



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** July 5, 2007  
**AGENDA DATE:** July 12, 2007  
**PROJECT ADDRESS:** 518 State Street (MST2005-00477)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Bettie Weiss, City Planner *BLW*  
 Kathleen Kennedy, Associate Planner *KMK*

### I. RECOMMENDATION

That the Planning Commission deny the appeal of the Church of Scientology and uphold the Staff Hearing Officer's decision to approve a Modification to allow no onsite parking for the residential units instead of the required one space for each residential unit and a Development Plan for 2,185 square feet of additional non-residential development for the mixed-use development proposed at 518 State Street.

### II. EXECUTIVE SUMMARY

On May 9, 2007, the Staff Hearing Officer approved the application for the mixed-use development. At the hearing, Rev. Lee Holzinger, representing the Church of Scientology, was the only member of the public to speak. He expressed concern regarding the proposed project blocking the windows of the Church building and the resulting loss of light and air, as the Church and the project site share a common property line. Subsequently, the Church filed an appeal of the project (see Exhibit A). The appeal letter contends that 1) the parking modification approval exceeded the intent of the Circulation Element and that one parking space should be provided onsite, with access from the adjacent parking lot; and 2) the project should be redesigned to allow only one residential unit towards the front of the lot thereby minimizing the impact on the second floor of the Church.

It is Staff's position that the Staff Hearing Officer appropriately considered all relevant issues pertaining to the application and made the appropriate findings to approve the Parking Modification and Development Plan and that the Planning Commission should deny the appeal, thereby upholding the Staff Hearing Officer's decision.

### **III. DISCUSSION**

#### **A. PROJECT DESCRIPTION**

The project consists of a proposal to construct a new two-story mixed-use building on a 3,544 square foot parcel located on the east side of State Street between Haley and Cota Streets. The proposed project includes a 2,487 square foot commercial space on the first floor and two apartments on the second floor. The apartments would consist of one 949 square foot one-bedroom unit at the front and one 779 square foot studio unit at the rear. The private outdoor living spaces are proposed as walled courtyards between the two units. The project site is located adjacent to a City owned paseo that provides access from City Parking Lot #11 to State Street. The paseo is ten feet in width and has a trellis element located at the entrance from the parking lot. The existing 302 square feet (net) of non-residential space, currently used as an open-air market, would be demolished.

The parking requirement for the mixed-use development in the Central Business District (CBD) is two parking spaces (one per residential unit) and no parking for the commercial component. A parking modification to allow no onsite residential parking is requested. Additional project details are provided in the attached Staff Hearing Officer staff report (see Exhibit B).

#### **B. STAFF HEARING OFFICER ACTION**

On May 9, 2007, the Staff Hearing Officer approved the application for the mixed-use development (see Exhibit C). In response to Rev. Holzinger's concern regarding the proposed project blocking the windows of the Church building and the resulting loss of light and air, Mr. Cearnal, the project architect, stated that some walls could be reduced and other opportunities sought to solve the blocking problem. The Staff Hearing Officer suggested that this may be a building code issue which should be investigated with the Building and Safety Division and suggested that the applicant and adjacent property owner work together in regard to this issue.

The Staff Hearing Officer approved the project as proposed with an added condition of approval (see Exhibit D).

#### **C. APPEAL ISSUES**

##### **1. Parking Modification**

It is Staff's position that the findings for approval of the parking modification can be made for the project. The project is not expected to cause an increase in demand for parking in the immediate area because the residents are unlikely to own vehicles. Residents would not be able to purchase residential parking permits and utilizing the public parking lots on a daily basis would not be a sound economic choice. Staff asserts that the project meets the intent of Policy 8.5 and Goal 13 of the Circulation Element by providing housing opportunities downtown, along a major transit corridor in the CBD, where there is close proximity to employment and services, thereby eliminating the need for parking. In order to monitor the extent to which future tenants actually own vehicles, a condition of approval requires that the applicant provide Staff with reports that summarize the vehicle ownership

status of each tenant at both the time of commencement and time of termination of the tenancy.

The 13 W. Haley Street project, referenced in the appeal letter, received approval in 2005 to allow one onsite parking space instead of two for the single-family residence. The modification request was supportable because the parking demand for one residential unit in the CBD is one space and it was determined that the project would not cause an increase in the demand for parking in the immediate area. Also, in that case, the applicant did not request a modification to allow no onsite parking. Modifications are granted on a case by case basis, with support from Staff when the appropriate findings can be made.

Staff has considered the appellant's suggestion to provide a one-car garage onsite and has the following comments: 1) losing a parking space, whether it is an accessible space or not, in an impacted City lot in order to accommodate parking for residential units is not supportable; 2) during impacted times when the entrances are queued up with vehicles, the residents would not have access to parking until the queue was removed; 3) trash and recycling as proposed on the site is a priority over providing parking for the project; and 4) lot ticket dispensers would need upgrading to allow the residents to gain entry.

## **2. Windows on Common Property Line**

As stated in the appeal letter, the Church is concerned about the loss of light and air on the second floor of their building as a result of the proposed project constructing a wall along the common property line. As proposed, all nine of the second floor windows would become blocked. Eight of the windows are for offices and the ninth, which is the window closest to the rear, is for a restroom. It may also be the case that the windows on the third floor would be affected by the proposed project as well.

As referenced previously, the project architect stated that some walls could be reduced and other opportunities sought to solve the blocking problem. Since the appeal was filed, the architect and the appellant have met to discuss a solution. The architect has offered to reduce the height of that portion of the wall along the property line that is associated with the private outdoor living spaces so that two of the windows would not be blocked. It was suggested that the lower half of these two windows would become opaque to provide privacy to the two outdoor living areas and the top half would remain regular glass to provide light to the Church offices.

There does not appear to be any additional work, such as ventilation upgrades, required on the Church property as a result of the removal of the windows; however, Staff has requested that the Church determine this prior to the Planning Commission hearing.

As of this writing, a resolution between the two parties has not been reached. Staff continues to be in support of the proposed design acknowledging that some construction would be required on the Church property; however, Staff would also be in support of a redesign of the project as suggested by the architect, or another design that would allow for some or all of the windows to be retained. Staff is not in support of the elimination of one or both of the residential units in order to preserve the windows on the Church property.

#### **IV. RECOMMENDATION**

Staff supports the proposed project because it is an appropriate size for the small lot and the design is supported by the Historic Landmarks Committee. There is a need for rental housing and mixed-use development in portions of State Street is appropriate. The project maintains the open public paseo rather than building out over it. The vehicle ownership reports from the applicant will provide valuable information to City staff. In addition, Staff is confident that any building code issues that may be created on the Church property can be resolved.

Therefore, Staff recommends that the Planning Commission deny the appeal, upholding the decision of the Staff Hearing Officer making the findings included in the Staff Hearing Officer staff report and subject to the Conditions of Approval contained in Staff Hearing Officer Resolution No. 038-07.

#### Exhibits:

- A.** Appeal Letter dated May 21, 2007
- B.** Staff Hearing Officer Staff Report
- C.** Staff Hearing Officer Hearing Minutes
- D.** Staff Hearing Officer Final Resolution

Church of Scientology   
SANTA BARBARA

May 21, 2007

To: Planning Commission  
City of Santa Barbara  
Community Development Department  
Planning Division  
630 Garden Street  
Santa Barbara, CA 93101

RECEIVED  
MAY 21 2007  
CITY OF SANTA BARBARA  
PLANNING DIVISION

Subject: Appeal

Re: Staff Hearing Officer  
May 9, 2007  
Item ~~II E~~ Resolution 038-07 518 State Street

Dear Commissioners:

We do not agree with the approval and action on the above referenced matter. Our concerns and reasons for the appeal are:

1. The approval of the parking modification eliminating the 2 car parking requirement exceeds the intent of the staff noted City Policy 8.5 and Goal 13 of the Circulation Element. The most recent decision of the City on this matter, a residence at 13 West Haley on a 400 square foot lot, allowed only a parking modification reduction of one (1) space to the required two (2) space requirement. It would appear this reduced parking requirements by one-half.

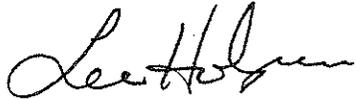
The applicant does have room for a 20' x 20' garage space at the rear and can access it from the City parking lot. The parking lot has an excess of one (1) handicapped space required by State Title 24 regulations and the elimination of it, at the rear property line, would provide the garage access driveway.

2. The Existing Plan, would cover all of the 2<sup>nd</sup> floor windows of the adjacent building at 524 State Street, having a very adverse affect on the light and ventilation to the 2<sup>nd</sup> floor of the Church there, which holds congregational meetings on it's second floor regularly. A single residential unit, towards the front of the property, would accommodate open space requirements while minimizing the loss of light and air to the neighboring structure which was built long ago while the existing property was in it's prior use of parking.

3. We are trying to be open to the fact that we, the City of Santa Barbara and the Craviotto family will continue to be neighbors for a long period of time along these property lines in question. I believe you will agree that in general, it is in the best interest for all to avoid escalating this problem and work toward a compromise solution.

Thank you for your consideration and attention to our appeal.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lee Holzinger".

Rev. Lee Holzinger  
524 State Street  
Santa Barbara, CA 93101  
805-963-8931



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** May 2, 2007  
**AGENDA DATE:** May 9, 2007  
**PROJECT ADDRESS:** 518 State Street (MST2005-00477)

**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Jan Hubbell, AICP, Senior Planner *JH*  
 Kathleen Kennedy, Associate Planner *KK*

### I. PROJECT DESCRIPTION

The project consists of a proposal to construct a new two-story mixed-use building on a 3,544 square foot parcel located on the east side of State Street between Haley and Cota Streets. The proposed project includes a 2,487 square foot commercial space on the first floor and two apartments on the second floor. The apartments would consist of one 779 square foot studio unit at the rear and one 949 square foot one-bedroom unit at the front. The existing 302 square feet (net) of non-residential space, currently used as an open-air market, would be demolished. The project site is located adjacent to a City owned paseo that provides access from City Parking Lot #11 to State Street. The paseo is ten feet in width and has a trellis element located at the entrance from the parking lot.

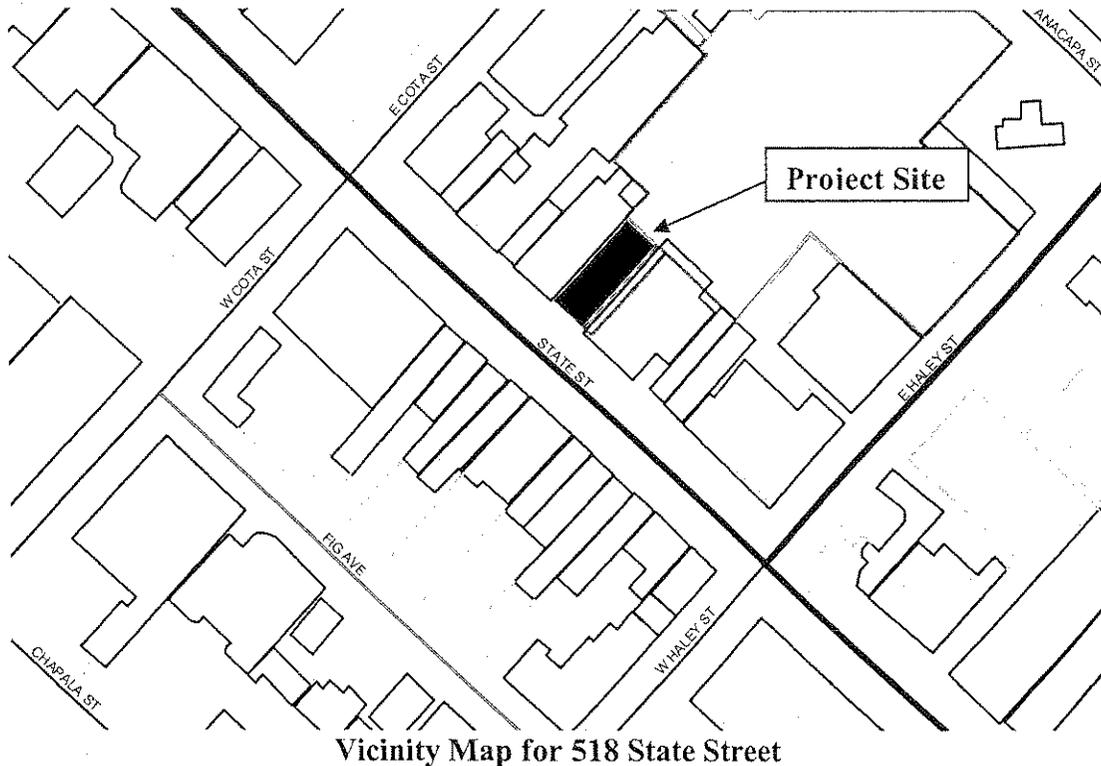
### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Modification to allow no onsite parking for the residential units instead of two required parking spaces (SBMC§28.90.100); and
2. Development Plan approval for 2,185 square feet of additional non-residential development (SBMC§28.87.300).

### III. RECOMMENDATION

With approval of the modification, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan; therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



**APPLICATION DEEMED COMPLETE:** February 27, 2007  
**DATE ACTION REQUIRED:** May 18, 2007

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant:	Ceamal Andrulaitis LLP	Property Owner:	Craviotto Family Trust
Parcel Number:	037-173-046	Total Lot Area:	3,544 square feet (0.08 acres)
General Plan:	General Commerce	Zoning:	C-M, Commercial Manufacturing
Existing Use:	Open Air Market	Proposed Use:	Commercial, Residential
Topography:	Flat		
Adjacent Land Uses:			
	North: Commercial		East: Parking Lot
	South: Commercial		West: State Street, Commercial

**B. PROJECT STATISTICS**

Units	# of Bedrooms	Unit Size (net)	Private Outdoor Living Space
Commercial Space	n/a	2,487 square feet	n/a
Residential Unit 1	1	949 square feet	198 square feet
Residential Unit 2	studio	779 square feet	204 square feet

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Proposed
Setbacks		
-Front	0 feet	varies from 0 to 12.5 feet
-Interior	0 feet	varies from 0 to 5 feet
-Rear	0 feet	varies from 0 to 9 feet
Building Height	4 stories/ 60' maximum	33'
Parking	Residential: 2 spaces Commercial: 0 spaces	0 spaces
Lot Area Required for Each Unit (Variable Density)	Studio units require: 1,600 sq. ft. each 1-bedroom units require: <u>1,840 sq. ft. each</u> Required lot area: 3,440 sq. ft.	Lot area : 3,544 square feet
10% Open Space	354 square feet	355 square feet (10 %)
Private Outdoor Living Space –	Studio unit: 60 square feet One bedroom unit: 72 square feet	288 square feet 240 square feet
Lot Coverage (gross)		
-Building	359 sq. ft. (10.1 %)	2,906 sq. ft. (82.0 %)
-Paving/Driveway	3,185 sq. ft. (89.9 %)	473 sq. ft. (13.3 %)
-Landscaping	0 sq. ft. (0.0 %)	165 sq. ft. (4.7 %)
	3,544 sq. ft. (100 %)	3,544 sq. ft. (100 %)

Parking: All requirements of the Zoning Ordinance, except the parking requirement for the residential units, would be met with the proposed project. In the Central Business District (CBD), one parking space is required for each residential unit. Because no parking is proposed, a parking modification has been requested. Transportation Staff has determined that the modification to allow no residential parking spaces would be reasonable given that the units are rentals and are located downtown within close proximity to commercial and retail services and along the MTD bus route. As recommended by Transportation Staff, a condition of approval has been included to prohibit the issuance of residential parking permits for the tenants of the building. At a Planning Commission lunch meeting, held on October 21, 2004, the Planning Commission discussed the concept of allowing residential uses along State Street that did not

provide onsite parking. The Planning Commission indicated that they were very much in favor of allowing no parking for a small mixed-use development with rental units.

In regard to parking for the commercial space, the project site is directly adjacent to City Parking Lot #11 and is located within the 100% Zone of Benefit; therefore, no commercial parking spaces are required.

Development Plan (Measure E): There is currently 326 square feet of nonresidential square footage onsite that would be demolished. The proposed project consists of 2,487 square feet of commercial space on the first floor; therefore, pursuant to the provisions of SBMC §28.87.300, the project would be allocated a total of 2,185 square feet of Measure E nonresidential square footage from the Minor (1,000 square feet) and Small (1,185 square feet) Addition categories.

## **VI. OTHER REVIEW:**

### **A. COMPLIANCE WITH THE GENERAL PLAN**

*Land Use Element:* The project site has a General Plan land use designation of General Commerce and is located in the Lower State Street neighborhood, which presently has a mix of commercial, industrial and residential uses. The proposal is a small mixed-use development that would provide an appropriate sized commercial space along State Street, along with much needed rental units above that would be compatible with other land uses along State Street.

*Circulation Element:* The project does not propose to provide any parking for the two residential units. Policy 8.5 calls for the development of housing Downtown and decrease parking needs "through an increased walking/biking population that lives, works, and shops in the Downtown." Goal 13 includes direction to "provide incentives for mixed use development," as well as "reducing/eliminating parking requirements (residential and nonresidential) where it can be demonstrated as appropriate." Planning and Transportation Staff believe that this project is an appropriate one to consider providing no parking. The units are small and in close proximity to employment and services. Thus, the units will attract tenants who will be less likely to own autos.

### **B. DESIGN REVIEW**

The Historic Landmarks Commission reviewed the project on three occasions and expressed support of the design of the project as well as support of the parking modification (see Exhibit D – HLC Minutes).

### **D. ENVIRONMENTAL REVIEW**

*Noise:* According to the City's Master Environmental Assessment (MEA) noise contour maps, the project site is located in a noise level area of 60-65 dBA with noise generated primarily from traffic on State Street and from night club activity during evening and night time. An acoustical analysis was required in order to determine whether the proposed private outdoor living spaces associated with the residential units would meet the exterior noise level guideline of 60 dBA Ldn or less. According to the Noise Control Analysis prepared by Channel Islands Acoustics dated July 10, 2006, the original design of the private outdoor living spaces did not

meet the 60 dBA guideline. The outdoor areas were subsequently redesigned such that they would be completely surrounded by walls but open to the sky, as shown on the proposed site plan. A revised Noise Control Analysis dated December 14, 2006, prepared by Channel Islands Acoustics, concluded that the redesign would result in the noise levels of the private outdoor living spaces to be less than 60 dBA (see Exhibit E – Noise Control Analysis).

*Hazardous Substances:* A Phase I Environmental Site Assessment prepared by TRAK Environmental Group, Inc. dated November 2, 2005 concluded that there are no onsite recognized environmental conditions and that no further studies are needed.

*Conclusion:* Staff and the Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 (New construction of small structures).

## **VII. FINDINGS**

Staff recommends that the Staff Hearing Officer make the following findings and approve the project with the attached Conditions of Approval (Exhibit A):

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

The modification will not be inconsistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area.

### **B. DEVELOPMENT PLAN (SBMC §28.87.300)**

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

#### Exhibits:

- A. Conditions of Approval
- B. Site Plan and Elevations

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518 STATE STREET (MST2005-00477)  
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- C. Applicant Letter dated April 24, 2007
- D. HLC Minutes
- E. Noise Control Analysis prepared by Channel Island Acoustics dated December 14, 2006

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**STAFF HEARING OFFICER CONDITIONS OF APPROVAL**

518 STATE STREET  
MODIFICATION, DEVELOPMENT PLAN  
MAY 9, 2007

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

A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
2. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
3. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc. ) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
4. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on May 19, 2007 is limited to approximately 2,487 square feet of commercial space on the first floor and two apartments (one one-bedroom unit and one studio unit) on the second floor and the improvements shown on the

**EXHIBIT A**

plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.

5. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- B. **Design Review.** The following items are subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
  2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights." Engineering Division Staff will prepare said agreement for the Owner's signature.
  3. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
  4. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
  5. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of

improvements (including any required appurtenances) within their rights of way (easement).

6. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.

D. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:

1. **Noise Compliance.** An Acoustical Engineer shall review the building plans to ensure that they conform to the requirements of the Noise Control Analysis Report prepared by Channel Islands Acoustics dated December 14, 2006 in regard to both interior and exterior noise levels. Written confirmation from the Acoustical Engineer shall be submitted to and accepted by the Community Development Department, Planning Division prior to issuance of the building permit.
2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
3. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
4. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
5. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.

E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Design Review Requirements.** Plans shall show all design and landscape elements, as approved by the Historic Landmarks Commission, outlined in Section B above.
2. **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.
3. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including, at a minimum, an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings, or combustible roof eaves lines unless sprinkler coverage is provided.
4. **Recyclable Material Use and Collection.** Hotel and restaurant operators shall provide sufficient and appropriate recycling receptacles in each room. Recyclable material and green waste collection and pick-up areas shall be provided on-site for the hotel and restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
5. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

- F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
3. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.
5. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
6. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

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

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents

- within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.
7. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
    - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
    - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
    - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
  8. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur on-site, using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
  9. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
  10. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
  11. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.

12. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height.
13. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
14. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
15. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding.
3. **Backflow Device/ Backwater Device.** Provide an approved backflow device/backwater device placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120.

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

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

#### **NOTICE OF APPROVAL TIME LIMITS:**

The Modification and Development Plan approved by the Staff Hearing Officer shall expire four (4) years from the date of approval unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.

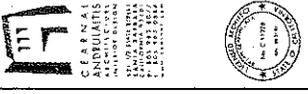
STAFF HEARING OFFICER CONDITIONS OF APPROVAL

518 STATE STREET

MAY 9, 2007

PAGE 9

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



Proposed project for:  
**CROVITO**  
 518 State Street  
 San Bruno, CA 94066

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CEARNAL ANDRULAITIS LLP  
ARCHITECTURE & INTERIOR DESIGN

April 24, 2007

City of Santa Barbara  
Staff Hearing Officer  
c/o Planning Division  
630 Garden Street  
Santa Barbara CA 93101

**RECEIVED**

APR 24 2007

CITY OF SANTA BARBARA  
PLANNING DIVISION

Re: 518 State Street  
Proposed Development  
MST#2005-00477

Staff Hearing Officer:

We are pleased to submit for your review and approval the development of 518 State Street. The proposed project involves the preservation of the pedestrian Paseo and a new mixed-use building of commercial and residential uses. The new building and uses front onto State Street as well as the pedestrian paseo, which runs from State Street back to SB Parking Lot #11.

The following City's Applications/Approvals are requested for the proposed development:

- Parking modification to allow a waiver of the parking requirements for the residential units.
- Staff Hearing Officer approval
- Design Review by the Historic Landmarks Commission for the proposed development.

#### Existing Site Conditions:

The project site is located at 518 State Street (APN 037-173-46) in the CM Zone and is 3,544 square feet (0.08 acres). The site is relatively flat, and contains no trees of any significance or any landscaping. The site is adjacent to SB Parking Lot #11, which connects to State Street via a public paseo. The current use on the site is the "India House" which is an open-air retail market. There are two existing structures on the site, totaling 326 sq. ft. of existing floor area, which are used as storage by the "India House" market.

#### Project Description:

The project proposes to demolish the existing 326 sq. ft. of building and the construction of a new mixed-use building which includes new commercial floor area of 2,487 sq. ft. and 2 residential apartments totaling 1,728 sq. ft. The new commercial floor area takes access off State Street and the pedestrian paseo, and includes a 227 sq. ft. outdoor patio adjacent to both State Street and the pedestrian paseo. The

residential units, which are rental units, include a studio and a one-bedroom unit, both of which are located at the second floor and accessed from the exterior stair at the rear of the site. The pedestrian paseo and accompanying trellis structure are to remain, as it serves as an important link between State Street and the parking lot/Anacapa Street. New exterior lighting is proposed at all exterior doors and at the main entrance to the commercial space on State Street. Fixtures are to be traditional fluorescent and/or incandescent, mounted directly on the building, no higher than 8' above the finish floor.

The project is in a 100% zone of benefit and is mixed-use, so the parking ordinance requirement is only 2 spaces for the residential units (see modifications).

Each proposed unit exceeds its required private outdoor open space and the 10% common open space requirement is exceeded on the ground floor between the proposed building and pedestrian paseo.

The proposed project involves minimal grading.

The proposed project does not involve the creation of smoke or odors, the creation of new noise sources, or the use or disposal of any hazardous materials.

Description of demolition and construction activity:

- Estimated duration of demolition: two days
- Estimated duration of grading: two days
- Estimated duration of construction activity: 12 months
- Number of workers and number/type of equipment necessary for each phase of demolition, grading, and construction:
  - Demolition: concrete saw, excavator, skid-steer loader, 4 workers
  - Grading: excavator, 4 workers
  - Construction: rough terrain forklift, misc. hand tools, other equipment, 10 workers
- Identify equipment and construction materials staging area(s): applicant will request the temporary use of two parking spaces in parking lot adjacent to site to serve as staging area.

**Modifications:**

The modification being requested is to allow a waiver of the parking requirements for the residential units. We believe this modification is justified based on the urban nature of the site, and the fact that these are rental units, not for sale.

**Conclusion:**

The project was conceptually reviewed by the Historic Landmarks Commission on August 3, 2005, June 14, 2006 and March 7, 2007 and received very favorable comments (see enclosed).

Staff Hearing Officer  
August 21, 2006  
Re: 518 State Street  
Page 3

We believe this is an exemplary mixed-use infill project that will integrate seamlessly into the existing fabric of State Street. We look forward to the opportunity to review this project with you and look forward to your support and approval.

Respectfully,

A handwritten signature in black ink, appearing to read 'B. Cearnal', with a vertical line through the first letter 'B'.

Brian Cearnal, AIA  
Partner  
*Cearnal Andrulaitis, LLP*

Attachment

cc.: Jim Craviotto  
Bob Cunningham, Arcadia Studio  
Bruce Walker, Channel Islands Acoustics

CONCEPT REVIEW - NEW

## 11. 518 STATE ST

C-M Zone

Assessor's Parcel Number: 037-173-046  
 Application Number: MST2005-00477  
 Owner: Charles and Georgetta Craviotto  
 Architect: Brian Cearnal  
 Owner: Jim Craviotto

(Proposal to construct a new two-story mixed-use building with 3,420 square feet of commercial space on the first and second floor and three 500 square foot residential studios on the second floor. The proposal will require modifications for open yard area, density, and parking, as no parking is proposed.)

**(PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL FOR A DEVELOPMENT PLAN, A MODIFICATION, AND BONUS DENSITY.)**

(4:01)

Brian Cearnal, Architect, present.

Motion: Continued indefinitely with positive comments regarding the size, bulk, and scale and the appropriateness of the building and with the strong recommendation that public toilets and trash areas are to be integrated into the architecture at the rear of the building.

Action: Hsu/Suding, 8/0/0.

PRELIMINARY REVIEW

## 12. 121 W DE LA GUERRA ST

C-2 Zone

Assessor's Parcel Number: 037-082-002  
 Application Number: MST2004-00774  
 Owner: The Rametto Company  
 Applicant: Thomas Luria  
 Architect: Brian Cearnal

(Proposal to demolish an existing 1,200 square foot office building and 65 car parking lot, and construct 14 residential condominium units (3 of which are affordable), a new 3,310 square foot office building and parking for 44 cars on a 22,500 square foot property.)

**(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 052-05.)**

(4:09)

Brian Cearnal, Architect; and Laurie Ramano, Landscape Architect, present.

Staff comment: Renee Brooke, Case Planner, stated that there are no changes that would affect the Historic Landmarks Commission conditions.

Staff comment: Jake Jacobus, Urban Historian, stated if a building is on the Potential list, and the applicant is proposing demolition or substantial alteration, a Historic Structures Report (HSR) is required. If the HSR concludes that the building is considered a historic resource under California Environmental Quality Act, the Historic Landmarks Commission will be the reviewing body. If the building is found not historically significant, and design review is required, then the Architectural Board of Review will review the proposal.

Motion: Preliminary approval and a two week continuance for in-progress review and the comment to restudy the chimney terminations.

Action: Hausz/Hsu, 8/0/0. Pujo absent.

**THE COMMISSION RECESSED FROM 4:19 P.M. TO 4:21 P.M.**

- Motion: Continued indefinitely with the following comments: 1) The Commission feels that the simplified east elevation is best; the one with the single dormer. 2) Previous west elevation is preferred; the one without the flat roof and with the pop-out. 3) Restudy the second floor porch sliding door proportions. 4) The Commission forwards the project to the Staff Hearing Officer with positive comments with respect to mass, bulk, and scale. 5) The Commission will resolve details at subsequent meetings.
- Action: Boucher/Hsu, 6/0/0. Murray stepped down.

### CONCEPT REVIEW - CONTINUED

9. 518 STATE ST C-M Zone  
 (4:38) Assessor's Parcel Number: 037-173-046  
 Application Number: MST2005-00477  
 Owner: Charles & Georgetta Craviotto Trust  
 Owner: Jim Craviotto  
 Architect: Brian Cearnal

(This is a revised project. Proposal to construct a new two-story mixed-use building with 2,438 square feet of commercial space on the first floor and two apartments on the second floor. The project will require Development Plan approval for 1,691 square feet of additional non-residential space and a modification to allow no onsite residential parking.)

(Second Concept Review.)

### **(PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL OF A MODIFICATION AND A DEVELOPMENT PLAN.)**

- Present: Brian Cearnal, Architect, Cearnal Andrulaitis  
 Bob Cunningham, Landscape Architect, Arcadia Studio  
 Jeff Hornbuckle, Designer, Cearnal Andrulaitis
- Motion: Continued indefinitely with the following comments: 1) The Commission supports the project. 2) Restudy the s-curve of the stair guardrail/railing. 3) Restudy the cantilever porch making the corbels more substantial. 4) Study the termination and the return of the railing of the stair and porch. 5) The Commission would like to review all fenestration details. 6) The Commission supports the modification as proposed and sends positive comments to the Staff Hearing Officer.
- Action: Hsu/Boucher, 8/0/0.

CONCEPT REVIEW – CONTINUED

9. 518 STATE ST C-M Zone

(3:28) Assessor's Parcel Number: 037-173-046  
 Application Number: MST2005-00477  
 Owner: Jim Craviotto  
 Owner: Charles and Georgetta M. Craviotto Trust  
 Architect: Brian Cearnal

(This is a revised project. Proposal to construct a new two-story mixed-use building with 2,195 square feet of commercial space on the first floor and two apartments on the second floor. The project will require 1,951 square feet of non-residential space from the minor and small addition categories and Staff Hearing Officer approval of a modification to allow *no* on-site residential parking. The existing 244 square feet of non-residential space would be demolished.)

(Third concept review.)

**(PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL OF A MODIFICATION AND A DEVELOPMENT PLAN.)**

Present: Brian Cearnal, Architect  
 Jeff Hornbuckle, Designer, Cearnal Andrulaitis

Public comment opened at 3:34 p.m.

Kellam De Forest, local resident, asked if anything can be grown in the courtyards.

Public comment closed at 3:34 p.m.

**Motion: Continued indefinitely to the Staff Hearing Officer with the comment that the Commission supports the concept of the design as presented.**

Action: Naylor/Pujo, 5/0/2. (Adams/Sharpe abstained. Hausz absent.) Motion carried.

CONCEPT REVIEW – CONTINUED

10. 331 E VICTORIA ST R-3 Zone

(3:39) Assessor's Parcel Number: 029-084-004  
 Application Number: MST2005-00752  
 Owner: Raymond Hicks

(This project was redesigned and reconfigured to reduce size and parking. The revised project description is a proposal to demolish an existing two-story, five unit apartment building, two, one-story cottages, and a detached two-car garage, and construct two, two-story duplex condominium units and two detached two-story residential condominium units (total of six units) with underground parking totaling 12 parking spaces all on a 13,497 square foot lot in El Pueblo Viejo Landmark District. The existing square footage to be demolished totals 4,032 square feet, and the proposed new square footage totals 11,513 square feet (8,457 square feet of living space and 3,056 square feet of underground parking space.) Planning Commission approval is requested for a Tentative Subdivision Map and a condominium development.)

(Fourth Concept Review. Please note that the project description has changed.)

**CHANNEL ISLANDS ACOUSTICS**  
676 WEST HIGHLAND DRIVE  
CAMARILLO, CALIFORNIA 93010  
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**NOISE CONTROL ANALYSIS**  
**FOR**  
**MIXED COMMERCIAL AND RESIDENTIAL USE DEVELOPMENT**  
**518 NORTH STATE STREET**  
**SANTA BARBARA, CA**

December 14, 2006 – REVISED DRAFT REPORT

Prepared by

A handwritten signature in cursive script that reads "Bruce Walker". The signature is written in black ink and is positioned above the printed name.

Bruce Walker, Ph.D., INCE Bd. Cert

Prepared for

Cearnal Andrulaitis Architects  
521-1/2 State Street  
Santa Barbara, CA 93101

**EXHIBIT E**

## INTRODUCTION

The subject project is a 2 unit, approximately 2126 square foot residential and approximately 2143 square foot commercial mixed used development, located at 518 State Street between Cota and Haley Streets in the City of Santa Barbara. In order to comply with City noise criteria 60 dB in outdoor living spaces and 45 dB in interior living spaces of the residential portions of the project, and to provide acoustic separation between uses in accordance with California noise insulation standards, the project architect has requested that an acoustical analysis be undertaken. This report includes the following:

- Results of on-site measurements of noise from State Street and other ambient sources
- Results of FHWA Traffic Noise Model calculations of noise levels at outdoor living spaces on the project
- Assessment of requirements for noise reduction treatments in indoor and outdoor living areas
- Assessment of requirements for airborne and impact noise suppression between residential units and between residential and commercial uses

## PROJECT CRITERIA

The City of Santa Barbara requires new residential developments to provide outdoor living spaces with noise exposure below  $L_{dn}$  60 dB<sup>1</sup> and indoor living spaces with noise exposure below  $L_{dn}$  45 dB.

The State of California Title 25 Noise Insulation Standards require new multi-family residences to provide the following:

- Noise levels in habitable rooms below CNEL<sup>2</sup> 45 dB with doors and windows closed. If windows must be closed to meet the criterion, alternative ventilation may be necessary.
- Walls and Floor/Ceilings separating residential units must be rated at STC 50 and IIC 50<sup>3</sup> (floors).

A general goal of the project will be to minimize impacts of noise and vibration during site preparation and construction.

---

<sup>1</sup> Note –  $L_{dn}$  (Day-Night Average Noise Level) is a 24 hour average noise level in which noises occurring between 10 p.m. and 7 a.m. are weighted by +10 dB. Sound levels are expressed in decibels (dB). Per international standard, sound levels are measured using the A-weighting frequency filter unless otherwise specified. The A-weighting filter approximates the response of human hearing at moderate levels by suppressing low and very high frequency sounds and slightly accentuating sounds in the 2 – 4 kHz range.

<sup>2</sup> CNEL (Community Noise Equivalent Level) is similar to  $L_{dn}$  with the addition of a +5 dB weighting for sounds occurring between 7 and 10 p.m.

<sup>3</sup> STC and IIC are single number ratings of partitions' capability to suppress airborne and impact noises. The 50 ratings are for laboratory tests. For tests conducted in the field, 45 ratings are accepted.

## PROJECT SETTING AND DESCRIPTION

The project site is located on the east side of State Street, approximately midway between Haley and Cota Streets as shown in the area map, Figure 1. The project is set back approximately 40 ft from the center of the State Street.

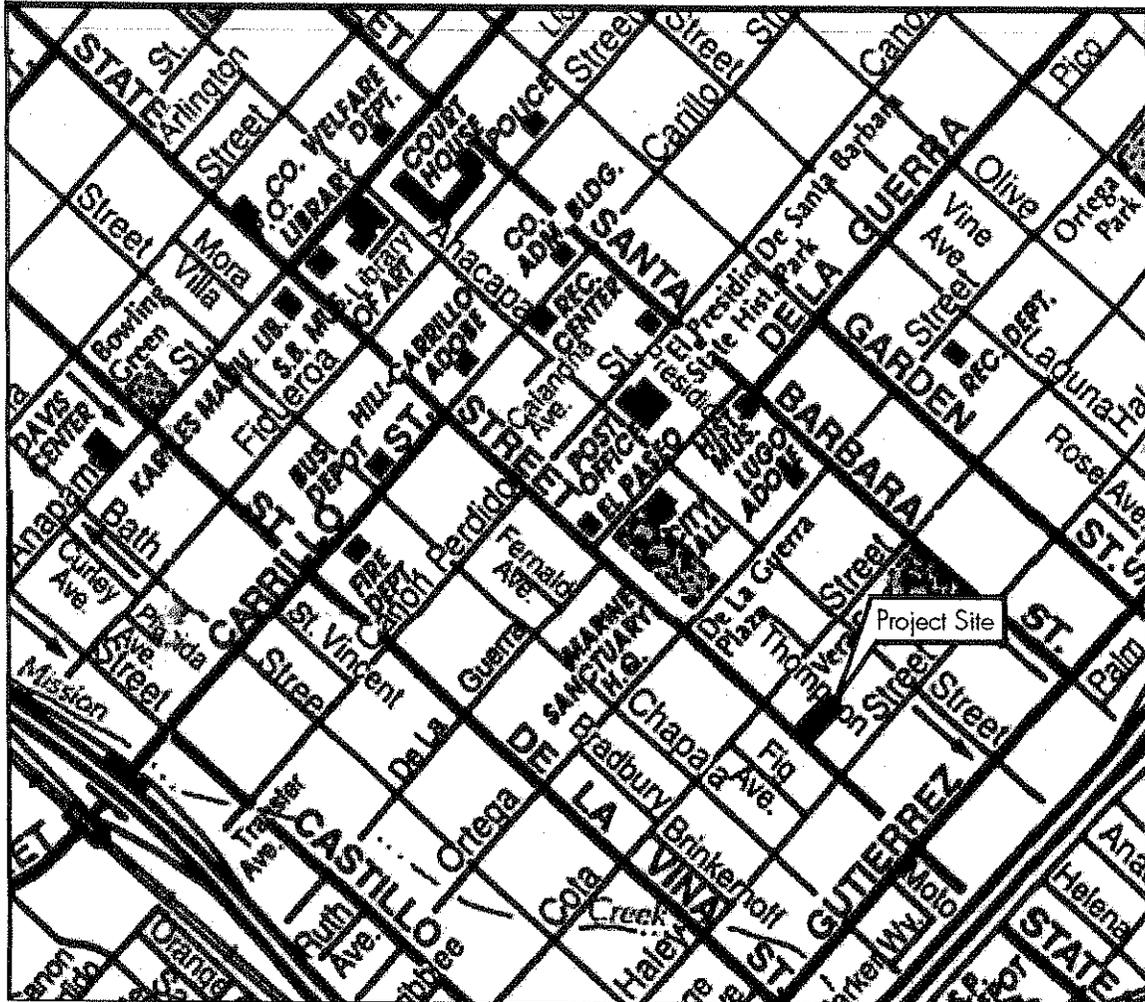


Figure 1. Area Map Showing Project Location

The aerial photo in Figure 2 shows the location of the site, bordered on both sides by existing buildings, on the rear by a public parking lot and on the front by State Street.

The building immediately to the south of the project is a restaurant, which will be separated from the project by a 10 ft wide pedestrian Paseo. The building to the north is commercial use, occupied by Church of Scientology and of uncertain function.

On the west side and also further north and south on the east side of State Street are numerous mixed office/commercial uses including several nightclubs that open onto the State Street sidewalk.



**Figure 2. Aerial Photo of Project Area**

Figure 3 is the project Site Plan, showing the location of the existing structures and east curb of State Street. There is a stoplight at the corner of State and Haley so that traffic flow is intermittent. There are bus stops on both sides of State Street in the 500 block. As shown in Figure 3, the proposed project is just over 45 ft wide and extends 100 ft eastward from the State Street Sidewalk, on a mostly-vacant parcel currently used as a quasi-outdoor market. Parking for the new facility would be in the large public lot to the east, shown in Figure 2.



The first floor is proposed as commercial/restaurant, with an outdoor vending or seating area facing State Street and a pedestrian paseo to the south, partially covered by entrance walkway and outdoor patios of the residences on the second floor.

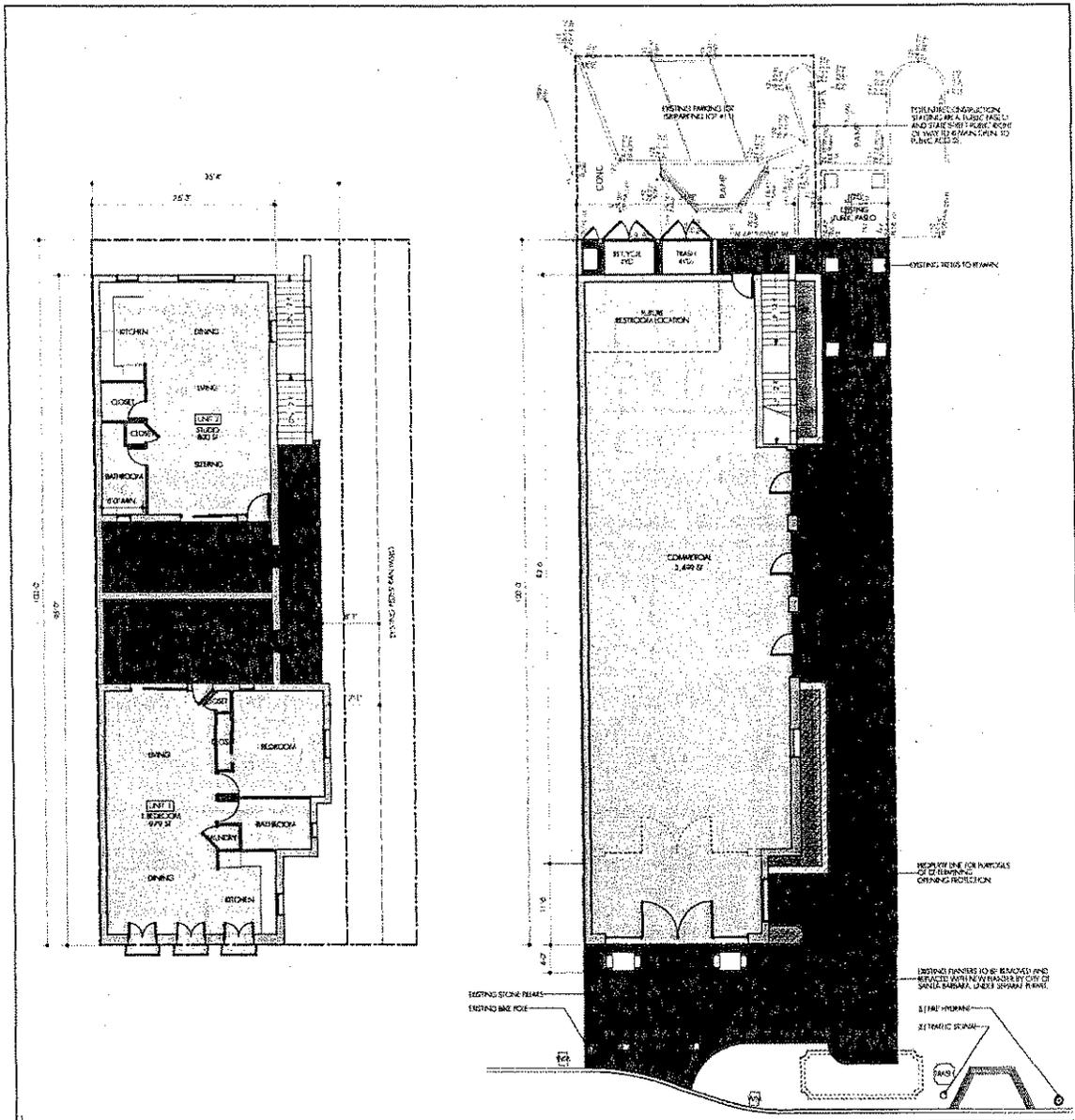


Figure 4. First and Second Floor Plans Showing Location of State Street Curb and Site Boundaries

## PROJECT NOISE EXPOSURE

The primary quasi-steady source of noise affecting the project is State Street traffic, with City data indicating approximately 14,000 ADT, or approximately 1400 peak hourly traffic, including buses. Secondary noise is from distant traffic on Highway 101 (1300 ft south and shielded), Haley Street (280 ft south and shielded), Cota Street (240 ft north and shielded), Anacapa Street (370 ft east) and other city roadways.

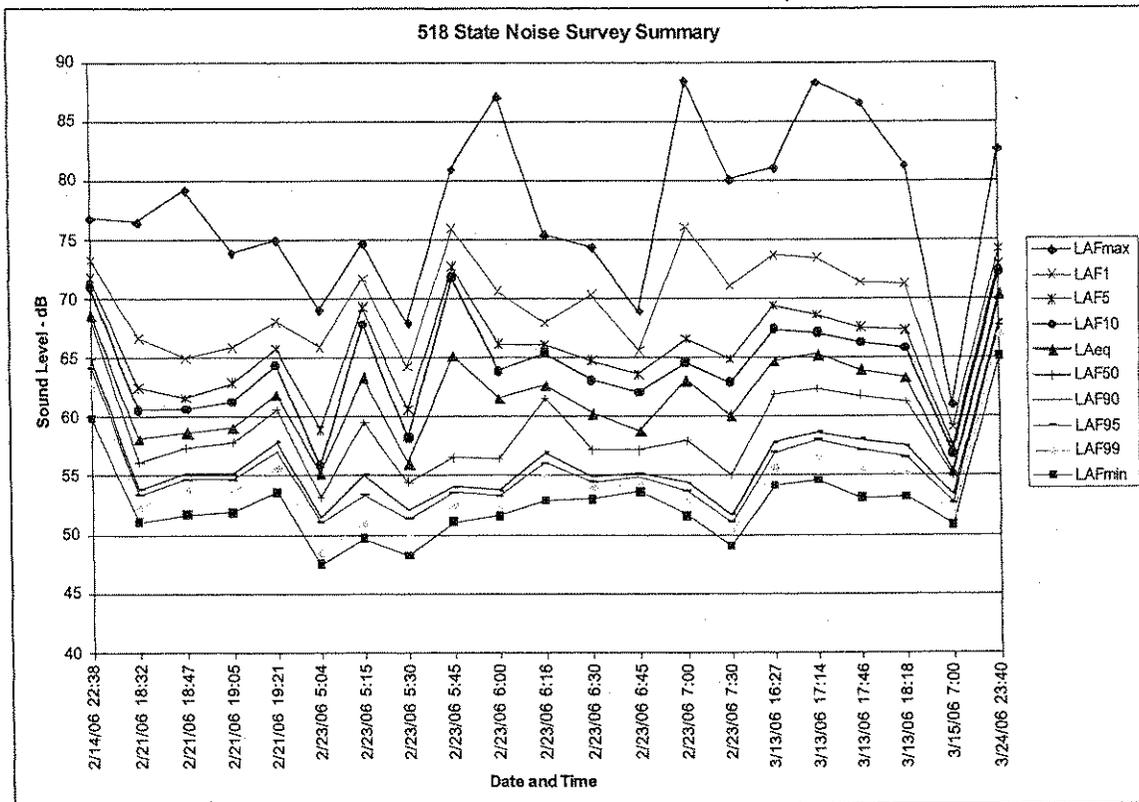
Noise levels were assessed both by computer modeling using FHWA TNM 2.5 and by direct measurements. TNM 2.5 was used both because it is based on accepted vehicle noise emissions and propagation models and because it contains built-in methods for assessment of the effects of adjacent buildings and project features as complex noise barriers.

The direct measurements were used to check the overall levels computed by TNM 2.5 at unshielded locations and to obtain frequency spectrum data to aid in the determination of noise control treatments for indoor areas. Measurements were taken near the center of the site, corresponding approximately to the location of the outdoor patio of the one-bedroom residence. Measurements covered various times of day ranging from early morning to late evening, and days of the week that included light and heavy use of the nightclubs along State Street.

A summary of the overall noise level measurements is shown in Figure 5. The heavy red line represents  $L_{eq}^4$ , the metric used for computation of  $L_{dn}$  and CNEL. The other statistics demonstrate changes in the acoustical environment at different times of day. For example, the shorter-term statistics L5 and L1 (levels exceeded 5% and 1% of the measurement period) are governed by individual vehicles. The L99, L95 and L90 are governed by noise in the gaps between trucks and are seen to be quite low very early in the morning and highest during the afternoon "rush hour." All noise is particularly high during late night hours when open-front clubs along State Street play music at high levels.

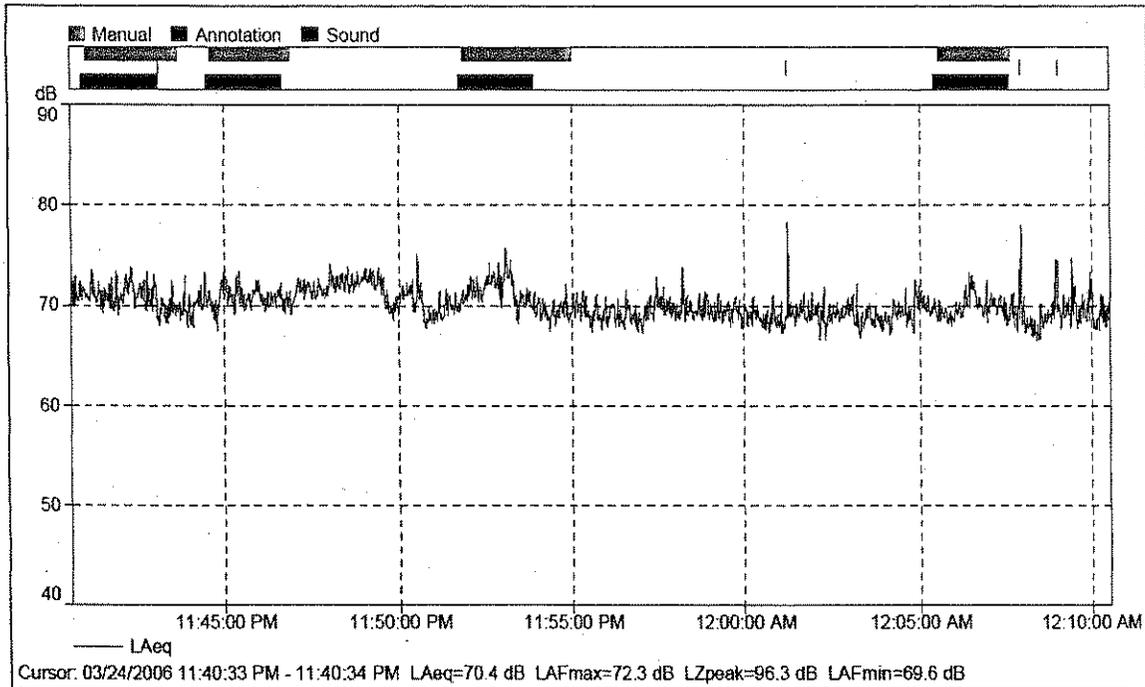
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<sup>4</sup>  $L_{eq}$  – Equivalent sound level in dB, is the level of a continuous sound of the same duration as the measured sound that produces the same total acoustic energy.



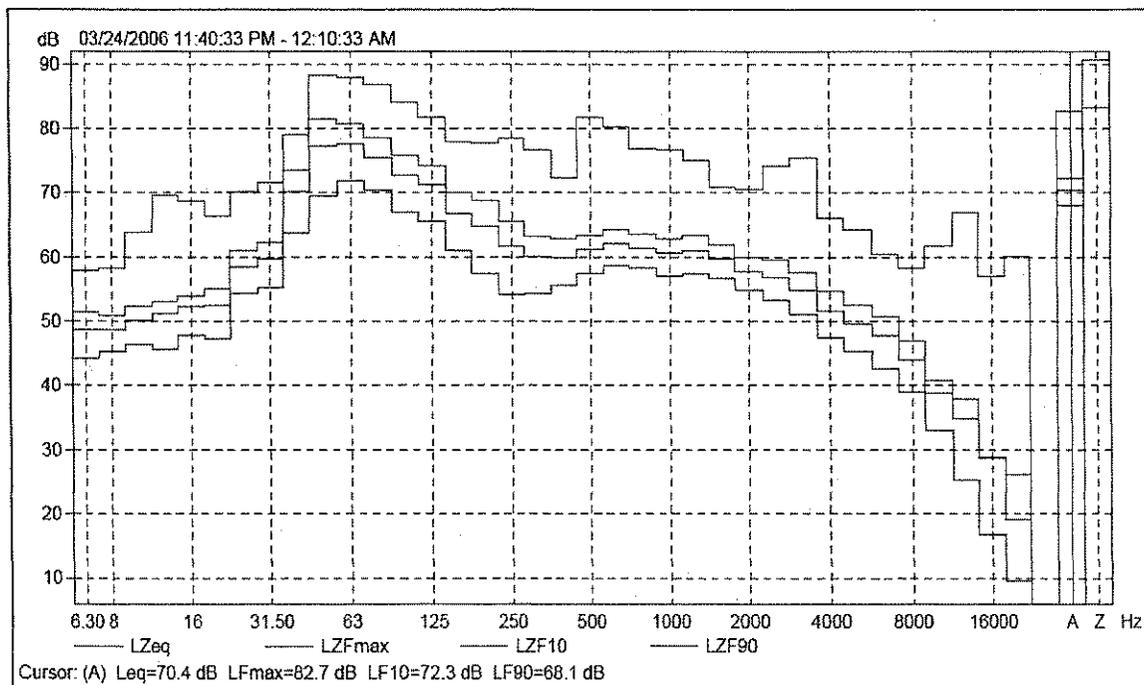
**Figure 5. Noise Measurement Results from Central Area of Project Site**

The time history from one of the samples, measured between 11:40 p.m. and 12:10 a.m. on a Friday night, is shown in Figure 6. The general noise level fluctuates between approximately 68 and 73 dB, but occasional noises from individual shouting revelers exceeds 76 dB.



**Figure 6. Noise Measurement Time History near Midnight with Club Noise**

Frequency spectra associated with the late night “club-on” noise are shown in Figure 7. The noise is characterized by “thumping” bass line in the 50-100 Hz range and general broadband noise similar to that produced by vehicle traffic, but with a more distinctive character.



**Figure 7. Frequency Spectra of Measured Noise Shown in Figure 6**

Using the  $L_{eq}$  values from all the on-site measurements,  $L_{dn}$  values were computed for conditions with nighttime club noise and without nighttime club noise. This was done by

creating 24-hour hourly noise level distributions based on the measurements and normal traffic noise distributions. Results are as shown in Figure 8.

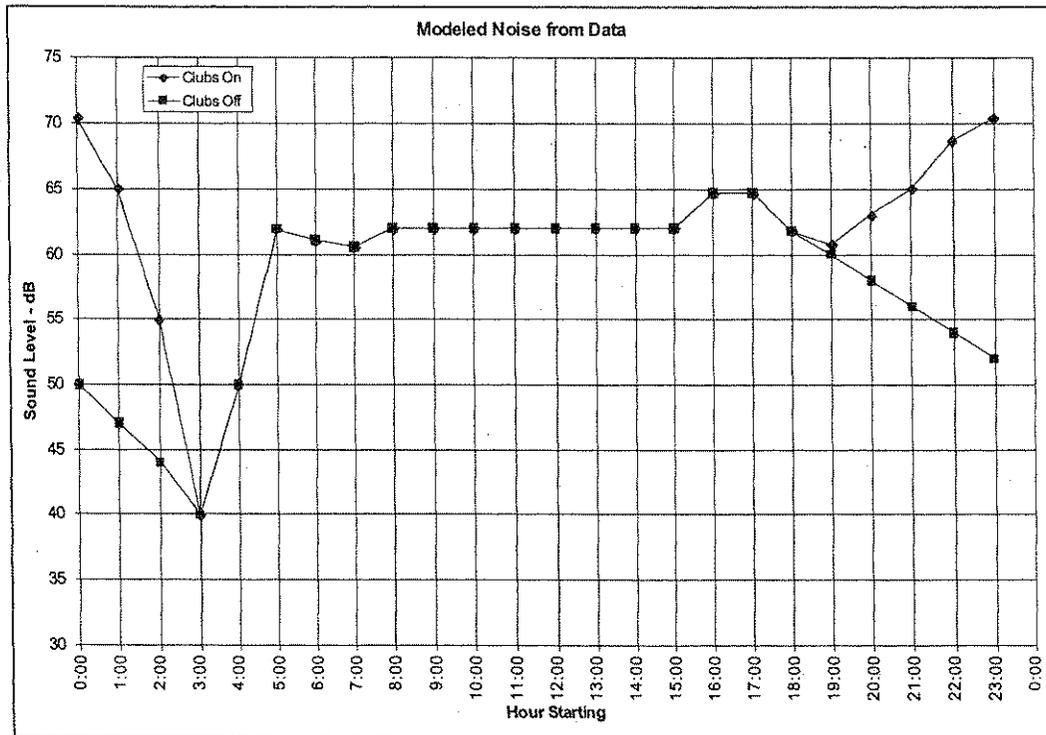
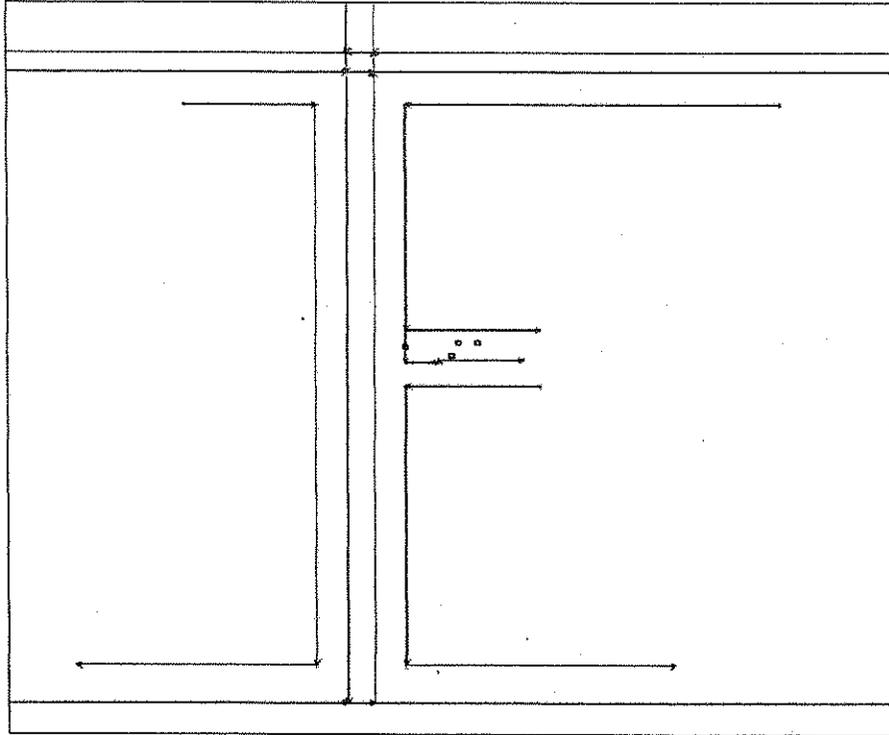


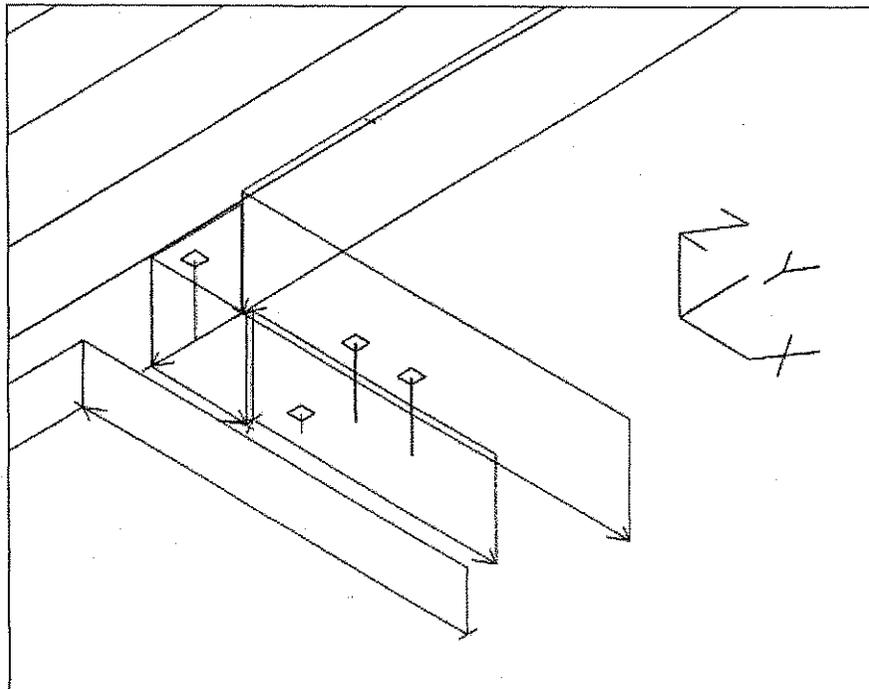
Figure 8. Model 24-Hour Distribution of Noise With and Without Club Activity

$L_{dn}$  for the distributions shown in Figure 8 are 72 dB and 64 dB, requiring 12 and 4 dB noise reduction to satisfy the City 60 dB outdoor space noise standard.

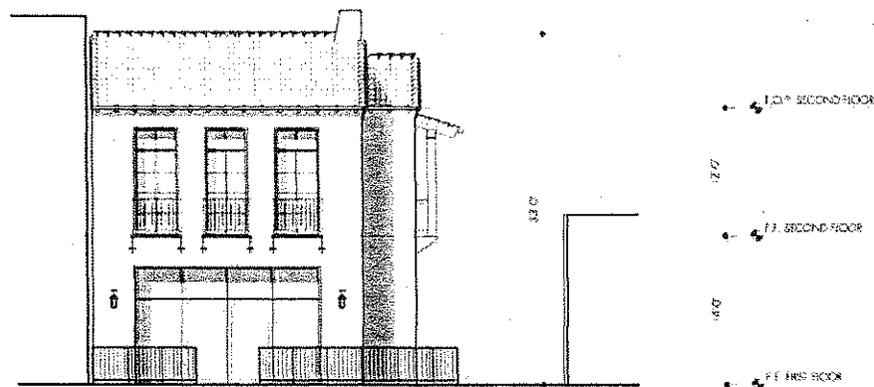
Figure 9 shows a plan view of the model evaluated by FHwy TNM 2.5. The red lines are representation of building faces that act as noise barriers. The small squares are reception points that represent either building face noise exposure points, outdoor living spaces of the individual units or on-site measurement position. Figure 10 shows a perspective view of the TNM model, demonstrating relative elevations of receiver positions (second floor decks) and effective barriers formed by existing buildings and parts of the proposed building (see elevations shown in Figure 11 below).



**Figure 9. Plan View of TNM 2.5 Model Showing State Street from Haley to North of Cota**

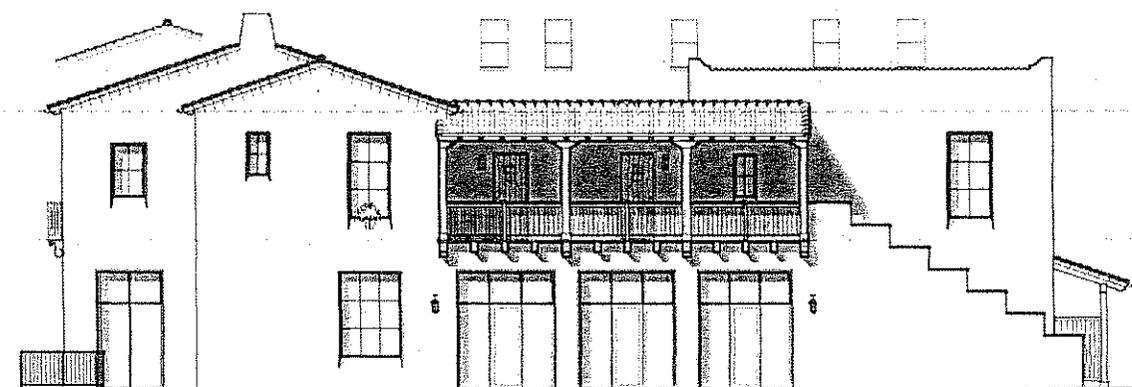


**Figure 10. Perspective View of TNM 2.5 Model**



State Street Elevation

Figure 11. Elevation Showing Heights Above Ground for Key Project Elements



Paseo Elevation

Figure 12. Elevation from Pedestrian Paseo

Results of the computations are shown in Table 1 below. Note that the calculated noise levels for the measurement position computed levels at these positions are 1 dB higher than measured noise levels, indicating that TNM 2.5 provides conservative results.

Table 1. Summary of TNM 2.5 Calculations for Year 2006 Traffic Conditions

Location	East of State C.L.	South of North P.L.	Height AGL	Computed Sound Level dB
Measurements Position	74	22	6	61.5
Unit 1 Front Windows	37	13	19	68.3
Unit 1 Required OLS	82	27	19	45.6
Unit 2 Required OLS	95	27	19	43.1

Note in Table 1 that the required outdoor living spaces at both units are well below 60 dB for traffic noise. Nighttime noise from clubs/bars along State Street will result in noise levels in excess of 60 dB measurement site that was selected based on representation of these outdoor spaces. As shown in Figure 13, the average noise level for a representative ½-hour period was just over 70 dB. As a result, the outdoor living spaces have been designed with barrier walls as shown in Figure 4. Fresnel barrier computations for these walls indicate that the protected noise level in the outdoor spaces would be represented by the green curve, and an overall noise level of 52 dB during club operation. Although it is probable that preferred use times for the outdoor decks would not coincide with the periods of high club noise, the overall combination of club noise and traffic noise would be below 60 dB  $L_{dn}$ . If this noise persisted from 7 p.m. to 2 a.m. every night, the combined  $L_{dn}$  would be 55 dB.

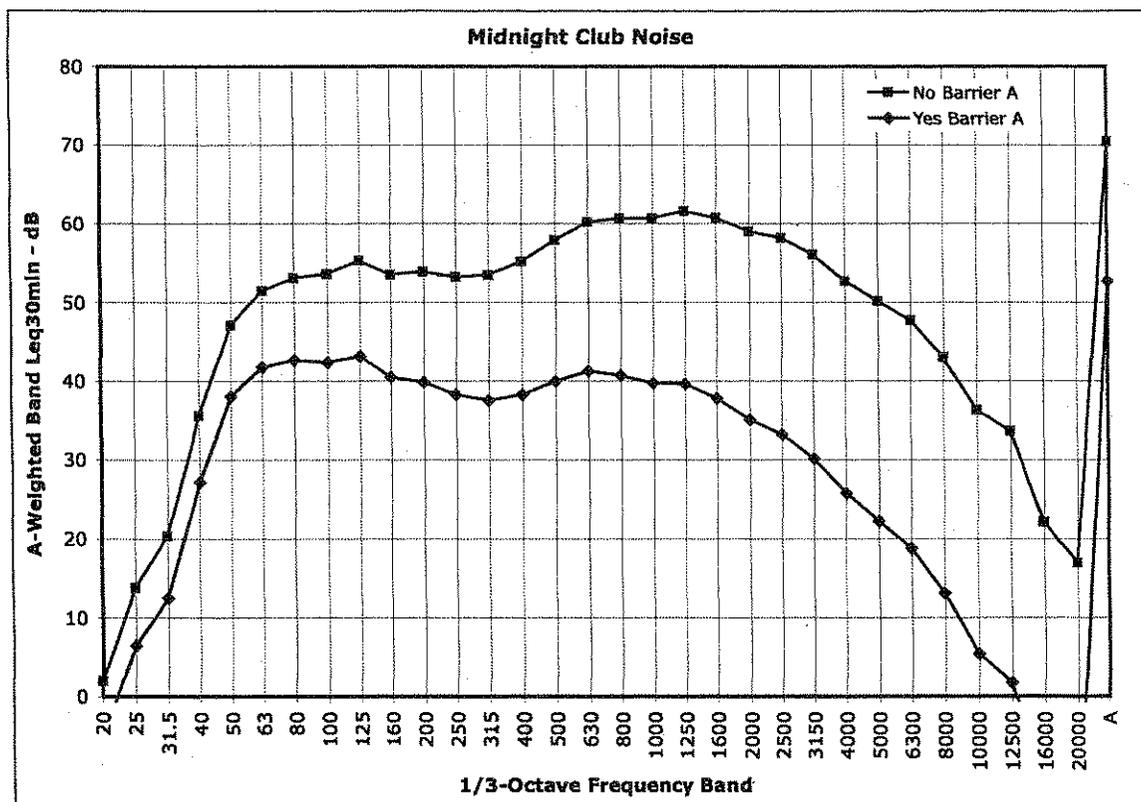


Figure 13. A-Weighted Frequency Spectrum of Midnight Club Noise on Project Site and Attenuation from Planned Outdoor Living Space Barriers

In addition to the probable schedule offset, Santa Barbara Noise Ordinance Section 9.16.050 - Sound Amplification (reproduced in Appendix A) specifically prohibits the type of emanations currently present in the lower State Street area, limiting nighttime noise to 50 dB at the property line of the source property. Compliance with this code restriction would result in noise levels below  $L_{dn}$  60 dB at the outdoor living spaces for both units with or without the additional barrier wall.

**Future Conditions:**

The projected growth rate for traffic on State Street and other local roadways is one (1) percent per year (ref. Santa Barbara Public Works). Assuming vehicle noise emissions remain constant, this corresponds to a noise increase of 0.43 dB in ten years. Improving tire and muffler technology would be expected to offset this minor increase, but if

emissions remain the same, ten-year projected traffic noise levels would be as shown in Table 2.

Note that the noise levels in the required outdoor living spaces for all units are below 60 dB and that a noise level change of less than ½ dB would be undetectable even if it occurred instantaneously.

**Table 2. Summary of TNM 2.5 Calculations For Year 2016 Traffic Conditions**

Location	East of State C.L.	South of North P.L.	Height AGL	Computed Sound Level dB
Measurements Position	74	22	6	61.9
Unit 1 Front Windows	37	13	19	68.7
Unit 1 Required OLS	82	27	19	46.0
Unit 2 Required OLS	95	27	19	43.5

## INDOOR NOISE CONTROL

As shown in both the TNM 2.5 computations and the on-site noise measurements, noise levels at the west side of the project, will be exposed to traffic noise in the 68-69 dB range and require modest noise attenuating exterior shell construction to maintain noise below  $L_{dn}/CNEL$  45 dB indoors. However, exposure to club noise with heavy bass line content and sound levels up to nearly 80 dB, will require approximately 50 dB outdoor-to-indoor noise level reduction to provide a satisfactory environment at the bedroom overlooking State Street (see Figure 4). This is a much greater degree of noise isolation than is provided by standard residential construction.

Window and door treatments will be specified following final project configuration determination. In all cases, the exterior wall construction is assumed to consist of 7/8-inch stucco, 2x4 or 2x6 framing, fiberglass cavity insulation and 5/8-inch type X gypsum board interior.

As for the outdoor living space noise issue, the current heavily amplified music causing the high noise exposure at the project face is prohibited by city ordinance. However, treatments to keep indoor noise below 45 dB are readily available even if the club noise persists.

The measured maximum and ½-hour average late night noise exposure at the west end of the project is shown in Figure 14. For the average, both Z-weighted (flat) and A-weighted spectra are shown. The overall sound level is approximately 73 dB average and 86 dB maximum.

The combined effect of traffic noise and club noise from 7 p.m. to 2 a.m. would be  $L_{dn}$  77 dB, requiring attenuation treatment of 32+ dB to achieve a 45 dB indoor environment. The following treatments are indicated:

- 2x6 framing with 1-inch cement stucco outside, 2 layers 5/8-inch gypsum board inside, full thickness mineral fiber acoustical insulation in the wall cavity

- Acoustically rated window assemblies, STC 40 or greater, typically including both laminated and plate glass in dual glazing configuration
- Continuous roof sheathing of 5/8-inch or greater plywood or OSB
- 1-3/4" solid core exterior doors with heavy duty perimeter seals

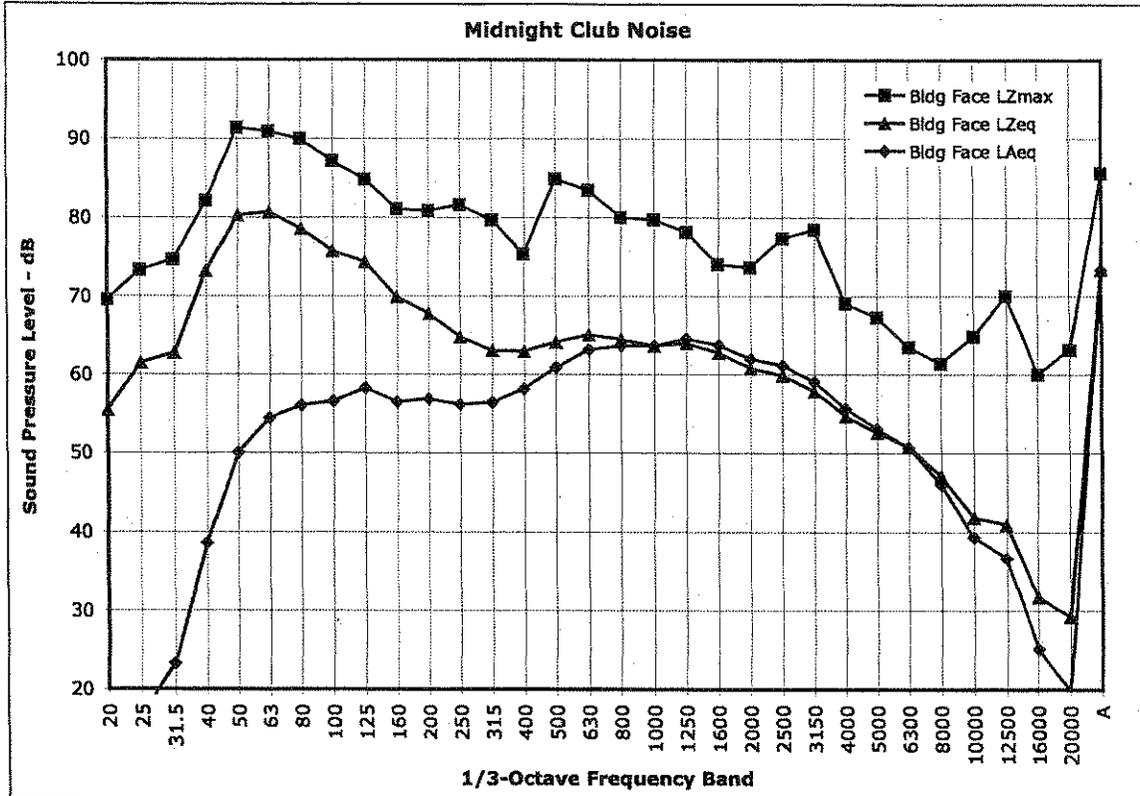


Figure 14. Noise Exposure at West End of Project from Night Clubs on State Street

**Ventilation**

Unit 1 will require windows to be kept closed at least part of the time to exclude noise and satisfy the State and City noise standards. A ventilation system will be required for these units. Air flow and other requirements for these systems should be determined by the Mechanical Engineer. Fresh air intakes and other exterior vents for the project should not be located on the west side of building so as to be shielded from exposure to noise from State Street. In-line silencers may be needed at some locations to prevent flanking transmission of late-night noise from State Street clubs.

Unit ventilation systems should be selected based on capability to heat or cool units without producing more than 40 dB of room noise.

**Plumbing**

A frequently experienced problem in multi-unit residences is transmission of water flow noise by structural excitation. This issue can be avoided by:

1. Use separate plumbing risers and drain lines for every residential unit.

2. Run plumbing risers in designated chases. Avoid running plumbing in party walls.
3. Use compliant pipe mounts or wrap pipes with compliant material at all points of attachment with the structure.
4. Use cast iron drain piping.
5. Do not allow drain pipes to come into contact with drywall ceilings or wall surfaces.

### **Inter-Unit Acoustic Separation**

**Walls.** Separation walls should not only comply with State STC 50 requirements, but also be commensurate with the quality level of the project in general. With wood frame construction, the recommended wall construction would be:

1. Double row of 2x4 studs 16" o.c. on separate plates spaced 1" apart.
2. 1/2" or 5/8" type X gypsum board screwed to outside face of studs on both sides of the wall
3. 1/2" or 5/8" type X gypsum board screwed to first layer of gypsum board on both sides of the wall
4. 3-1/2" thick fiberglass or mineral fiber insulation blanket in both stud cavities.

Owens-Corning's acoustical laboratory (OCF W-27-69) demonstrated an STC 63 rating for this assembly. In addition to high sound transmission loss, it also provides a degree of vibration isolation so that impact sounds from one unit would be suppressed in adjacent units.

To maintain acoustical integrity, penetrations for electrical boxes, etc should be offset two stud spaces on opposite sides of walls and should be caulked from the read with Lowry pads or equivalent.

**Floor/Ceiling.** The project does not have any stacked residential units. However, it would be prudent to satisfy state minimum requirements between residences and the commercial uses on the first floor, to minimize potential conflicts.

Satisfying the State STC 50 requirement can be accomplished with a variety of design approaches. Wood joist (2x10 or 2x12, 12" or 16" o.c.) frame, 3/4" plywood subfloor, 1-1/2" minimum concrete floor, 5/8" gypsum board on true RC-1 resilient channels ceiling and 3-1/2" minimum thickness sound attenuating insulation blanket in the joist cavity will more that meet this part of the criterion with a substantial margin.

However, satisfying the IIC 50 requirement and providing subjectively acceptable relief from footfall noise with this "single frame" construction is more problematical. With carpet or other "soft" flooring, the IIC 50 requirement will be satisfied easily but low frequency excitation of the floor by footfalls will often result in boomy noise downstairs. With moderately hard flooring such as vinyl and very hard flooring such as tile, the floor has high probability of falling short of IIC 50 and being subjectively unacceptable. The IIC 50 requirement can be achieved regardless of floor covering by incorporating Enkasonic or similar compliant material within the structure of the floor.

A preferable approach if feasible on the project is to provide separate framing for floors and ceilings.

Penetrations in floors above separate units for drain lines, etc, should be enclosed and filled with insulation to prevent transmission of plumbing noises through the ceiling into the unit below.

### **Construction Noise**

The project as proposed will require minor demolition of the existing building at the easterly end of the site, site preparation, and erection of the new three-story building. These activities will all produce noise at the surrounding and adjacent uses that exceed ambient noise conditions. For example, grading equipment typically produces noise levels in the 85 dB range at 50 feet distance. These noises and vibrations could have a significant impact, particularly on the adjacent commercial building directly to the north, and construction should be undertaken in a manner that minimizes the degree of intrusion.

Mitigation of the Construction Noise could be accomplished by adhering to guidelines as follows:

- Restrict all construction activities to week-day daytime hours 7 a.m. – 5 p.m.
- Require that all power equipment used on the project be fitted with factory-standard noise suppression elements and that they be rated at noise level 85 dB or lower at 50 ft distance.
- Avoid use of heavy impact-producing equipment and procedures during demolition and grading/excavating.
- Alert adjacent occupants of grading/excavating schedules so that if sensible ground vibration occurs, the potential for subjective alarm is minimized.

### **SUMMARY**

The proposed mixed commercial-residential project is located on the east side of State Street between Haley and Cota Streets. Due primarily to traffic on State Street and nighttime noises from bars and clubs facing on State Street, exterior noise levels at the west end of the project are measured and computed to be approximately 66-77 dB. Shielding by adjacent existing structures and the project building itself provides outdoor living space on the residential units at noise levels below the City standard 60 dB. Cooperation between residents and club operators and/or City enforcement of existing noise ordinance would further mitigate the club noise.

Indoor noise will be kept below the City  $L_{dn}$  45 dB standard by use of acoustically rated dual glazing, solid core exterior doors, insulated stucco and gypsum board walls and fully gasketed openings.

Inter-unit acoustic separation will exceed State STC 50 and IIC 50 requirements through use of double-stud wall construction and vibration-isolating compliant floor/ceiling construction. Floor elements will be incorporated that allows compliance to be maintained into the future, in case residents retrofit hard flooring materials.

Noise from plumbing will be controlled by judicious pipe routing, compliant pipe mounting and use of iron drain pipes.

Mechanical systems as required for ventilation of units with closed windows will be designed for quiet operation and will have air intakes located on the shielded sides of the building.

Site preparation and construction noise and vibration impacts on adjacent uses will be mitigated by restriction of construction times to weekdays, use of sound-rated equipment with silencing features intact and by exercising care to minimize production of noise and vibration.

**APPENDIX A – Portion of Santa Barbara Noise Ordinance**

**9.16.050 Sound Amplification.**

No person shall amplify sound using sound amplifying equipment contrary to any of the following:

- (a) The only amplified sound permitted shall be either music or the human voice or both.
- (b) Sound emanating from any public park or place shall not be amplified above the ambient noise level so as to be audible within any hospital, rest home, convalescent hospital, or church while services therein are being conducted.
- (c) The volume of amplified sound shall not exceed the noise levels set forth herein when measured outdoors at or beyond the property line of the property from which the sound emanates.

<u>Time Period</u>	<u>Maximum Noise Level</u>
10 p.m. - 7 a.m.	50 dBA
7 a.m. - 10 p.m.	60 dBA

- (d) The volume of amplified sound inside a structure shall not exceed the noise levels set forth herein when measured inside a building used for residential purposes. This maximum noise level shall not apply to the dwelling unit from which the sound is emanating.

<u>Time Period</u>	<u>Maximum Noise Level</u>
10 p.m. - 7 a.m.	40 dBA
7 a.m. - 10 p.m.	45 dBA

- (e) The limits set forth above shall not apply to the following:

- (1) Amplification of sound by a person as part of an event or activity sponsored or approved by the County of Santa Barbara on property owned by or leased to the County, provided the County has adopted or approved a sound control plan for the property which is applicable to the event or activity.
- (2) Amplification of sound by a person as a part of an event or activity sponsored or approved by the County of Santa Barbara on property owned by or leased to the County of Santa Barbara and for which property the County has not developed a sound control plan.
- (3) Amplification of sound by a person as part of an activity or event sponsored or approved by the City of Santa Barbara on property owned by or leased to the City of Santa Barbara.
- (4) Amplification of sound by a person as part of an activity or event sponsored by or approved by a nursery school, elementary school, secondary school or college or university on property owned by or leased to said educational institution.
- (5) Amplification of sound by a person as part of an activity or event sponsored by or approved by a public entity on property owned by or leased to said public entity. (Ord. 4039, 1980.)



ACTUAL TIME: 1:45 P.M.

**E. APPLICATION OF CEARNAL ANDRULAITIS LLP, ARCHITECT FOR CRAVIOTTO ENTERPRISES, 518 STATE STREET, APN 037-173-046, C-M, COMMERCIAL MANUFACTURING ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2005-00477)**

The project consists of a proposal to construct a new two-story mixed-use building with 2,487 square feet of commercial space on the first floor and two apartments (one studio unit and one (1) one-bedroom unit) on the second floor on a 3,544 square foot parcel. The existing 302 square feet (net) of non-residential space would be demolished.

The discretionary applications required for this project are:

1. Modification to allow no onsite parking for the residential units instead of two required parking spaces (SBMC§28.90.100); and
2. Development Plan approval for 2,185 square feet of additional non-residential development (SBMC§28.87.300).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 (New construction of small structures).

Case Planner: Kathleen Kennedy, Associate Planner  
Email: [kkennedy@SantaBarbaraCA.gov](mailto:kkennedy@SantaBarbaraCA.gov)

Brian Cearnal and Jeff Hornbuckle, for Cearnal Andrulaitis LLP/Applicant; Jim Craviotto, Property Owner; Jan Hubbell, Senior Planner; and Rob Dayton, Principal Transportation Planner, Steve Foley, Supervising Transportation Planner and Stacey Wilson, Assistant Transportation Planner, present.

Ms. Weiss announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Kathleen Kennedy, Associate Planner, gave the Staff presentation and recommended additional findings, as stated below in the action/motion, be added to proposed findings for approval.

Ms. Weiss requested the applicant clarify aspects of the proposed project regarding whether condo or time-share units were considered, the property owner's motivations and desires of proposing rental units without provision for parking spaces, the possibility of providing parking at an off-site location, the practical reality and outcome if a tenant should own a vehicle, the design of the project along State Street and the entry into the paseo, keeping the open area along the State Street frontage as open as possible, and the previous design that included a public restroom.

Ms. Weiss determined that the wrought iron element for the outdoor seating area should be considered as an element to be added later if it is determined it would be part of a future restaurant.

Mr. Dayton clarified that Transportation Staff determined that the modification to allow no residential parking spaces, supported by Policies 8.5 and 13.2 of the Circulation Element of the General Plan, allows for development of housing which increases walking within the Downtown and along transit corridors. Residents of the apartments will not be allowed to receive parking permits and the Downtown Organization did not support any residential parking within customer parking areas. Parking spaces for the commercial portion of the project are available within 1200 feet at City Lot #10. City Lot #11 adjacent to the project site is impacted. Monthly parking passes for parking in City Lots are no longer available for commercial or residential parking.

Ms. Weiss suggested the applicant should gather information if future tenants request available options if they have a vehicle regarding parking, storage, and other amenities.

The Public Hearing was opened at 2:15 p.m.

Mr. Lee Holzinger expressed concern regarding the proposed project blocking the windows of his adjacent building located at 524 State Street and the resulting loss of air and light. Mr. Cearnal stated that some walls could be reduced and other opportunities sought to solve the blocking problem. Ms. Weiss suggested that this may be a building code issue which should be investigated with the Building & Safety Division and suggested that the applicant and adjacent property owner work together in regard to this issue.

The Public Hearing was closed at 2:24 p.m.

**ACTION:**

**Assigned Resolution No. 038-07**

Approves the project, making the findings as outlined in Section VII of the Staff Report with the following findings added for the Parking Modification: 1) Policy 8.5 of the Circulation Element which calls for the development of housing Downtown and to decrease parking needs "through an increased walking/biking population that lives, works, and shops in the Downtown." 2) Goal 13 of the Circulation Element which includes direction to "provide incentives for mixed use development," as well as "reducing/eliminating parking requirements (residential and nonresidential) where it can be demonstrated as appropriate." 3) The units are located in the Downtown within close proximity to employment and services along a transit corridor, and will attract tenants who will be less likely to own vehicles. Said approval is subject to the Conditions of Approval in Exhibit A, with the following added condition: 1) The Owner shall provide to the Community Development Department, Planning Division, reports that summarize the vehicle ownership status of each tenant at both the time of commencement and time of termination of the tenancy. Said reports shall be required for the first two tenant agreements for each unit.

Ms. Weiss announced the ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Commission.



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 038-07

518 STATE STREET

MODIFICATION AND DEVELOPMENT PLAN

MAY 9, 2007

**APPLICATION OF CEARNAL ANDRULAITIS LLP, ARCHITECT FOR CRAVIOTTO ENTERPRISES, 518 STATE STREET, APN 037-173-046, C-M, COMMERCIAL MANUFACTURING ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2005-00477)**

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The discretionary applications required for this project are:

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2. Development Plan approval for 2,185 square feet of additional non-residential development (SBMC§28.87.300).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 (New construction of small structures).

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak in favor of the application, and one person expressed concern thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 2, 2007.
2. Site Plans

**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

- I. Approved the subject application making the following findings and determinations:
  - A. **Parking Modification (SBMC§28.90.100)**
    1. The modification will not be inconsistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area.

2. Policy 8.5 of the Circulation Element calls for the development of housing Downtown and to decrease parking needs "through an increased walking/biking population that lives, works, and shops in the Downtown."
3. Goal 13 to "provide incentives for mixed use development," as well as "reducing/eliminating parking requirements (residential and nonresidential) where it can be demonstrated as appropriate."
4. The units are located in the Downtown within close proximity to employment and services along a transit corridor, and will attract tenants who will be less likely to own vehicles.

**B. Development Plan (SBMC §28.87.300)**

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

**II. Said approval is subject to the following conditions:**

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
  1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  2. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any

reason without approval by the HLC, the owner is responsible for its immediate replacement.

3. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc. ) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
  4. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on May 19, 2007 is limited to approximately 2,487 square feet of commercial space on the first floor and two apartments (one one-bedroom unit and one studio unit) on the second floor and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
  5. **Vehicle Ownership Status Reports Required.** Owner shall provide to the Community Development Department, Planning Division, reports that summarize the vehicle ownership status of each tenant at both the time of commencement and time of termination of the tenancy. Said reports shall be required for the first two tenant agreements for each unit.
  6. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- B. **Design Review.** The following items are subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works

Department for review and approval, prior to the issuance of a Building Permit for the project.

1. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
  2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights." Engineering Division Staff will prepare said agreement for the Owner's signature.
  3. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
  4. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
  5. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
  6. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
- D. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Noise Compliance.** An Acoustical Engineer shall review the building plans to ensure that they conform to the requirements of the Noise Control Analysis Report prepared by Channel Islands Acoustics dated December 14, 2006 in regard to both interior and exterior noise levels. Written confirmation from the Acoustical Engineer shall be submitted to and accepted by the Community

Development Department, Planning Division prior to issuance of the building permit.

2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
  3. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
  4. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
  5. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design and landscape elements, as approved by the Historic Landmarks Commission, outlined in Section B above.
  2. **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.
  3. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including, at a minimum, an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings, or combustible roof eaves lines unless sprinkler coverage is provided.

4. **Recyclable Material Use and Collection.** Hotel and restaurant operators shall provide sufficient and appropriate recycling receptacles in each room. Recyclable material and green waste collection and pick-up areas shall be provided on-site for the hotel and restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
5. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

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

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

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

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

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

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

- b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
  - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
8. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur on-site, using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
9. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
10. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
11. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
12. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height.
13. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
14. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24

hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.

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

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

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

- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
  1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
  2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding.

3. **Backflow Device/ Backwater Device.** Provide an approved backflow device/backwater device placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120.

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

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

This motion was passed and adopted on the 9th day of May, 2007 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

---

Kathleen Goo, Staff Hearing Officer Secretary

Date

**PLEASE BE ADVISED:**

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.

2. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
3. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Historic Landmarks Commission (HLC) approval and then a building permit.
4. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
5. **NOTICE OF APPROVAL TIME LIMITS:**

The Modification and Development Plan approved by the Staff Hearing Officer shall expire four (4) years from the date of approval unless:

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

