storage sheds and a parking area in addition to the foundations of the greenhouses that once occupied the site. A Conditional Use Permit was approved in 2005 by the Planning Commission to allow these temporary storage structures. As part of the proposed project, these storage structures are proposed to be removed prior to the Box Office and Lower Plaza construction.

The entirety of the Santa Barbara Bowl Box Office and Lower Plaza project consists of a new administration building with box office services; a new pedestrian entrance plaza; a cul-de-sac turnaround and sidewalk on the upper portion of Lowena Drive; the City easement vacation of the lower portion of Lowena Drive; and restriping the parking lot along with making hardscape and landscape improvements. The 1995 Bowl Master Plan which provides for the Bowl operational conditions and improvements has been reviewed and approved by the County of Santa Barbara. No operational changes to the approved Master Plan are proposed with the Box Office project.

The Box Office building consists of 2,210 net square feet containing a ticket sales area, administrative office, a will-call pick up area, and public restrooms. The building is proposed to be single story, ranging between 16 feet 6" to 18 feet in height measured from the plaza grade.

Currently vehicular and pedestrian access is shared via the existing driveway between the project site and the Dreier building. One of the project goals is to create an entry plaza for Bowl patrons directly off of the Milpas Street sidewalk that is separate from the vehicular activity that occurs in the driveway and parking lot. In order to facilitate the flow of pedestrians from across Milpas Street, an access ramp is proposed opposite the plaza. In this way, pedestrians will not need to step up a curb from the street level onto the sidewalk. Bollards with a removable rail are proposed between the ramp and the sidewalk; the rail will be removed when crossing guard personnel are present during events and will be in place when events are not occurring to prevent pedestrians from crossing Milpas Street at this location given the lack of a striped crosswalk. The project will result in aesthetic improvements by enhancing the Milpas Street corridor along the property frontage, and by providing Bowl patrons with a safer and more enjoyable entry experience.

**A. *Parking – Primarily located on County parcel***

The parking lot is predominately located on the County parcel. However, a separate application has been filed to the City of Santa Barbara Public Works Department to vacate the Lowena Drive easement that traverses both the Bowl Foundation owned property and the County owned property. When the easement vacation is completed, a portion of this area is proposed to be reconfigured to provide additional parking and other landscape/hardscape improvements as part of the Box Office project.

The required number of parking spaces to serve the Bowl is based on the number of theater seats. The project does not include an expansion of theater seating and as a result no additional parking is required. The parking lot, located east of the existing Dreier box office building, is currently striped for 95 vehicles including four (4) ADA spaces and spaces for three (3) trucks. The proposed re-striped parking area will result

in a total of 100 vehicle parking spaces including four (4) ADA spaces, and eight (8) employee spaces. There are six (6) tour buses, and four (4) semi-trailer truck spaces. An area for valet bicycle parking will also be provided in the parking lot during events in addition to eight (8) permanent bicycle parking spaces at the east end of the new Box Office building. The staging, maneuvering and parking of the semi-trailer trucks and the large tour buses generally occur prior to and after the conclusion of the performance events requiring the use of the entire parking area. On event days the Bowl patrons will continue to have high school parking available under a continuing agreement. As part of previously completed projects, the parking area at the upper Pavilion stage has been expanded to allow for the parking of (two 2) touring buses and two (2) semi-trailer trucks. The Concession Plaza is partitioned off during performances to allow for an ambulance parking space and drop off parking for the shuttle transport.

### **B. *Trees and Landscaping***

The Box Office and Lower Plaza design approach was developed to retain the existing mature vegetation to the extent feasible. In coordination with the project arborist, the pedestrian walkway that meanders from the Box Office adjacent to the oaks to the ticket scan has been located to protect and preserve as many trees as possible. On the Bowl Foundation property, six (6) oak trees are proposed for removal. Oak #1 is in poor condition; oaks #2 & 7 require removal to accommodate the new pathway; oak #8 is dead (and does not require mitigation planting), oak #12 must be removed in order to accommodate the turnaround and sidewalk at the Lowena Drive termination required by City Transportation Operations; and oak #30 is proposed for removal in order to retain the hillside as a result of the building design changes directed by ABR. Another oak (no #), which was previously removed due to its poor condition/leaning, requires mitigation planting. Additional oak tree removals are located on the adjacent County owned parcels in the parking lot area and as part of the recently completed Overlook Project – refer to oak tree summary below.

As a result of the oak tree removals, the Box Office and Lower Plaza project includes the installation of twenty seven 15-gallon oaks (on Bowl Foundation and County properties) to offset tree removals and those trees potentially impacted by construction activity. It should be noted that as part of the Overlook Plaza project, which included three oak tree removals, five (5) 24" and 45 15-gallon oaks were planted. These tree installations are taken into consideration for the overall tree mitigation program to offset the removals as part of the Box Office project.

Oak Tree Summary

	<u>Removals</u>	<u>Potential to Impact</u>	<u>Mitigation Trees</u>
Box Office Plaza	7	1	2
County Parcel	3	-	25
Overlook Project	3	-	50
Total	13	1	77

Results in a 5 ½ :1 Mitigation Ratio

Opposite the new pedestrian plaza entry in the Milpas Street parkway north of the existing driveway, an existing Podocarpus street tree is proposed to be relocated to improve pedestrian circulation. The City Street Tree Committee has approved the relocation; the tree will be planted in the new parkway south of the existing driveway.

**C. Lowena Drive Easement Vacation**

The southern portion of Lowena Drive traverses the Bowl parking lot via a City easement. A separate application to vacate this easement has been submitted to the Public Works Department. The easement vacation will allow the proposed parking lot improvements. On January 31, 2012, City Council reviewed the project in concept and provided direction and supportive comments regarding the project such that the formal applications can be submitted for processing.

**D. Project Phasing**

The Bowl proposes the project phasing plan described below which is subject to change depending on the timing of obtaining the City approvals for the Box Office Lower Plaza portion and the Lowena Drive easement vacation approval.

Phase-1: Parking Lot Upgrade (County)

During this phase of work the existing bus power outlet located in the parking lot will be relocated. Additionally, construction of the stone-faced retaining wall at the base of the east hill is proposed. Oak trees are proposed to be planted on the east hillside.

Phase-2 Pedestrian Plaza (City)

Construct the Pedestrian walkway to connect Milpas Street to the junction with the Bowl's Glen. This work will include the excavation of the existing grade adjacent to Milpas Street and will require a cut slope on the north hillside. Lighting shall be included at the proposed new Plaza and along the pedestrian path.

Phase-3: Box Office (City)

The construction of the new Box Office building will occur during Phase-3. This phase of the project may be constructed concurrent with Phase 2.

Phase-4: Parking Lot Upgrade (City/ County)

The Santa Barbara Bowl Foundation will request that the City abandon Lowena Road. This right of way currently is routed through the Bowl's parking lot and is periodically closed during performance events. Parking, including handicapped spaces, will be provided south of the proposed new Box Office. A shuttle pickup / drop off zone is also proposed that will provide patrons access to the upper Concession Plaza adjacent to the stage. Repaving and re-striping the existing parking lot will occur in addition to installing a curbed landscape planter along the south property line.

Phase-5: Lowena Drive Termination (County)

The Lowena Drive gate at the termination of Lowena Drive is proposed during this phase.

Phase 6: Dreier Building (County)

The interior remodel of the existing Dreier box office building into a security office and conference room for Bowl use is scheduled for this phase.

### **III. Discretionary Approvals for Consideration**

The Bowl Box Office project requires City approval of three modifications and a Conditional Use Permit as described below:

- A. Modification to allow a 5'3" high retaining wall that exceeds the maximum allowable height of 3' 6" within 10' of the front lot line on Milpas Street (SBMC § 28.92.110.A);
- B. Modification to allow new variable height retaining walls (maximum 15') that exceed the maximum allowable height of 3'6" within ten feet of the front lot line on Lowena Drive (SBMC §28.92.110.A);
- C. Modification to allow a new 3'6" guardrail on top of a new 8' maximum high retaining wall that exceeds the maximum allowable height of 8' within the six foot interior setback (SBMC §28.92.110.A);
- D. Conditional Use Permit to allow a quasi-public facility to operate in a residential zone (SBMC§ 28.94.030); and
- E. Vacation of a portion of Lowena Drive to be approved by City Council (separate application to Public Works).

#### **IV. Environmental Considerations**

The following section provides a summary of the technical studies included in the DART submittal package for evaluation of the existing site conditions relative to potential environmental impacts as a result of the proposed project.

##### ***Historic Structures/Sites Report Addendum***

A Historic Structures/Sites Report Addendum prepared by Fermina B. Murray, (August 6, 2012) was prepared to assess the potential impacts of the Box Office Lower Plaza project on the historic resources, the sandstone retaining walls and the mature trees on the property (identified as significant features in the 2005 HSSR). The addendum concludes that the project is compatible with the spatial relationships and character of the property, the adjacent Dreier building, and neighborhood. Although the retaining walls dating to 1915 and 1946 will be altered, the project plans indicate that a portion of each wall will be retained in place and the walls will be dismantled and reconstructed in order to salvage and incorporate the sandstone into the proposed planter walls. Therefore, the walls will continue to convey their significance. Also, the landscape plan retains the character-defining foliage of the property. The Historic Landmarks Commission accepted the report addendum on August 29, 2012.

##### ***Archaeological***

An Archaeological Letter Report was prepared by David Stone to assess the potential project impacts to archaeological resources. The report describes the overall ground surface visibility as good and due to the range of visibility on site, the overall reliability of the intensive surface survey is also considered good. The report concludes that the proposed project is not considered to have the potential to impact intact significant or important historic or prehistoric cultural remains as defined in the City Cultural Resources MEA. No further measures are recommended other than the standard monitoring condition.

##### ***Grading and Drainage***

Penfield & Smith Engineers have prepared a report to evaluate the site drainage, storm drain design, and storm water quality in accordance with the City of Santa Barbara standard requirements. The report concludes that with implementation of the project design features including pervious pavers, landscaping, and infiltration storm water quality will be addressed. An underground detention system will be used to reduce post-project runoff to less than the pre-project condition.

## **V. General Plan and Zoning Consistency**

The designated Land Use Zone of the project site is both R-3 (Limited Multiple-Family Residence) and E-1 (One-Family Residence). The General Plan Land Use Designation is General Urban/Medium-High Density Residential (15-27 du/acre). The adjacent County-owned parcels have an Institutional and Related Uses Land Use Designation. The proposed Box Office and Lower Plaza project is proposed to provide improved circulation and support for the current Santa Barbara Bowl functions and with the approval of the requested Conditional Use Permit and zoning modifications, the project can be found consistent with the Zoning Ordinance and policies of the City's General Plan.

The Bowl events are regulated through the County and these operations are not proposed to change. The design and layout of the proposed structures have been carried out to be compatible with the surrounding residential neighborhood and are intended to improve existing functions of the Bowl. At the ABR hearing on May 29, 2012, the board made positive project design comments in addition to expressing their compatibility analysis.

## **VI. Modification Requests**

The subject site is surrounded by Milpas Street on the west and Lowena Drive on the northeast, eastern and southern property frontages. As such, the property contains more than one front yard per Zoning Ordinance definition. Two zoning modifications are requested to allow proposed stone walls to exceed the maximum height of 3 ½ feet within 10 feet of a front property line.

The modification requests are minor in nature and do not impede line of site relative to pedestrian and vehicular circulation. The stone wall on Milpas Street is proposed to be reconfigured to provide pedestrian access into the Box Office Plaza; the modification will allow the wall to return interior to the property and maintain the height of the existing wall. The modification request for new stone wall at the new Lowena Drive turnaround is technical in nature in order to support the road given the elevation change between the Lowena Drive and the adjacent ground elevation.

Due to the grade difference between the adjacent northerly property and the subject site, a retaining wall is needed along the north property line. It ranges in height and measures eight (8) feet at its maximum height. Again, due to the elevation change between properties, a guard rail is proposed for safety purposes on top of the retaining wall. Since the maximum wall height in the interior yard setback is eight (8) feet, the wall and the associated guardrail will require a zoning modification. The ABR reviewed all proposed wall modifications and provided aesthetic support comments for each.

## **VII. Project Justification**

This project is residential in scale and will provide an outdoor lobby space for the existing Santa Barbara Bowl. It is intended that the proposed design improve the safety of the patrons by providing a greater separation between vehicles and pedestrians.

The proposed use of the Santa Barbara Bowl - Box Office Plaza will not intensify the existing condition and will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not negatively affect property values in the neighborhood.

The total area of the Santa Barbara Bowl - Box Office Plaza site and the setbacks of the facility from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that detrimental impact on the surrounding properties will be avoided.

The Santa Barbara Bowl - Box Office Plaza project will not impact the existing condition as it relates to the use of public streets and off-site parking. Truck, bus, and bicycle parking will be provided on site as part of this project. The vehicular parking count will be slightly increased and the circulation space improved.

With the approval of the proposed zoning modifications, the project will be consistent with the zoning ordinance and will serve as an example of sound community planning. Additionally, the project would be subject to review and approval by the Architectural Board of Review in accordance with the Board's design, mass, bulk, scale and neighborhood compatibility standards.

This concludes our Applicant Letter/Project Description as part of the Santa Barbara Bowl's Box Office and Lower Plaza project consideration.

On behalf of the applicant and project team, we thank you for your consideration of this project.

Sincerely,  
**SUZANNE ELLEDGE**  
**PLANNING & PERMITTING SERVICES**



Trish Allen, AICP  
Senior Planner



E. Subcommittee Reports. No reports.

**CONCEPT REVIEW - CONTINUED ITEM**

**1. 1130 N MILPAS ST**

**E-1/R-3 Zone**

**(3:10)** Assessor's Parcel Number: 029-201-004  
 Application Number: MST2009-00551  
 Owner: Santa Barbara Bowl Foundation  
 Architect: Steve Carter  
 Agent: Trish Allen, SEPPS, Inc.

(Proposal to construct a new 2,210 square foot (net) one-story administration building, pedestrian plaza and walkway for the Santa Barbara Bowl with approximately 2,700 cubic yards of cut and 1200 cubic yards of fill grading. Planning Commission review of a Conditional Use Permit and Modifications to allow encroachments into the required setbacks is requested. The project requires City Council approval for abandonment of a portion of Lowena Drive. Courtesy review by the Architectural Board of Review and the Planning Commission of associated improvements on the County-owned parcels is also requested.)

**(Third Concept Review. Comments only. Project requires environmental assessment, Compatibility Analysis, and Planning Commission review. Project was last reviewed on April 16, 2012.)**

Actual time: 3:05 p.m.

Present: Steve Carter, Agent; Susan Van Atta, Landscape Architect; Trish Allen, Agent.

Staff comments: Kathleen Kennedy, Project Planner, requested clarification of the fence height which is proposed to be over 8 feet. Mr. Carter explained that the fence is proposed to be a maximum of 8 foot high and will not require a modification.

Public comment was opened at 3:16 p.m. As no one wished to speak, public comment was closed.

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

1. The Board felt the architecture and landscape design for the administrative building are exceptional and fit in with the remodel of County Bowl and with the nearby historic building.
2. The use of traditional materials was appreciated.
3. Some Board members felt the chimney element could be removed.
4. The Board found the modifications pose no negative aesthetic impacts.
5. Provide elevations, details, and landscaping for all retaining walls proposed for Lowena Drive, include gates or other features associated with the walls.
6. Soften the edge of hardscape line between the begonia garden and plaza area.
7. Extend the planter in front of the freestanding wall that screens the condenser unit.
8. Match the hardscape type for the Drier Administration Building crosswalk area to the new box office building and the apron adjacent to the handicapped parking area.
9. Project Compatibility criteria were analyzed with the conclusion that the project does not pose inconsistencies with the criteria.

Action: Gradin/Gilliland, 7/0/0. Motion carried.

**HISTORIC STRUCTURES REPORT****1. 1130 N MILPAS ST**

E-1/R-3 Zone

(1:40) Assessor's Parcel Number: 029-201-004  
 Application Number: MST2009-00551  
 Owner: Santa Barbara Bowl Foundation  
 Agent: Trish Allen, Suzanne Elledge Planning & Permitting Services, Inc.  
 Architect: Steve Carter

(Proposal to construct a new 2,210 net square foot one-story administration building, pedestrian plaza, and walkway for the Santa Barbara Bowl with approximately 2,700 cubic yards of excavation and 1,200 cubic yards of fill grading. Planning Commission review of a Conditional Use Permit and Modifications to allow encroachments into the required setbacks is requested. The project requires City Council approval for abandonment of a portion of Lowena Drive. Courtesy review by the Architectural Board of Review and the Planning Commission of associated improvements on the County-owned parcels is also requested.)

**(Review of revised Historic Structures/Sites Addendum Report prepared by Fermina Murray, Architectural Historian. The report concluded that the proposed alterations will be done in a non-adverse manner and the physical characteristics will continue to convey its significance and eligibility for designation as a Structure of Merit.)**

Actual time: 1:41

Present: Trish Allen, Agent, SEPPS  
 Fermina Murray, Historical Consultant

Commissioner Shallenberger disclosed that he spoke to the applicant, and reviewed the video and minutes of the August 15 meeting for purposes of becoming familiar with the item since he was not present at the previous review.

Staff comments: Nicole Hernández, Urban Historian, stated that staff supports the report's conclusions that the project meets the State CEQA Guidelines of the MEA and relevant Secretary of Interior guidelines and will not result in significant adverse impacts to the historic resource.

**Motion: To accept the report with the following condition and comments:**

1. On page 9 the first and second paragraphs shall be stricken from the report: "This revised section of the HSSR Addendum Report is responding to the Historic Landmarks Commission's August 15, 2012 motion, which states [...]."
2. The following recommendations shall be forwarded to the Architectural Board of Review:
  - a. The proposed 18 foot wide pedestrian walkway is appropriate, but should be designed in a manner to preserve the Oak trees. The Oak trees are important to the ambience of the County Bowl.
  - b. The applicant was asked to address the semi-trailer trucks parking lot area to see if any trees can be preserved.
  - c. The applicant should pay attention to the south elevation of the Box Office building shown on Sheet A3.1 for compatibility with the Dreier Building as well as the balance of the County Bowl architecture for a more unified façade, particularly the stone elements underneath the five vertical windows.

Action: La Voie/Shallenberger, 7/0/0. Motion carried. (Murray stepped down. Drury absent).

## **Santa Barbara Bowl Event Information**

### **Parking - Traffic Management - Driving Alternatives - Patron Drop Off**

The Santa Barbara Bowl has demonstrated a set of best-practice procedures for the safe arrival and departure of all patrons attending events. The practices were developed through long-term experience, communications, and management since 1994 when the Santa Barbara Bowl Foundation first took over operations of the facility. It is the policy of Bowl management to review all external and neighborhood operations on an on-going basis including feedback from the community, safety and law-enforcement personnel, contracted operational vendors such as security and parking, neighbors and employees.

A review is conducted at the beginning of each concert season that encourages on-going feedback and communications in each of the following areas:

#### **Parking Locations-Offsite:**

##### **Santa Barbara High School - 700 East Anapamu St**

The majority of patrons attending performances at the Santa Barbara Bowl are directed to park at Santa Barbara High School. Vehicles parking on the interior of the high school and Senior Lot enter from Anapamu St. and exit onto Canon Perdido St. Managing traffic flow in this manner reduces congestion and noise on Anapamu St. as vehicles exit the facility following a performance.

##### **National Guard Armory - 700 East Canon Perdido St**

During sold out events and upon availability the Santa Barbara Bowl utilizes the National Guard Armory located on Canon Perdido St. to park vehicles. In addition, artists with large-scale productions requiring a large number of buses and trucks will often utilize this lot alleviating impact on the Bowl's parking lot.

##### **Surface Streets - Area west and south of the facility**

Parking in the residential areas of the neighborhoods west and south of the Bowl can occur up to one-half mile away depending on number of attendees for any given Bowl event. Currently barricades and security personnel are in place each event on three of the more narrow streets in the neighborhood. The Bowl management has worked closely with the residents of these three streets to mitigate blockages of driveways, noise-impaction and litter. These streets are Lowena Dr., Newton Rd. and Garcia Rd.

#### **Parking Locations-Onsite:**

##### **Santa Barbara Bowl and Kennedy's Automotive**

Santa Barbara Bowl and Kennedy's Automotive parking lots are considered the facility's on- site parking lots. They are utilized for disabled parking, artist buses and trucks, artist guests, major donors, sponsors and ticket program members. Upon availability these lots are also open to the general public for sale.

#### **Accessible Parking and Shuttle Location:**

Accessible parking can be reserved in advance of each event by contacting the Box Office. While the Santa Barbara Bowl is able to accommodate more than the required accessible parking on site, spaces generally do sell out prior to the event. The night of a performance if on site spaces are unavailable patrons with disabilities are encouraged to drop off in the Box Office lot in order to take the shuttle. The free wheelchair accessible shuttle pickup is located in front of the Box Office. Pick up begins 90 minutes prior to each show and continues throughout the evening.

---

#### **Traffic Management:**

**Police Supervision:** The Santa Barbara Police Department is contracted for each performance to work with the Bowl staff in order to mitigate parking, pedestrian and vehicle traffic issues prior to and following the show.

**Signage:** Traffic control devices include special event regulatory signs, cones, barricades and electronic flares. Personnel assigned to traffic duties are required to wear reflectorized safety vests and use approved flashlights.

### **Traffic Management (Continued):**

**Traffic Diversion:** Intermittent traffic diversion takes place at the conclusion of each event. Traffic is rerouted around the front of the venue to provide a safe pedestrian and vehicle egress. Traffic is diverted at the following locations: Milpas St. & Canon Perdido St., Milpas St. and Figueroa St., Anapamu St. & Nopal St. and Anapamu St. and Olive St. These brief and temporary control points divert through traffic effectively, while enabling safe egress of pedestrians and vehicles from the venue and parking lots. Security personnel and police conduct traffic management.

The Bowl dedicates on-going resources in the form of personnel, signs, and traffic safety equipment to insure minimal traffic impact and a maximum of safety for vehicles and pedestrians before, during and at the conclusion of each concert. All efforts are made to minimize delays and inconvenience to motorists and to mitigate the impact of concert crowds on the surrounding neighborhoods.

---

### **Driving Alternatives:**

**Complimentary Bicycle Valet:** Santa Barbara Bowl Foundation sponsors complimentary bicycle valet parking through the Santa Barbara Bike Coalition. Currently, the Bowl is the only local organization to hire for these services on an on-going basis. No other community event has committed financial resources to achieve this goal. The Bowl continually promotes this service in order to increase awareness via ongoing marketing efforts throughout the year to expand the program. These efforts include email blasts, PR efforts and radio announcements.

**Ride-Share Program:** Santa Barbara Bowl Foundation sponsors the use of a ride-share program for each event at the facility via Zimride.com. Zimride is a simple and convenient way for those individuals traveling to a similar location to partner with others in order to share a ride. Parking price reductions are currently being considered for those that participate in this program in order to incentivize future use while reducing vehicle impact on the neighborhood.

**Public Transportation:** The Santa Barbara Bowl staff works with Santa Barbara Car Free and MTD to seek creative methods to encourage the use of public transportation.

---

### **Patron Drop-Off:**

**Loading and Unloading:** A designated loading and unloading area is located adjacent to the Bowl entrance to facilitate patron drop-off and pick up. Individuals wishing to drop off in the Bowl lot may also do so whenever possible.

**Future Considerations:** In consideration of the comments made by the Mayor and City Council members following review of the Santa Barbara Bowl Lower Plaza/Box Office Project the Santa Barbara Bowl has reevaluated the patron drop off process for events. As part of this process Santa Barbara Bowl staff met with Santa Barbara Police Department Traffic Sergeant, Mike McGrew in order to determine if there might be an alternative to current practice.

As a result of this meeting the following was determined:

- While potentially beneficial to a limited number of individuals, the creation of a turn out in front of the facility for drop-off could cause a far bigger impact to those arriving at the facility to park. With the majority of vehicle traffic approaching the Bowl travelling north on Milpas street additional delays would likely be caused by vehicles attempting to enter or exit a drop-off turnout limited in size to the entry of the Santa Barbara Bowl.
- Due to the small size of the entrance of the facility the ability to construct a turnout large enough to accommodate the drop-off needs for the number of individuals attending events does not appear to be possible.
- The designation of an alternative drop off location at Santa Barbara High School was also discussed and determined to be a potential solution for the future.

After careful review, Sergeant McGrew suggested that the current practices used for ingress and egress of the facility remain in place for future events at the Santa Barbara Bowl.