



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: November 1, 2007
AGENDA DATE: November 8, 2007
PROJECT ADDRESS: 1829 State Street & 11 W. Pedregosa (MST2004-00132)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Irma Unzueta, Project Planner

I. BACKGROUND

On March 8, 2007, the Planning Commission reviewed the mixed-use project proposed at 1829 State Street and 11 W. Pedregosa Street. The Planning Commission continued the project to allow revisions related to the overall size and massing of the building, especially at the corner of State and Pedregosa and the State Street frontage. The Commission directed the Applicant to:

1. Revise the project design to include more openness to the State Street frontage;
2. Incorporate more landscaping on State Street;
3. Include a bus stop on State Street;
4. Study lowering the parking garage further to help reduce overall project height;
5. Push the massing more toward the center of the project site, as opposed to State Street;
6. Study eliminating all modifications, unless there is a strong benefit;
7. Not limit uses in commercial space; and
8. Study the use of photo-voltaics.

On June 7, 2007, the Applicant returned to the Planning Commission with revisions to the project (Exhibit B). However, after review and consideration of these changes, the Planning Commission determined that the project had not adequately addressed the Commission's concerns and direction and therefore could not make the necessary findings to approve the project. Both the Planning Commission and the Applicant expressed an interest in a revised project; however, due to the timeline requirements of the Permit Streamlining Act, a continuance to allow the Applicant to revise the project could not be granted. Therefore, it was necessary for the Planning Commission to deny the project. The Commission indicated that if the project were to return at a future date, it should:

1. Substantially reduce or eliminate the modification requests;
2. Reduce volume and bulk of the overall structure;

3. Reduce the units sizes;
4. Provide open gates open during business hours; and
5. Provide built green elements, such as solar.

On June 13, 2007, the Applicant appealed the Planning Commission's denial to the City Council indicating that the project has been revised to address the Commission's concerns and requesting that the City Council refer the revised project back to the Planning Commission for action. On August 14, 2007, the City Council referred the revised project to the Planning Commission for action.

This Staff Report provides a discussion of the changes that have been made to the project since the June 7, 2007 Planning Commission hearing to address the Planning Commission's recommendations listed above.

II. PROJECT DESCRIPTION

The proposed project involves the development of a three-story mixed use building on two parcels located at 1829 State Street and 11 W. Pedregosa Street. The project site is located at the southwest corner of State and Pedregosa Streets. The existing 1,180 square foot residential unit located at 11 W. Pedregosa is proposed to be removed. The proposed mixed-use project would provide 2,539 net square feet of commercial space and six residential condominiums. The commercial space is proposed to be divided into six commercial units, four of which will be located on the ground floor and two on the second floor. The six residential condominiums are proposed on the second and third floor and range in size from 1,720 to 2,535 net square feet. One residential unit would front on State Street and the remaining five units would either front on Pedregosa Street or be located within the project's interior. Twenty-three parking spaces are proposed in a subterranean garage, which includes six, two-car garages for the residential units, one guest parking space and 10 parking spaces for the commercial uses. Multiple pedestrian entry points are proposed along State and Pedregosa Streets and vehicular access would be located on Pedregosa Street. The merger of the two parcels is also proposed (Exhibits C and D).

III. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Tentative Subdivision Map to create a one-lot subdivision for six commercial and six residential condominium units (SBMC§27.07 and 27.13);
2. Conditional Use Permit to allow a driveway and parking area for non-residential uses in a residential zone (SBMC § 28.94.030.H); and
3. Development Plan Approval to allow the construction of 2,539 net square feet of nonresidential development (SBMC §28.87.300).

IV. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. The size and massing of the project are consistent with the surrounding neighborhood. The revised project provides more openness, landscaping and improved human scale at the State Street

and Pedregosa Street frontages. The revisions to the project have eliminated the need for the parking modification and the three modifications related to yard setback encroachments that were previously required. Additionally, a Paseo is proposed through the project site which will allow public access and provide connectivity to the project site from both State and Pedregosa Streets. Further, the project would provide each residential unit with an area for a photo-voltaic system. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report and subject to the revised Conditions of Approval in Exhibit A.



VICINITY MAP FOR 1829 STATE STREET & 11 W. PEDREGOSA STREET

Standard	Requirement/ Allowance	Existing	Proposed
R-4 Setbacks -Front -Interior -Rear	10' for 1-2 stories 21' for 3 stories 6' for 1-2 stories 10' for 3 stories 6' for 1st floor 10' for 2+ floors	N/A	Front Yard 10' for 1 st & 2nd stories 21' for 3 rd story Interior & Rear Yards 6' for 1 st , 10' for 2 nd floor 14' for 3 rd floor
Building Height	C-2=4 stories/60' R-4=3 stories/45'	N/A	3 stories/38' maximum height
Parking	Residential = 12 spaces + 1 guest parking space Commercial = 10 spaces Total = 23 spaces	N/A	Residential=12 spaces + 1 guest space Commercial=10 spaces Total = 23 spaces
Lot Area Required for Each Unit (Variable Density)	3+ bedrooms=2,800 sq. ft.	N/A	(6) <u>2,800 sq. ft.</u> Req'd = 16,800 sq. ft.
10% Open Space	1,855 sq. ft.	N/A	3,232 sq. ft.
Private Outdoor Living Space	96 sq. ft. = 3+ bdrms	N/A	Unit 1 = 675 sq. ft. Unit 2 = 160 sq. ft. Unit 3 = 140 sq. ft. Unit 4 = 200 sq. ft. Unit 5 = 190q. ft. Unit 6 = 260 sq. ft.
Lot Coverage Building Paving/Driveway Landscaping	N/A N/A N/A	1,454 s. f. 7.84% Developed with single story dwelling unit, the majority of property vacant	12,889 sq. ft. 69.52% 2,699 sq. ft. 14.52% 2,960 sq. ft. 15.96%

The proposed project would meet the requirements of the C-2/R-4 Zones. A discussion regarding what the applicant has done to eliminate the previously proposed modifications is included under the Issues discussion.

VII. ISSUES

A. DESIGN REVIEW

The revised project was reviewed by the Historic Landmarks Commission (HLC) on three separate occasions (meeting minutes are included as part of Exhibit E). On July 25, 2007, the

HLC reviewed the revised project. Several straw votes related to the project's massing, roof decks and the tower were taken. All Commissioners disagreed with the size, bulk and scale of the revised project. Most of the Commissioners agreed that, if the roof deck was made smaller, it would be more acceptable. All Commissioners agreed that the problem was the mass of the elevator tower. The HLC further commented that the size, bulk and scale of the State Street elevation was generally acceptable and recommended that landscaping be used to minimize the building size. The Commission also felt that the architecture should be simplified. The HLC directed that the parking garage be subterranean in order to further reduce the building height.

On October 3, 2007, the HLC expressed appreciation regarding the efforts made by the Applicant to transition the building into a residential neighborhood and recess the garage into the ground. In addition, the HLC was also impressed with the use of landscaping pockets and accepted the roof deck proposal. The Applicant was directed to simplify the fenestration and articulations of the massing, restudy the roof pitches, and minimize and enhance the openings to the garage. Because of the building's complexity, the HLC requested that the applicant prepare a model of the project and return to the HLC one more time prior to moving forward to the Planning Commission.

On October 17, 2007, the HLC continued the project indefinitely to the Planning Commission with favorable comments. The HLC requested that minor architectural details be resolved, including the undercarriage of the curved stairs, the window articulation on State Street, and the interconnectedness of the spiral iron staircase and the bay window. The Commission also felt that additional landscaping should be incorporated to make the project more "green" and soften the State and Pedregosa Street corner. The HLC found the size, bulk and scale acceptable and appreciated the underground parking, pedestrian connection to the site from both streets, the generous setbacks, the transition to adjacent residential areas and the break up of the massing to minimize visual impacts.

B. MODIFICATIONS

Substantially Reduce or Eliminate Project Modifications: The Planning Commission requested that the number of modifications be substantially reduced or that an effort be made to eliminate all the modifications associated with the project by either redesigning the building or revising the project scope.

The Applicant has responded in the following manner:

- The previous project required a front yard setback modification to allow the third story element within the R-4 portion of the project site to encroach approximately 8' into the required 23' setback from Pedregosa Street. The project has been revised to eliminate the need for this modification. Based on the revised square footage, third floor front yard setback has been recalculated to be 21'. The project is proposed to comply with this setback.
- The previous project required interior and rear yard setback modifications to allow the ground floor parking garage to encroach approximately 3' into the required 6' interior yard

setback and 6' into the required 6' rear yard setback in the R-4 zoned portion of the project site. The project has been revised to comply with all interior and rear yard setback requirements, therefore eliminating the need for these modifications.

C. OVERALL SIZE, BULK AND SCALE

Size and Massing of Project: On June 7, 2007, the Planning Commission expressed disappointment that the project had not addressed the previous concerns related to the overall size and massing of the proposed building at the State Street elevation, especially at the corner of State and Pedregosa. The Commission felt they had been clear with their direction that more relief and openness at the State and Pedregosa corner be provided, that the building tower and mass be moved toward the center of the project site and that plate heights be reduced in order to promote a more positive building presence and pedestrian experience.

The Applicant has responded with the following revisions:

- The overall massing of the proposed building has been reduced and moved toward the center of the project site. The building square footage has decreased by 3,635 square feet from 29,799 gross square feet to 26,164 gross square feet. As a result, the project floor area ratio has also been reduced from 1.61 FAR to 1.41 FAR. Further, the tower element has been eliminated and the maximum building height has been reduced from 43' to 38' high. As discussed previously, the HLC has found the size, bulk and scale of the proposed project to be acceptable.
- In response to the Planning Commission's direction that the building presence and pedestrian experience be improved, the building has been redesigned on all floors and additional planters and hardscape have been incorporated. To provide more openness and relief the project now proposes the following:
 - The proposed first floor building setbacks on State Street have been increased and range between 8' and 16', with the curved stairs set back approximately 4' from the State Street property line. This additional setback allows for several planters with average depths of 8' on State Street, which would increase the overall landscaping for the project. The second floor along State Street is now set back 8' to 22' and the third floor is set back approximately 13' 6" to 21' 6" in order to break up the verticality of the State Street façade and create a more pedestrian friendly and human scale frontage.
 - Along Pedregosa Street, the proposed first floor setback remains the same and would range between 0' to 10'. The second floor setbacks have been increased and would range between 6' to 10' and the third floor would be set back approximately 19' to 21' from Pedregosa Street. The proposed setbacks either comply with or exceed the setback requirements for the R-4 and C-2 zones.
 - As previously mentioned, interior and rear yard setback modifications in the R-4 portion of the project site would not be required as the project now complies with the setback requirements for this zone. In addition, the building has been revised to provide additional interior and rear yard setbacks for the second and third floors.

D. REDUCE UNITS SIZE

Proposed Residential Unit Sizes: At the June 7, 2007 Planning Commission hearing, the Applicant was directed to reduce the size of the proposed residential units. The unit sizes have been revised as follows:

Unit Number	Previous Unit Size (net square feet)	Proposed Unit Size (net square feet)	Difference in Square Footage
Unit 1	2,808 sq. ft.	2,535 sq. ft.	-273 sq. ft.
Unit 2	2,301 sq. ft.	1,780 sq. ft.	-521 sq. ft.
Unit 3	2,724 sq. ft.	1,860 sq. ft.	-864 sq. ft.
Unit 4	1,955 sq. ft.	1,945 sq. ft.	-10 sq. ft.
Unit 5	1,677 sq. ft.	1,730 sq. ft.	+53 sq. ft.
Unit 6	2,093 sq. ft.	1,720 sq. ft.	-373sq. ft.

As indicated in the table above, five of the units have been reduced in square footage and one unit has been increased by 53 square feet. It should also be noted that the units are now all proposed to be three bedroom units. The previous proposal included three four-bedroom units and three three-bedroom units. With respect to the Planning Commission's informal guideline that residential condominium unit sizes be limited to 85% of the lot area required under variable density, the proposed units would compute as follows:

Unit Number	Proposed Unit Size (net square feet)	85% of Lot Area (2,800 sq. ft)	Complies with 85% Guideline
Unit 1	2,535 sq. ft.	2,380 sq. ft.	exceeds
Unit 2	1,780 sq. ft.	2,380 sq. ft.	complies
Unit 3	1,860 sq. ft.	2,380 sq. ft.	complies
Unit 4	1,945 sq. ft.	2,380 sq. ft.	complies
Unit 5	1,730 sq. ft.	2,380 sq. ft.	complies
Unit 6	1,720 sq. ft.	2,380 sq. ft.	complies

Only Unit 1 would exceed the 85% lot area limitation guideline by 155 square feet. Unit 1 is proposed to be occupied by the project owner. At the initial Planning Commission review in March 2007, the Planning Commission indicated that it would be appropriate and expressed support for the owner occupied unit to exceed the 85% lot area guideline.

E. LOWER PARKING GARAGE

Study Lowering Parking Garage to Reduce Overall Project Height: In an effort to lower the overall project height, the Planning Commission directed that the Applicant study lowering the parking garage in order to allow more parking and reduce the building height. Previously, the Applicant indicated that lowering the parking garage would be problematic because it would conflict with access into the parking garage and it would also prohibit the ability to drain the garage by gravity flow.

As part of the HLC's review of the project, the Commission requested that the Applicant lower the garage further so that it was completely subterranean. In order to achieve this, the drainage

approach for the project has been revised to now include a mechanical drainage pump system. This would allow the garage level of the proposed building to be further lowered.

VIII. FINDINGS

The Planning Commission finds the following:

A. THE TENTATIVE MAP (SBMC §27.07.100)

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

B. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.

The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.

2. The proposed development is consistent with the General Plan of the City of Santa Barbara.

The project can be found consistent with policies of the City's General Plan including the Housing Element and Land Use Element. The project will provide infill mixed-use development that is compatible with the surrounding neighborhood.

3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

The project is an infill mixed-use project proposed in an area where commercial and residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's HLC, which found the architecture and site design appropriate.

C. FOR THE DEVELOPMENT PLAN (SBMC §28.87.300)

1. The proposed development complies with all provisions of the Zoning Ordinance.

The proposed development complies with all provisions of the Zoning Ordinance, specifically the provisions of the R-4, Multi-Family Residential and C-2, Commercial Zone designations.

2. The proposed development is consistent with the principles of sound community planning.

The project site is located in the Land Use Element's Oak Park Neighborhood and has a General Plan Designation of General Commerce and Office and a Zoning Designation of C-2/R-4, Commercial and Hotel/Motel/Multiple-Family Residential. The Oak Park Neighborhood is characterized as an area containing older homes that are being replaced with apartments. South of Mission Street, the existing mixture of cottages, Victorian homes, and older apartments is being changed by new small-scale apartment developments. It is recognized that State Street between Mission and Micheltorena Streets is substantially developed in accordance with the General Offices and Hotel designation given by the General Plan. The project is a mixed-use proposal and represents an infill development on the subject site. Parcels immediately adjacent to the site are developed with commercial uses, including offices, retail and mixed-use.

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.

The HLC conceptually reviewed the project and found the design and land use to be appropriate. The project is compatible with the surrounding area's aesthetics and character and is consistent with other two and three story commercial and mixed-use buildings in the immediate area. The project is also consistent with the Urban Design Guidelines.

4. The proposed development would not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.

The proposed project would contribute 6 units to the City and South Coast housing stock and thus, would result in a positive impact to the region's housing stock.

5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources.

The proposed project is estimated to demand 1.58 AFY, which would not significantly impact the City's water supply. There is adequate water to meet the needs of the proposed development. The proposed project receives water service from the City of Santa Barbara and is within the anticipated growth rate for the City. Therefore, the City's long-term water supply and existing water treatment and distribution facilities would adequately serve the proposed project.

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic.

Transportation Staff has reviewed the project and determined that the project would not result in significant project or cumulative impacts to any impacted intersection.

D. CONDITIONAL USE PERMIT (SBMC §28.94)

1. The use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.

The project site will be developed with a mixed-use project that will provide retail and office space to local professionals and businesses. The parking garage will provide adequate enclosed parking for the residential unit and commercial space and is intended to allow the sharing of the commercial parking spaces with residential guests.

2. The uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

The project site has been vacant for numerous years. The proposed mixed use project is expected to aesthetically enhance the site and be compatible with the surrounding neighborhood.

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

The project complies or exceeds with all setback requirements. The adjacent properties are currently developed with commercial, mixed use, or residential uses and the proposed project is designed to be compatible with the character of the surrounding area.

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

The project will provide 23 parking spaces on site. Each residential unit will be provided with a two-car garage and one guest parking space will also be included. The commercial space will be provided with ten parking spaces.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area.

The proposed project has been designed to be compatible with the neighborhood in terms of size, bulk and scale and architectural style. The project was reviewed by the HLC, which found the design and land use to be appropriate. The project is compatible with the surrounding area's aesthetics and character and is consistent with other two and three story commercial and mixed-use buildings in the immediate area.

6. The proposal is in compliance with any additional specific requirements for a conditional use permit. The Planning Commission may impose such other conditions and restrictions upon the proposed use consistent with the Comprehensive General Plan and may require security to assure satisfactory performance of all conditions and restrictions.

The project will comply with the conditions of approval as outlined in Exhibit A.

Exhibits:

- A. Conditions of Approval
- B. Planning Commission Staff Memorandum and Minutes dated June 7, 2007 (includes Staff Report and Minutes for March 8, 2007)
- C. Site Plans
- D. Applicant's letter, dated October 23, 2007
- E. Historic Landmarks Commission Minutes

REVISED PLANNING COMMISSION CONDITIONS OF APPROVAL

1829 STATE STREET AND 11 W. PEDREGOSA STREET

PARKING MODIFICATION, FRONT YARD MODIFICATION, INTERIOR YARD MODIFICATION, REAR YARD
MODIFICATION, CONDITIONAL USE PERMIT, DEVELOPMENT PLAN AND TENTATIVE SUBDIVISION MAP

MARCH 4 NOVEMBER 8, 2007

- I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:
- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property", which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. 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.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the (HLC). The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official, in consultation with the Parks and Recreation Department, Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control devices 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 manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.

5. **Approved Development.** The development of the Real Property approved by the Planning Commission on ~~March~~November 8, 2007 is limited to approximately ~~2,7252,539~~-net square of commercial building area that can be subdivided into as many as six commercial condominiums and six residential condominiums and the improvements shown on the Tentative Subdivision Map and the Development Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 6. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium parcels.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Unassigned Parking.** All parking spaces other than those designated for residential purposes shall remain unassigned and available to all occupants and visitors to the site.
 - d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - e. **Trash and Recycling.** Adequate space shall be provided and maintained for trash and recycling purposes.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
 7. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
 8. **Street Tree Protection.** The street trees within the City's right-of-way shall be preserved and protected.
- B. **Design Review.** The following is subject to the review and approval of the Historic Landmarks Commission (HLC):

1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with a minimum 24-inch box sized tree of an appropriate species or like species.
 2. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 3. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided to the units at the rear of the property from the sidewalk through the use of a different paving material.
 4. **Existing Tree Preservation.** The existing tree shown on the approved demolition plan to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
 5. **Minimize Visual Effect of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
 6. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
 7. **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.
 8. **Improved Bus Stop.** The existing bus stop on State Street shall be improved with a lighted bus shelter.
- C. Public Works Submittal Prior to Final Map Approval. The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:
1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval by the Public Works Department and/or the Building and Safety Division:
 - a. An easement for all street purposes along State Street in order to establish a minimum of a four-foot wide clearance at the back of corner access ramp to accommodate ADA requirements for the public right-of-way.
 3. **Land Development Agreement.** The Owner shall submit an executed "Land Development Agreement" for Land Development Improvements, prepared by Engineering Division Staff, an Engineer's Estimate, signed and stamped by a

registered civil engineer, and securities for construction of improvements prior to execution of the agreement. This agreement shall be recorded concurrently with the map and Agreement Relating to Subdivision Conditions Imposed on Real Property.

4. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights". Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
5. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project.
6. **Drainage Calculations or Hydrology Report.** The Owner shall submit drainage calculations or a hydrology report 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 to the maximum extent feasible as designed by a registered civil engineer.
7. **Drainage and Water Quality.** The first 1" of stormwater runoff shall be retained and treated on-site in accordance with the City's NPDES Storm Water Management Permit. Runoff shall be directed into passive water treatment methods such as a bioswale landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater devices, and project development shall be subject to review and approval by the Building and Safety 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 quality pollutants, or groundwater pollutants would result from the project. The Owners shall maintain the drainage system and storm water pollution control devices in a functioning state.
8. **State Street Improvement Plans.** The Owner shall submit ~~building C-1~~ plans for construction of improvements along the subject property road frontage on State Street. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: *seven-foot (7') sidewalk, four-foot (4') parkway, provide an MTD approved bus stop, supply and install 2 bicycle hitching posts in parkway, curb, gutter, access ramp at corner of State Street and Pedregosa Street, underground service utilities, connection to City water and sewer mains, drainage system including Type B and Alhambra A470 and/or Type B curb drain outlets, supply and install one Type A commercial style standard street light as determined by Public Works, apply slurry seal to centerline of the street along entire property frontage and a minimum of twenty-feet (20') beyond the limits of all trenching, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs, drought-tolerant landscaping in parkway, and provide adequate positive drainage*

from site. The C-1 public improvement plans shall be prepared by a registered civil engineer and reviewed and signed by the City Engineer.

9. **Pedregosa Street Improvement Plans.** The Owner shall submit C-1 public improvement plans for construction of improvements along the subject property road frontage on Pedregosa Street. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: *ten-foot (10') sidewalk, with tree wells and tree grates, one new 36" box size street tree as determined by the City Arborist, maximum twenty-foot (20) driveway apron modified to meet Title 24 requirements, curbs, gutters, apply slurry seal to centerline of the street along entire subject property frontage and a minimum of twenty-feet (20') beyond the limits of all trenching, underground service utilities, connection to City water and sewer mains, construct plus/minus (+/-) 45 linear feet of eight-inch (8") PVC sewer main extension, drainage system (curb drain outlets, slot/trench drain, drop inlet), preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs, on-site pollution prevention interceptor device, drought-tolerant parkway landscaping, and provide adequate positive drainage from site.* The C-1 public improvement plans shall be prepared by a registered civil engineer and reviewed by the City Engineer.
 10. **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. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
 3. **Storm Drain Operation and Maintenance Plan Required.** The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing filters, etc.) for the operation and use of the storm drain system. The Plan shall be approved by the Creeks Division, Building and Safety Division, and the Public Works Department.
 4. **Trash and Recycling.** Trash and recycling containers shall contain equal volume, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no containers are used

for multi-unit residential developments, include an item in the CC&Rs stating that the green waste will be hauled off site

E. **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. **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.
2. **Soil Contamination.** Prior to the issuance of a demolition or grading permit for the proposed project, the applicant shall provide evidence to the City that the Santa Barbara that the County Fire Prevention Division has issued a No Further Action (NFA) letter for the project site. If required, proposed building plans shall include measures approved by the SBC FPD to reduce potential health risk impacts to occupants of the proposed building to a less than significant level. All approved mitigation measures shall be depicted on proposed building plans prior to the approval of a building permit.
3. **Soils Report.** Submit to the Building and Safety Division a soils report.
4. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g., Final Map submitted to Public Works Department for review), and attach documents as appropriate.
5. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards.
6. **Solar Energy System or Systems.** Provide, at a minimum, a photo-voltaic system and potentially a solar thermal energy system designed to serve, to the maximum extent feasible, all 85% of the building's estimated annual electricity and water heating needs. The solar energy system or systems must be designed to be generally consistent with the City's Active Solar Energy System Design Guidelines.

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

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Historic Landmarks Commission, outlined in Section B above.
2. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and/or rate of water run-off conditions from

the site. The Owner shall install bioswales, catch basins, storm drainage interceptors or clarifiers on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including but not limited to hydro-carbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed interceptors or clarifiers shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition D.3 above, which shall include the regular sweeping and/or vacuuming of parking areas where interceptors and clarifiers are located and a catch basin cleaning program.

3. **Technical Reports.**

- a. All recommendations of the noise study prepared by Dudek and dated February 1, 2007, shall be incorporated into the construction plans. Mechanical ventilation and/or air condition systems as well as sound rated windows for all residential units exceeding the 60 dBA L_{dn} shall be installed to ensure compliance with the 45 dB L_{dn} interior noise standard.
- b. All recommendation of the Foundation Exploration Report prepared by Coast Valley Testing, Inc., and dated July 7, 2005, shall be incorporated into the construction plans.

4. **Fire Sprinkler System.** A fire sprinkler system shall be provided.

5. **Fire Alarm System.** A fire alarm system shall be provided pursuant to City requirements.

6. **Bicycle Parking.** Four bicycle parking spaces shall be provided.

7. **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.

8. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficient for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.

9. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.

10. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
11. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
12. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

- G. **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.
 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. **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.

6. **Construction Parking/Storage.** 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 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

b.c. Storage or staging of construction materials and equipment and parking for construction workers within the public right-of-way ~~is prohibited~~ shall not be permitted, unless approved by the Transportation Manager.

7. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
8. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
9. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
10. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
11. **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.
12. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
13. **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, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
14. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
15. **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.

16. **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 an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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.

- H. **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.) caused by construction subject to the review and approval of the Public Works Department. 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 undergrounding and installation of street trees.
 3. **Backwater Valve or Backflow Device.** Provide an approved (backwater valve) (backflow device) placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120.

4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
 5. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Historic Landmarks Commission (HLC).
 6. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street trees have been properly pruned and trimmed.
 7. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11” board and submitted to the Planning Division.
- I. **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 TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110 or the provisions of the California Subdivision Map Act.



City of Santa Barbara
Planning Division

Memorandum

DATE: May 31, 2007

TO: Planning Commission

FROM: Planning Division
Jan Hubbell, AICP, Senior Planner
Irma Unzueta, Project Planner

SUBJECT: 1829 State Street & 11 West Pedregosa Street – Mixed Use Project

INTRODUCTION

On March 8, 2007, the Planning Commission held a public hearing to consider the mixed use project proposed at 1829 State Street and 11 W. Pedregosa Street. The Planning Commission continued the project in order to allow revisions related to the overall size and massing of the building, especially at the corner of State and Pedregosa and the State Street frontage (Exhibits B and C). The Commission directed the applicant to:

1. Revise the project design to include more openness to the State Street frontage.
2. Incorporate more landscaping on State Street.
3. Include a bus stop on State Street.
4. Study lowering the parking garage further to help reduce overall project height.
5. Push the massing more toward the center of the project site, as opposed to State Street.
6. Study eliminating all modifications, unless there is a strong benefit.
7. Not limit uses in commercial space.
8. Study the use of photo-voltaics

This Memorandum provides a discussion of the changes that have been made to the project in order to address the Planning Commission's recommendations listed above.

STAFF RECOMMENDATION

Overall, Staff believes that the Applicant has made an effort to provide more openness, landscaping and improve the human scale of the project at the State Street frontage. Although one modification has been eliminated by the revisions to the project, three modifications related to yard setback encroachments remain. Staff has previously expressed support for these modifications and believes that they are necessary in order to secure an appropriate improvement on the lot. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of the

March 8, 2007 Staff report (Exhibit B), and subject to the revised Conditions of Approval attached to this Memorandum as Exhibit A.

PROJECT DESCRIPTION

The proposed project involves the development of a three-story mixed use building on two parcels located at 1829 State Street and 11 W. Pedregosa Street. The project site is located at the southwest corner of State and Pedregosa Streets. The existing 1,180 square foot residential unit located at 11 W. Pedregosa is proposed to be removed. The proposed mixed use project would provide 2,360 net square feet of commercial space and six residential condominiums. The commercial space is proposed to be divided into five commercial units, four of which will be located on the ground floor and one on the second floor. The six residential condominiums are proposed on the second and third floor and range in size from 1,677 to 2,808 net square feet. One residential unit would front on State Street and the remaining five units would either front on Pedregosa Street or be located within the project's interior. Twenty-three parking spaces are proposed in a ground level garage, which includes six, two-car garages for the residential units and 11 parking spaces for the commercial uses. Multiple pedestrian entry points are proposed along State and Pedregosa Streets and vehicular access would be located on Pedregosa Street. The merger of APN 027-031-006 and 027-031-007 is also proposed. (Exhibits D and E)

The discretionary applications required for this project are:

1. Modification for front yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
2. Modification for interior yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
3. Modification for rear yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
4. Tentative Subdivision Map to create a one-lot subdivision for five commercial and six residential condominium units (SBMC§27.07 and 27.13);
5. Conditional Use Permit to allow a driveway and parking area for non-residential uses in a residential zone (SBMC § 28.94.030.H); and
6. Development Plan Approval allow the construction of 2,360 net square feet of nonresidential development (SBMC §28.87.300).

PROJECT STATISTICS

SITE INFORMATION

Applicant:	Tom Ochsner	Property Owner:	Hawkes Family Trust
Parcel Number:	027-031-006, 027-031-007	Lot Area:	18,548 sq. ft.
General Plan:	General Commerce and Offices	Zoning:	C-2/R-4
Existing Use:	Vacant	Topography:	3%

Adjacent Land Uses:	
North - Commercial	East - Residential/Parking Lot
South - Commercial/Residential	West - Commercial

COMMERCIAL/RESIDENTIAL STATISTICS

Units	# of Bedrooms	Unit Size (net)	Private Outdoor Living Space
Commercial Unit A	N/A	537 sq. ft.	N/A
Commercial Unit B	N/A	397 sq. ft.	N/A
Commercial Unit C	N/A	479 sq. ft.	N/A
Commercial Unit D	N/A	264 sq. ft.	N/A
Commercial Unit 201	N/A	350 sq. ft.	N/A
Misc.	N/A	333 sq. ft.	N/A
Residential Unit 1	3	2,808 sq. ft.	564 sq. ft.
Residential Unit 2	4	2,301 sq. ft.	489 sq. ft.
Residential Unit 3	4	2,724 sq. ft.	494 sq. ft.
Residential Unit 4	3	1,955 sq. ft.	241 sq. ft.
Residential Unit 5	3	1,677 sq. ft.	198 sq. ft.
Residential Unit 6	4	2,093 sq. ft.	132 sq. ft.

COMMERCIAL/RESIDENTIAL STATISTICS

Standard	Requirement/ Allowance	Existing	Proposed
C-2 Setbacks -Front -Interior -Rear	None	N/A	Front Yard 0'-9' on Pedregosa 1'-2' on State Interior/Rear Yards Varies 0'-5'
R-4 Setbacks -Front -Interior -Rear	10' for 1-2 stories 23' for 3 stories 6' for 1-2 stories 10' for 3 stories 6' for 1st floor 10' for 2+ floors	N/A	Front Yard 10' for 1 st & 2nd stories 15' for 3 rd story Interior & Rear Yards Varies from 0' - 6'
Building Height	C-2=4 stories/60' R-4=3 Stories/45'	N/A	3 stories/43' maximum height
Parking	Residential = 12 spaces + 1 guest parking space Commercial = 11 spaces Total = 23 spaces	N/A	Residential=12 spaces + 1 guest space Commercial=11 spaces Total = 23 spaces
Lot Area Required for Each Unit (Variable Density)	2 bedrooms=2,320 sq. ft. 3+ bedrooms=2,800 sq. ft.	N/A	(2) 2,320 sq. ft. (4) 2,800 sq. ft. Req'd = 15,840 sq. ft.
10% Open Space	1,855 sq. ft.	N/A	3,260 sq. ft.

Private Outdoor Living Space	72 sq. ft. = 2 bdrms 96 sq. ft. = 3+ bdrms	N/A	Unit 1 = 564 sq. ft. Unit 2 = 489 sq. ft. Unit 3 = 494 sq. ft. Unit 4 = 241 sq. ft. Unit 5 = 198 sq. ft. Unit 6 = 132 sq. ft.
Lot Coverage	N/A		
Building	N/A	1,454 s. f. 7.84%	13,345 s.f. 71.95%
Paving/Driveway	N/A	Developed with	2,934 s.f. 15.82%
Landscaping		single story dwelling unit, the majority of property vacant	2,269 s.f. 12.23%

The proposed project would meet the requirements of the C-2/R-4 Zones, with the exception of structural encroachments within the R-4 front yard setback on Pedregosa Street, as well as the interior and rear yard setbacks within the R-4 portion of the project site. The requested modifications are discussed below.

PROJECT ISSUES

State Street Frontage

Size and Massing of Project: The Planning Commission expressed concern with the overall size and massing of the proposed building at the State Street elevation, especially at the corner of State and Pedregosa. The Commission directed the applicant to provide more relief and openness at the State and Pedregosa corner, move the building tower and mass toward the center of the project site and reduce plate heights in order to promote a more positive building presence and pedestrian experience.

The Applicant has responded with the following revisions:

- In order to provide more openness to State Street, the tower element previously located at the northeast corner of State and Pedregosa has been moved to a more central location within the project site. Please note that although the tower height has increased approximately 6", its newly proposed location makes the tower less visible and imposing at the State Street frontage and corner. Also, the increase in height allows the placement of the elevator within the tower and facilitates a better and safer access to the roof deck of Unit 1.
- In response to the Planning Commission's direction that the building presence and pedestrian experience be improved, the building has been pulled back in several areas on State Street an additional 1.5' to 2'. This further setback allows for additional vine pockets and planter space on State Street, which would increase the overall landscaping for the project. In addition, the second floor along State Street has been setback an additional 3' to 4' in several areas and the third floor has been pulled back 1' to 2' in order to break up the verticality of the State Street façade and create a more pedestrian friendly and human scale frontage.

- The plate height of the first floor has been lowered 1' (from 13' to 12') and the second floor has been lowered 0.5' (from 12' to 11'-6"), which is intended to improve the pedestrian scale of the State Street elevation. However, it should be noted that the overall building height would only be reduced by 0.5', since the third floor plate height is proposed to remain the same and the fourth floor plate height would increase 1' (from 7' to 8').

Provide Improved Bus Stop: The Planning Commission requested that an improved MTD bus stop with shelter be provided on State Street. The Applicant has committed to providing an improved bus stop as approved by MTD and HLC. Guidance is currently being sought by the Applicant from MTD relative to the bus stop improvements. A condition of approval has been added to make sure such improvements are carried out.

Lower Parking Garage

Study Lowering Parking Garage to Reduce Overall Project Height: In an effort to lower the overall project height, the Planning Commission directed that the Applicant study lowering the parking garage in order to allow more parking and reduce the building height.

According to the Applicant Letter, the lowering of the parking garage was studied and found to be problematic for the following reasons:

- In order to lower the building along Pedregosa, a longer entry ramp would be required to avoid having cars bottom out after transitioning from the street elevation to a partially underground garage elevation. The longer access ramp would create problems for those trying to access the commercial parking located immediately east of the street ingress/egress point. To address this design issue, the base elevation of the commercial parking area would have to be raised, which would result in a higher elevation.
- Lowering the Pedregosa frontage by even 0.5' would prohibit the ability to drain the garage by gravity flow. This would result in the need to install mechanical pumps to drain the garage and storage reservoirs would be required if power becomes unavailable during a rain event.

Modifications

Reduce or Eliminate Project Modifications: The Planning Commission expressed concern regarding the number of modifications required and directed that an effort be made to eliminate all the modifications associated with the project by either redesigning the building or revising the project scope.

The Applicant has responded in the following manner:

- The project has eliminated the need for a parking modification, which would allow the project not to provide the required guest parking space. The project now proposes five commercial units instead of the six units originally proposed. By reducing the commercial space, the project has eliminated the need for a parking modification. As revised, the project would now be able to provide the required guest parking space for the residential component of the project. Please note that the square footage associated with the eliminated commercial space has been allocated to Units 1 and 3.

- A front yard setback modification is required to allow the third story element within the R-4 portion of the project site to encroach approximately 8' into the required 23' setback from Pedregosa Street. The project has not been revised to eliminate the need for this modification. As stated in the Applicant's letter dated May 28, 2007 (Exhibit E), the proposed 15' setback would allow adequate separation from the sidewalk and Pedregosa Street.
- Interior and rear yard setback modifications are required to allow the ground floor parking garage to encroach approximately 3' into the required 6' interior yard setback and 6' into the required 6' rear yard setback. The project has not been revised to eliminate the need for these modifications and the Applicant indicates that these encroachments are necessary in order to achieve the partially subterranean parking garage as directed by the Historic Landmarks Commission as well as the interior paseo space proposed by the project. The Applicant also states that without these modifications the paseo element would have to be eliminated and a substantial redesign of the project would be required, which would negate the direction given by the HLC for the project (Exhibit E).

The March 8, 2007 Planning Commission Staff Report discussed the requested modifications in detail and provided justification for their approval (Exhibit B). Despite Staff's support for all the modifications, the Planning Commission requested that an attempt be made to eliminate all the modifications, unless there was a strong benefit to mitigate them. The project proposes a partially subterranean parking garage and a pedestrian paseo through the project site that would be made possible with the approval of the modifications. Additionally the Applicant has committed to achieve a Built Green Two-Star rating for the building and Staff has included a condition of approval that would require photo-voltaics as part of the project.

As indicated above, only one modification has been eliminated by the revised project. Staff would defer to the Planning Commission to determine if the benefits identified for the project would be sufficient to justify approval of the modifications requested.

Other Project Changes

Additional Square Footage Allocated to Residential Units: As previously discussed, a 316 square foot second floor commercial unit was eliminated from the project in order to avoid a parking modification and allow for changes to the State Street elevation. The square footage associated with this commercial space has been allocated to Units 1 and 3, which results in larger units than were previously reviewed by the Planning Commission. Unit 1 is now proposed to be three bedrooms and approximately 2,808 square feet, rather than two bedrooms and 2,329 square feet. Unit 3 would remain a four bedroom and is now proposed to be 2,748 square feet, instead of 2,514 square feet.

The second story promenade has been reduced in width approximately 2' (from 14' to 12') in order to allow improvements to the floor plans of residential Unit 2. This has resulted in the an increase of square footage for Unit 2, which is now proposed to be 2,301 square feet rather than 2,176 square feet. It should also be noted that the square footage for Units 5 and 6 has slightly decreased.

Increase in Overall Building Square Footage: As indicated above, the square footage for the commercial component of the project has decreased, but the residential square footage

Planning Commission Staff Memorandum

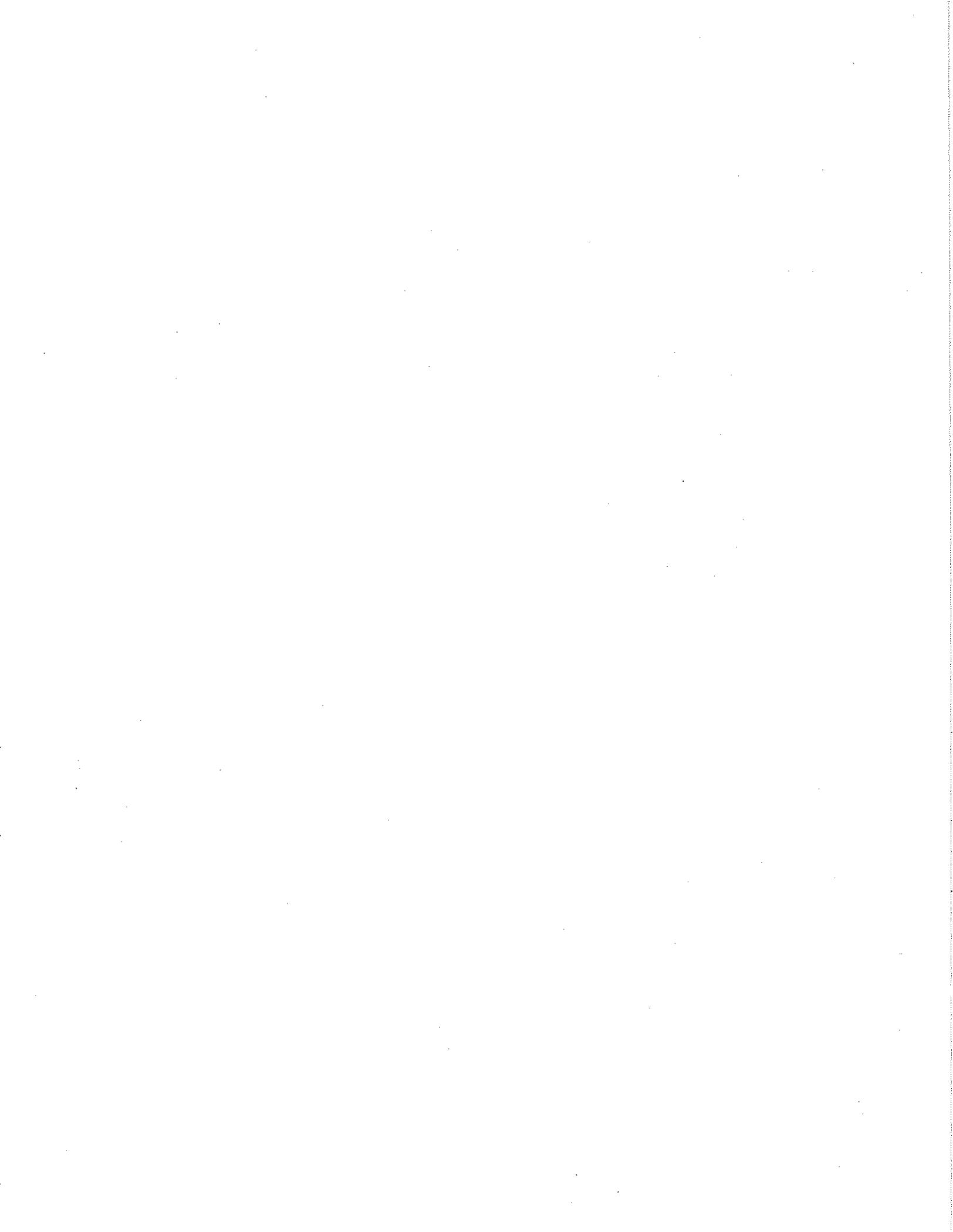
May 31, 2007

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has increased, resulting in a 132 square foot increase in the overall project square footage. Because the added square footage is primarily within the paseo area and additional building setbacks are proposed along State Street, this square footage is not very visible.

Exhibits:

- A. Revised Conditions of Approval dated June 7, 2007
- B. Planning Commission Staff Report for March 8, 2007
- C. Planning Commission Minutes dated March 8, 2007
- D. Site Plans and Elevations
- E. Applicant Letter dated May 28, 2007



REVISED PLANNING COMMISSION CONDITIONS OF APPROVAL

1829 STATE STREET AND 11 W. PEDREGOSA STREET

PARKING MODIFICATION, FRONT YARD MODIFICATION, INTERIOR YARD MODIFICATION, REAR YARD
MODIFICATION, CONDITIONAL USE PERMIT, DEVELOPMENT PLAN AND TENTATIVE SUBDIVISION MAP
MARCH 4 JUNE 7, 2007

- I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:
- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property", which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. 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.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the (HLC). The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official, in consultation with the Parks and Recreation Department, Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control devices 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 manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.

5. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 8, 2007 is limited to approximately 2,7252,360 net square of commercial building area that can be subdivided into as many as ~~six~~-five commercial condominiums and six residential condominiums and the improvements shown on the Tentative Subdivision Map and the Development Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 6. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium parcels.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Unassigned Parking.** All parking spaces other than those designated for residential purposes shall remain unassigned and available to all occupants and visitors to the site.
 - d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - e. **Trash and Recycling.** Adequate space shall be provided and maintained for trash and recycling purposes.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
 7. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
 8. **Street Tree Protection.** The street trees within the City's right-of-way shall be preserved and protected.
- B. **Design Review.** The following is subject to the review and approval of the Historic Landmarks Commission (HLC):

1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with a minimum 24-inch box sized tree of an appropriate species or like species.
2. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
3. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided to the units at the rear of the property from the sidewalk through the use of a different paving material.
4. **Existing Tree Preservation.** The existing tree shown on the approved demolition plan to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
5. **Minimize Visual Effect of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
6. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
7. **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.
8. **Improved Bus Stop.** The existing bus stop on State Street shall be improved with a lighted bus shelter.

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

1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval by the Public Works Department and/or the Building and Safety Division:
 - a. An easement for all street purposes along State Street in order to establish a minimum of a four-foot wide clearance at the back of corner access ramp to accommodate ADA requirements for the public right-of-way.
3. **Land Development Agreement.** The Owner shall submit an executed "Land Development Agreement" for Land Development Improvements, prepared by Engineering Division Staff, an Engineer's Estimate, signed and stamped by a

MARCH 8, JUNE 7, 2007

PAGE 4 OF 12

registered civil engineer, and securities for construction of improvements prior to execution of the agreement. This agreement shall be recorded concurrently with the map and Agreement Relating to Subdivision Conditions Imposed on Real Property.

4. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights". Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
5. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project.
6. **Drainage Calculations or Hydrology Report.** The Owner shall submit drainage calculations or a hydrology report 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 to the maximum extent feasible as designed by a registered civil engineer.
7. **Drainage and Water Quality.** The first 1" of stormwater runoff shall be retained and treated on-site in accordance with the City's NPDES Storm Water Management Permit. Runoff shall be directed into passive water treatment methods such as a bioswale landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater devices, and project development shall be subject to review and approval by the Building and Safety 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 quality pollutants, or groundwater pollutants would result from the project. The Owners shall maintain the drainage system and storm water pollution control devices in a functioning state.
8. **State Street Improvement Plans.** The Owner shall submit ~~building C-1~~ plans for construction of improvements along the subject property road frontage on State Street. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: *seven-foot (7') sidewalk, four-foot (4') parkway, provide an MTD approved bus stop, supply and install 2 bicycle hitching posts in parkway, curb, gutter, access ramp at corner of State Street and Pedregosa Street, underground service utilities, connection to City water and sewer mains, drainage system including ~~Type B and Alhambra A470~~ and/or Type B curb drain outlets, supply and install one Type A commercial style standard street light as determined by Public Works, apply slurry seal to centerline of the street along entire property frontage and a minimum of twenty-feet (20') beyond the limits of all trenching, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs, drought-tolerant landscaping in parkway, and provide adequate positive drainage*

from site. The C-1 public improvement plans shall be prepared by a registered civil engineer and reviewed and signed by the City Engineer.

9. **Pedregosa Street Improvement Plans.** The Owner shall submit C-1 public improvement plans for construction of improvements along the subject property road frontage on Pedregosa Street. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: *ten-foot (10') sidewalk, with tree wells and tree grates, one new 36" box size street tree as determined by the City Arborist, maximum twenty-foot (20) driveway apron modified to meet Title 24 requirements, curbs, gutters, apply slurry seal to centerline of the street along entire subject property frontage and a minimum of twenty-feet (20') beyond the limits of all trenching, underground service utilities, connection to City water and sewer mains, construct plus/minus (+/-) 45 linear feet of eight-inch (8") PVC sewer main extension, drainage system (curb drain outlets, slot/trench drain, drop inlet), preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs, on-site pollution prevention interceptor device, drought-tolerant parkway landscaping, and provide adequate positive drainage from site.* The C-1 public improvement plans shall be prepared by a registered civil engineer and reviewed by the City Engineer.
 10. **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. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
 3. **Storm Drain Operation and Maintenance Plan Required.** The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing filters, etc.) for the operation and use of the storm drain system. The Plan shall be approved by the Creeks Division, Building and Safety Division, and the Public Works Department.
 4. **Trash and Recycling.** Trash and recycling containers shall contain equal volume, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no containers are used

for multi-unit residential developments, include an item in the CC&Rs stating that the green waste will be hauled off site

E. **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. **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.
2. **Soil Contamination.** Prior to the issuance of a demolition or grading permit for the proposed project, the applicant shall provide evidence to the City that the Santa Barbara that the County Fire Prevention Division has issued a No Further Action (NFA) letter for the project site. If required, proposed building plans shall include measures approved by the SBC FPD to reduce potential health risk impacts to occupants of the proposed building to a less than significant level. All approved mitigation measures shall be depicted on proposed building plans prior to the approval of a building permit.
3. **Soils Report.** Submit to the Building and Safety Division a soils report.
4. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g., Final Map submitted to Public Works Department for review), and attach documents as appropriate.
5. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards.
6. **Solar Energy System or Systems.** Provide at a minimum, a photo-voltaic system and potentially a solar thermal energy system designed to serve all of the building's estimated electricity and water heating needs. The solar energy system or systems must be designed to be generally consistent with the City's Active Solar Energy System Design Guidelines.

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

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Historic Landmarks Commission, outlined in Section B above.
2. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and/or rate of water run-off conditions from the site. The Owner shall install bioswales, catch basins, storm drainage

interceptors or clarifiers on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including but not limited to hydro-carbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed interceptors or clarifiers shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition D.3 above, which shall include the regular sweeping and/or vacuuming of parking areas where interceptors and clarifiers are located and a catch basin cleaning program.

3. **Technical Reports.**

- a. All recommendations of the noise study prepared by Dudek and dated February 1, 2007, shall be incorporated into the construction plans. Mechanical ventilation and/or air condition systems as well as sound rated windows for all residential units exceeding the 60 dBA L_{dn} shall be installed to ensure compliance with the 45 dB L_{dn} interior noise standard.
- b. All recommendation of the Foundation Exploration Report prepared by Coast Valley Testing, Inc., and dated July 7, 2005, shall be incorporated into the construction plans.

4. **Fire Sprinkler System.** A fire sprinkler system shall be provided.

5. **Fire Alarm System.** A fire alarm system shall be provided pursuant to City requirements.

6. **Bicycle Parking.** Four bicycle parking spaces shall be provided.

7. **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.

8. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficient for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.

9. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.

10. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
11. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
12. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner

Date

Contractor

Date

License No.

Architect

Date

License No.

Engineer

Date

License No.

- G. **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.
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. **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.

6. **Construction Parking/Storage.** 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 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

b.c. Storage or staging of construction materials and equipment and parking for construction workers within the public right-of-way ~~is prohibited~~ shall not be permitted, unless approved by the Transportation Manager.

7. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
8. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
9. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
10. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
11. **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.
12. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
13. **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, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
14. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
15. **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.

16. **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 an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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.

- H. **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.) caused by construction subject to the review and approval of the Public Works Department. 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 undergrounding and installation of street trees.
 3. **Backwater Valve or Backflow Device.** Provide an approved (backwater valve) (backflow device) placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120.

4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
5. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Historic Landmarks Commission (HLC).
6. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street trees have been properly pruned and trimmed.
7. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

- I. **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 TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110 or the provisions of the California Subdivision Map Act.



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: March 1, 2007
AGENDA DATE: March 8, 2007
PROJECT ADDRESS: 1829 State Street & 11 W. Pedregosa Street (MST2004-00132)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Irma Unzueta, Project Planner

I. PROJECT DESCRIPTION

The subject property is located at the southwest corner of State and Pedregosa Streets and is currently developed with a 1,180 square foot single family dwelling unit, which is proposed to be removed as part of the project. The proposed project involves the development of a three-story mixed use building on two parcels located at 1829 State Street and 11 W. Pedregosa Streets. The project would provide 2,725 (net) square feet of commercial space and six residential condominiums. The commercial space is proposed to be divided into six commercial condominiums, four of which will be located on the ground floor and two on the second floor. All commercial units are proposed to front on State Street or are located at the corner of State and Pedregosa Streets. The six residential condominiums consisting of two two-bedroom units, one three-bedroom unit, and three four-bedroom units are proposed on the second and third floor and range in size from 1,681 to 2,514 net square feet. One residential unit would front on State Street and the remaining five units would either front on Pedregosa or be located within the project's interior. Twenty-three parking spaces are proposed in a ground level garage, including six, two-car garages for the residential units, one guest parking space and 10 parking spaces for the commercial uses. Multiple pedestrian entry points are proposed along State and Pedregosa Streets and vehicular access would be located on Pedregosa Street. The merger of APN 027-031-006 and 027-031-007 is also proposed. (Exhibits B and C)

II. REQUIRED APPLICATIONS

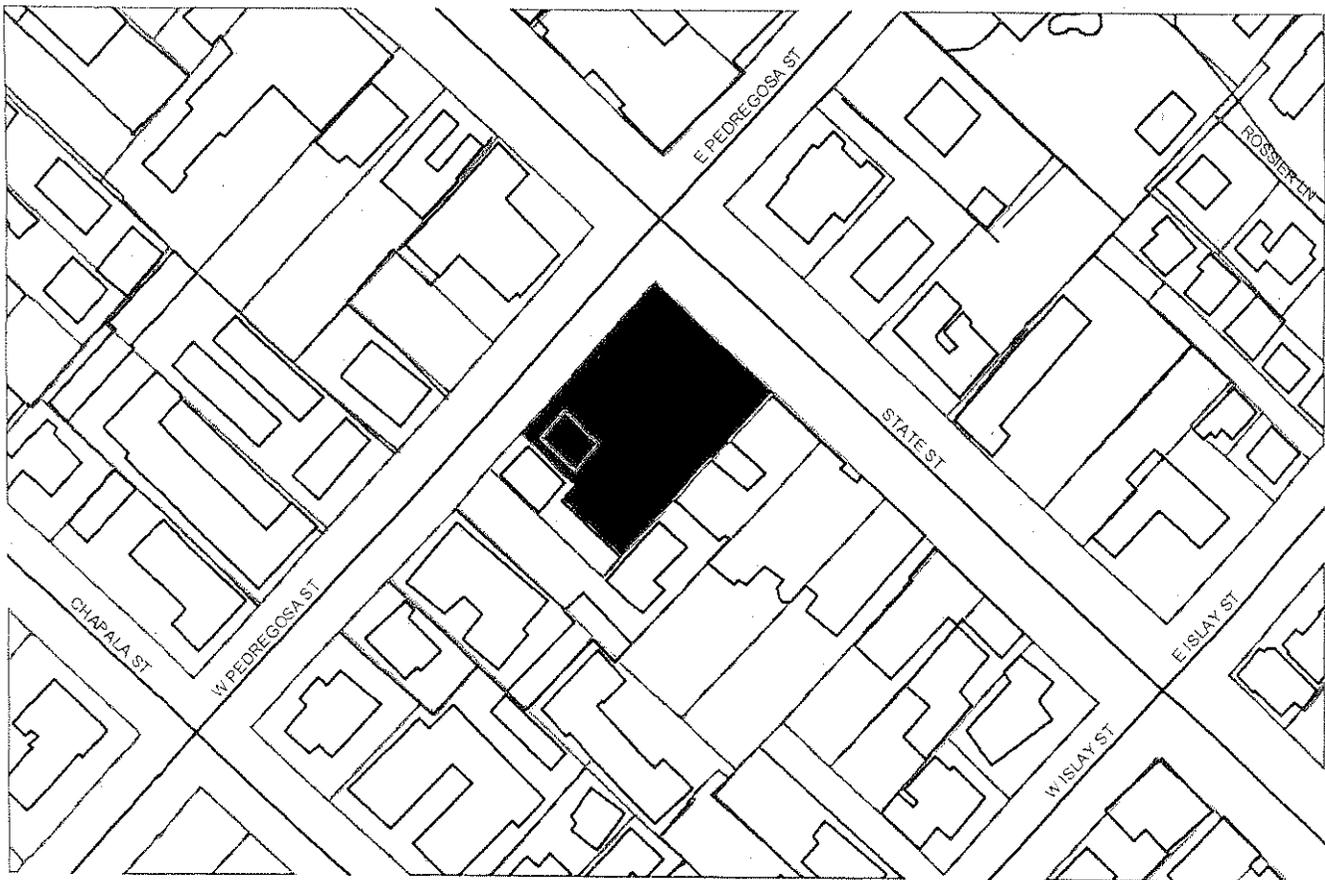
The discretionary applications required for this project are:

1. Modification to allow less than the required guest parking for the project (SBMC §28.90.100.G.3.d.);
2. Modification for front yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);

3. Modification for interior yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
4. Modification for rear yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
5. Tentative Subdivision Map to create a one-lot subdivision for six commercial and six residential condominium units (SBMC§27.07 and 27.13);
6. Conditional Use Permit to allow a driveway and parking area for non-residential uses in a residential zone (SBMC § 28.94.030.H); and
7. Development Plan Approval allow the construction of 2,725 net square feet of nonresidential development (SBMC §28.87.300).

III. RECOMMENDATION

Upon approval of the requested modifications, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



VICINITY MAP FOR 1829 STATE STREET AND 11 W. PEDREGOSA STREET

APPLICATION DEEMED COMPLETE: February 1, 2007
DATE ACTION REQUIRED PER MAP ACT: March 24, 2007

IV. SITE INFORMATION AND PROJECT STATISTICS

B. SITE INFORMATION

Applicant: Tom Ochsner	Property Owner: Hawkes Family Trust
Parcel Number: 027-031-006, 027-031-007	Lot Area: 18,548 sq. ft.
General Plan: General Commerce and Offices	Zoning: C-2/R-4
Existing Use: Vacant	Topography: 3%
Adjacent Land Uses: North - Commercial South - Commercial/Residential East - Residential/Parking Lot West - Commercial	

C. PROJECT STATISTICS

Units	# of Bedrooms	Unit Size (net)	Private Outdoor Living Space
Commercial Unit A	N/A	537 sq. ft.	N/A
Commercial Unit B	N/A	535 sq. ft.	N/A
Commercial Unit C	N/A	332 sq. ft.	N/A
Commercial Unit D	N/A	356 sq. ft.	N/A
Commercial Unit 201	N/A	350 sq. ft.	N/A
Commercial Unit 202	N/A	316 sq. ft.	N/A
Residential Unit 1	2	2,329 sq. ft.	703 sq. ft.
Residential Unit 2	4	2,176 sq. ft.	526 sq. ft.
Residential Unit 3	4	2,514 sq. ft.	499 sq. ft.
Residential Unit 4	3	1,555 sq. ft.	241 sq. ft.
Residential Unit 5	2	1,681 sq. ft.	198 sq. ft.
Residential Unit 6	4	2,110 sq. ft.	132 sq. ft.

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
C-2 Setbacks -Front -Interior -Rear	None	N/A	None

R-4 Setbacks -Front	10' for 1-2 stories 23' for 3 stories	N/A	Front Yard 10' for 1 st & 2nd stories 15' for 3 rd story
-Interior	6' for 1-2 stories 10' for 3 stories		Interior & Rear Yards Varies from 0' – 6'
-Rear	6' for 1st floor 10' for 2+ floors		
Building Height	C-2=4 stories/60' R-4=3 Stories/45'	N/A	3 stories/43' maximum height
Parking	Residential = 12 spaces + 1 guest parking space Commercial = 11 spaces	N/A	Residential=12 spaces Commercial=11 spaces
Lot Area Required for Each Unit (Variable Density)	2 bedrooms=2,320 sq. ft. 3+ bedrooms=2,800 sq. ft.	N/A	(2) 2,320 sq. ft. (4) 2,800 sq. ft. Req'd = 15,840 sq. ft.
10% Open Space	1,855 sq. ft.	N/A	2,623 sq. ft.
Private Outdoor Living Space	72 sq. ft. = 2 bdrms 96 sq. ft. = 3+ bdrms	N/A	Unit 1 = 703 sq. ft. Unit 2 = 526 sq. ft. Unit 3 = 499 sq. ft. Unit 4 = 241 sq. ft. Unit 5 = 198 sq. ft. Unit 6 = 132 sq. ft.
Lot Coverage -Building -Paving/Driveway -Landscaping	N/A N/A N/A	1,454 sq. ft. 7.84% Developed with single story dwelling unit, the majority of property vacant	13,449 72.52% 2,935 15.82% 2,164 11.66%

The proposed project would meet the requirements of the C-2/R-4 Zones, with the exception of structural encroachments within the R-4 front yard setback on Pedregosa Street, as well as the interior and rear yard setbacks within the R-4 portion of the project site. The requested modifications are discussed in Section VI below.

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed by the Historic Landmarks Commission (HLC) on four separate occasions (meeting minutes are attached as Exhibit D). The project initially proposed eight residential units and approximately 2,849 square feet of retail and 1,772 square feet of office space. On May 11, 2005, the HLC expressed some concern regarding the size, bulk and scale of the project, and directed the applicant to increase the landscaping by reducing the hardscape.

The Commission also stated that the interior yard setback to the adjacent residential unit on Pedregosa should be respected.

On June 22, 2005, the project returned to the HLC with a revised proposal containing seven residential units, 2,849 square feet of retail space and 1,272 square feet of office space. The HLC recommended that the applicant consult with the Planning Commission regarding the mix of commercial and residential units. The HLC also expressed a preference for a scenario where the majority of the parking is not visible from the street. On August 31, 2005, the HLC directed the applicant to continue to reduce the size, bulk and scale. The Commission recommended that the verticality of the elevations on State Street be broken up and that the Pedregosa elevation be more balanced and less symmetrical.

On September 14, 2005, the project received positive comments and was continued indefinitely to the Planning Commission. The HLC felt that the parking had been resolved positively by "hiding it" from public view and that pedestrian access on both State and Pedregosa is well designed. The Commission also found that the interface between the residential and the commercial use of the property is balanced and expressed support for the conceptual landscape plan. Refinement of the corner stairs, the windows at the tower element and second floor was requested.

B. COMPLIANCE WITH THE GENERAL PLAN AND ZONING ORDINANCE

Land Use Element

The project site is located in the Oak Park Neighborhood and has a General Plan designation of General Commerce and Office and is zoned C-2/R-4, Commercial and Hotel/Motel/Multiple Residence. The Oak Park Neighborhood is an area delineated in the City's General Plan by Mission Creek on the west, Sola Street on the east, State Street on the north and Highway 101 on the west. This neighborhood is characterized by both commercial and residential development as well as numerous public and institutional uses. The residential portion of the mixed-use development would be subject to the density requirements of the R-3/R-4 Multiple Family Residential Zones, which allow 12 dwelling units to the acre. However, the General Plan Land Use and Housing Elements recognize that, in zones where variable density standards apply, development may exceed the limit of 12 units per acre without causing an inappropriate increase in the intensity of activities. The proposed project would result in a density of approximately 14 units per acre, which, based on the above discussion, would be consistent with the Land Use and Housing Elements of the General Plan.

Housing Element

Santa Barbara has very little vacant or available land for new residential development. Therefore, City housing policies support build out of infill housing units in the City's urban areas. The City's Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. The project would be consistent with the Housing Element as it will contribute six additional residential units to the City's existing housing stock. The Planning Commission has recently expressed concern about the large size of proposed condominium units. The Commission has established an informal "guideline

limited condominium sizes to 85% of the lot area required under variable density. The mix of units in this project includes two two-bedroom, one three-bedroom and three four-bedroom units. Although one of the two-bedroom units is a little larger than the informal "rule of thumb" established by the Commission, the three-bedroom unit is well under that "rule of thumb" and two of the three four-bedroom units are under the guideline. On average, the six units are about 78% of the lot area required for the units under variable density.

Neighborhood Compatibility

In accordance with Housing Element Policy 3.3, which requires new development to be compatible with the prevailing character of the neighborhood, the proposed building would be compatible in scale, size and design with the surrounding neighborhood. The surrounding neighborhood is comprised of a mix of office, residential and commercial buildings, with a wide range of heights. Along State Street, the uses are a mixture of offices and commercial uses with residential. The proposed three-story building has been broken up to reduce the verticality of the structure on both the State and Pedregosa Street elevations. Multiple entrance points front directly along State and Pedregosa Streets providing additional massing relief at street level.

One of the goals of the Urban Design Guidelines is compatibility of new development with the character of the City, the surrounding neighborhood, and adjacent properties. The HLC considers the Urban Design Guidelines in reviewing development proposals. As discussed above, the HLC is supportive of the site plan, and the size, bulk and scale of the project.

Noise Element

The City's Noise Element indicates that exterior noise levels up to 60 dBA L_{dn} (average A-weighted sound level over a 24-hour day) are considered "normally acceptable" within residential land uses. These Land Use Compatibility Guidelines identify outdoor noise levels greater than 60 to 75 dBA L_{dn} as "normally unacceptable" for residential land uses. Maximum interior noise levels of 45 dBA L_{dn} are also required. The City's interpretation of these guidelines is that all outdoor living spaces required by the Zoning Ordinance must be designed to meet 60 dBA L_{dn} or less and that any additional outdoor living spaces not required by the Ordinance should be assessed on a case by case basis, but should not exceed 75 dBA L_{dn} .

Outdoor living spaces for the project would be provided primarily in the form of upper level terraces. Each unit would contain at least one terrace which complies with the City's private outdoor living space and noise exposure level requirements. The exterior noise levels for the second floor balcony and third floor terrace of Unit 1 were calculated at 69 and 62 dBA L_{dn} . However, because these outdoor living spaces are considered in excess of what is required by the Zoning Ordinance, they could be allowed to exceed the City's 60 dBA L_{dn} exterior noise level, as long as they do not exceed the "normally unacceptable" noise exposure level of 75 dBA L_{dn} . Based on this, the project could be found consistent with the General Plan Noise Element.

Modifications

Guest Parking Modification: The residential parking requirement for the project is two covered spaces per residential unit and one guest space for every four units. Because the total square footage of the residential area exceeds the square footage of the proposed commercial area, the project does not qualify for the one space per unit provision for mixed-use developments. The commercial requirement for the project is one space per 250 square feet of space. Therefore, the project requires 13 spaces for the six residential units (12 spaces for residents and 1 space for guests) and 11 parking spaces for the proposed 2,725 square feet of commercial use, for a total of 24 spaces. A modification to allow no guest parking for the project is being requested by the Applicant. Staff has reviewed this request and can support it based on the fact that the guest parking space can be shared with the commercial spaces being provided. Shared parking recognizes and factors in the peak parking demands that occur during the day and evening for various land uses.

Front Yard Modification: The front yard setback for three-story structures in the R-4 Zone is 15', unless the total floor area of the third story is one half or less of the total floor area of the first floor, then the setback is 10' for the first and second floors, and the setback for the third floor is based on an equation which generally results in greater than a 15' setback. Because the third floor of the proposed building is less than one-half of the total floor area of the first floor, the front yard setback has been calculated to be 23'. A front yard setback modification is being requested to allow the third story element within the R-4 portion of the project site to encroach approximately 8' into the required 23' setback from Pedregosa Street. Staff can support this modification since the resulting setback would be approximately 15' which provides adequate relief from Pedregosa Street and is consistent or exceeds the setbacks for other structures in the area. In addition, Staff anticipates future amendments to the Zoning Ordinance which would change the required third story setback requirement to 15'. Therefore the 15' setback for the third story element would be consistent with future amendments to the front yard setback requirement of the R-4 zone.

Interior Yard Modification: In the R-4 Zone, the interior yard setback for three-story buildings is 10'. However, if a building is designed so that the total floor area of the third story is one-half or less of the total floor area of the first floor, then the setback is 10' for the third story and 6' for the first and second floors. The interior yard setback modification would allow the ground floor parking garage to encroach approximately three feet into the required six-foot interior yard setback. The adjacent apartment complex which would be directly affected by this structural encroachment is oriented away from the proposed building, with the rear of the apartment building devoted to bathrooms. Staff is supportive of this modification as it is minor in nature, allows the provision of enclosed parking and enhances the usefulness of the project.

Rear Yard Modification: In the R-4 Zone, the rear yard setback for three-story buildings is 10'. However, if a building is designed so that the total floor area of the third story is one-half or less of the total floor area of the first floor, then the setback is 10' for the third story, and 6' for the first and second floors. A rear yard modification is being requested to allow the ground floor parking garage and an electrical buttress to encroach into the required rear yard setback for the first floor. The electrical buttress, which would extend approximately three-feet into the

required six-foot rear yard setback, is mainly for aesthetics. The parking garage would extend to the rear property line. This portion of the garage abuts the parking lot for the adjacent property to the west and therefore would not negatively impact this use. Staff can support this modification because the structural encroachment is not habitable space and is enclosed, therefore not creating privacy issue for either the proposed project or adjoin property.

Measure E

A portion of the project site (11 W. Pedregosa Street) is currently developed with a 1,180 square foot single-family dwelling that will be removed as part of the proposed project. The remainder of the site, which was previously developed with a gas station, is currently vacant. The project proposes to construct approximately 2,725 square feet of commercial space. A demolition credit of 1,564 square feet for the gas station has been allocated to the project. In addition, pursuant to the provisions of SBMC §28.87.300, the project would be allocated a total of 1,000 square feet of Measure E nonresidential square footage from the Minor Addition category for each parcel. Development Plan findings for this square footage are included in Section VII below.

Conditional Use Permit

Pursuant to § 28.94.030.H a Conditional Use Permit (CUP) is required for driveways and parking areas proposed for non-residential uses in residential zones. Because the parking garage driveway entrance would be located on the R-4 portion of the project site and because the commercial parking spaces would be accessed via this driveway, a CUP is required. Staff prefers that the driveway entrance to the parking garage be located on Pedregosa Street in order to reduce conflicts between ingress and egress maneuvers as well as traffic flow on State Street which carries a heavier volume of vehicles than Pedregosa Street. Based on this, Staff can support approval of a CUP for the purposes of allowing the driveway entrance to be on Pedregosa Street, rather than State Street.

C. ENVIRONMENTAL REVIEW

Staff and the Environmental Analyst have determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15303, New Construction of Small Structures.

Noise Analysis

Noise Analysis: The Land Use Compatibility Guidelines of the Noise Element identifies up to 60 dBA L_{dn} as the maximum compatible exterior noise level for residential uses and 45 dBA L_{dn} for interior noise levels. The Noise Study prepared for this project concluded that the exterior noise levels for all the designated required private outdoor living spaces would be within the City's 60 dBA L_{dn} guideline, ranging between 47 and 56 dBA L_{dn} . Additionally, the Promenade area located at the second-level of the development, which would serve as a common open space area for the project, was calculated to have an exterior noise level of 47 to 60 dBA L_{dn} , therefore complying with the City exterior noise exposure level (Exhibit E). Based on this, noise impacts to outdoor living spaces are not expected to occur.

The Noise Study also found that the second floor balcony and third floor terrace for Unit 1 would be exposed to noise levels above the 60 dBA L_{dn} standard; with exterior noise exposure levels of 69 dBA L_{dn} for the second floor balcony and 62 dBA L_{dn} for the third floor terrace. These outdoor areas would be in addition to the required private outdoor living spaces per the zoning ordinance. It should also be noted that the second floor balcony does not meet the square footage requirement of a private outdoor living space as it is only 29 square feet. Although these spaces exceed the 60 dBA L_{dn} standard for exterior noise levels, for CEQA purposes, outdoor areas with noise levels lower than 75 dBA L_{dn} will not be considered a significant noise impact. A condition of approval requiring the installation of mechanical ventilation and/or air conditioning systems as well as sound rated windows for the residential units exceeding the 60 dBA L_{dn} has been included to ensure compliance with the 45 dB L_{dn} interior noise standard.

Hazardous Materials: The project site was previously developed with a gas station, which was removed in 1989. The site has been undergoing soils remediation to clean up petroleum hydrocarbon impacted soils approximately 40 feet below ground surface and more than 20 feet above the recorded water table. In a letter dated July 3, 2006, the County of Santa Barbara Fire Prevention Department (FPD) cleared the site for redevelopment pending additional information (Exhibit F). The letter also confirms that the site does not have to be closed to proceed through the City's development review and approval process. A subsequent letter dated January 8, 2007, from the FPD states that based on supplemental information prepared by Delta, consultant to the Shell Oil Company; several areas of contaminated soils continue to exist on the project site. The FPD has therefore required additional information in order to close the case (Exhibit G).

At a meeting held with the FPD and the applicant on February 27, 2007, it was reaffirmed that the project could proceed through the City's review and approval process and that the mixed use development was acceptable. It was also determined that two options could be pursued in order to close the case. The applicant would be required to file a deed notification (Exhibit H), which notes the existence of contaminated soils on the property or further remediate the soils to acceptable levels. The deed notification is intended to ensure that no health hazard will exist if land use changes occur in the future. Either of these options would result in the issuance of a No Further Action (NFA) letter from the FPD. A condition of approval has been included to require the applicant to submit evidence that the County FPD has issued a NFA letter prior to the issuance of demolition or grading permits.

VII. FINDINGS

The Planning Commission finds the following:

A. **GUEST PARKING MODIFICATION (SBMC §28. 90.100)**

The Planning Commission finds that the requested guest parking modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. Additional parking demand would be met.

B. FRONT YARD SETBACK MODIFICATION (SBMC §28.21.060)

The Planning Commission finds that the requested front yard setback modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. The front yard setback modification would allow the third story element within the R-4 portion of the project site to encroach approximately 8' into the required 23' setback from Pedregosa Street. This modification can be supported since the resulting setback would be approximately 15' and provides adequate relief from Pedregosa Street. Also, this setback is consistent with or exceeds the setbacks for other structures in the surrounding area. Further, future Zoning Ordinance amendments would result in a 15' setback for the third floor element of the proposed building which is consistent with the setback distance being proposed by the project.

C. INTERIOR YARD SETBACK MODIFICATION (SBMC §28.21.060)

The Planning Commission finds that the requested interior yard setback modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. The rear yard modification would allow the parking garage to be constructed three-feet into the required six-foot interior yard setback. This structural encroachment can be supported because the adjacent apartment complex is oriented away from the proposed building, with the rear of the apartment building devoted to bathrooms. In addition this modification is minor in nature, allows the provision of enclosed parking and enhances the usefulness of the project.

D. REAR YARD SETBACK MODIFICATION (SBMC §28.21.060)

The Planning Commission must find that the requested rear yard front yard setback modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. The rear yard modification would allow the ground floor parking garage and an electrical buttress to encroach into the required six-foot setback for the first floor. The rear yard modification can be supported since the electrical buttress, which is closest to the adjacent residential structure to the west and would extend approximately three-feet into the required six-foot rear yard setback is, mainly for aesthetics. The parking garage would extend to the rear property line and abut the parking area for the adjacent property to the west and therefore would not negatively impact this use.

E. THE TENTATIVE MAP (SBMC §27.07.100)

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

substantial environmental damage, and associated improvements will not cause serious public health problems.

F. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.
The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.
2. The proposed development is consistent with the General Plan of the City of Santa Barbara.
The project can be found consistent with policies of the City's General Plan including the Housing Element and Land Use Element. The project will provide infill mixed-use development that is compatible with the surrounding neighborhood.
3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.
The project is an infill mixed-use project proposed in an area where commercial and residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's HLC, which found the architecture and site design appropriate.

G. FOR THE DEVELOPMENT PLAN (SBMC §28.87.300)

1. The proposed development complies with all provisions of the Zoning Ordinance.
Upon approval of the requested parking and yard modifications, the proposed development complies with all provisions of the Zoning Ordinance, specifically the provisions of the R-4, Multi-Family Residential and C-2, Commercial Zone designations.
2. The proposed development is consistent with the principles of sound community planning.
The project site is located in the Land Use Element's Oak Park Neighborhood and has a General Plan Designation of General Commerce and Office and a Zoning Designation of C-2/R-4, Commercial and Hotel/Motel/Multiple-Family Residential. The Oak Park Neighborhood is characterized as an area containing older homes that are being replaced with apartments. South of Mission Street, the existing mixture of cottages, Victorian homes, and older apartments is being changed by new small-scale apartment developments. It is

recognized that State Street between Mission and Micheltorena Streets is substantially developed in accordance with the General Offices and Hotel designation given by the General Plan. The project is a mixed-use proposal and represents an infill development on the subject site. Parcels immediately adjacent to the site are developed with commercial uses, including offices, retail and mixed-use.

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.

The HLC conceptually reviewed the project and found the design and land use to be appropriate. The project is compatible with the surrounding area's aesthetics and character and is consistent with other two and three story commercial and mixed-use buildings in the immediate area.

4. The proposed development would not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.

The proposed project would contribute 6 units to the City and South Coast housing stock and thus, would result in a positive impact to the region's housing stock.

5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources.

The proposed project is estimated to demand 1.58 AFY, which would not significantly impact the City's water supply. There is adequate water to meet the needs of the proposed development. The proposed project receives water service from the City of Santa Barbara and is within the anticipated growth rate for the City. Therefore, the City's long-term water supply and existing water treatment and distribution facilities would adequately serve the proposed project.

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic.

Transportation Staff has reviewed the project and determined that the project would not result in significant project or cumulative impacts to any impacted intersection.

H. CONDITIONAL USE PERMIT (SBMC §28.94)

1. The use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.

The project site will be developed with a mixed-use project that will provide retail and office space to local professionals and businesses. The parking

garage will provide adequate enclosed parking for the residential unit and commercial space and is intended to allow the sharing of the commercial parking spaces with residential guests.

2. The uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

The project site has been vacant for numerous years. The proposed mixed use project is expected to aesthetically enhance the site and be compatible with the surrounding neighborhood.

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

The setback modifications being requested for the project are necessary to secure an appropriate improvement on the lot and are not expected to result in significant detrimental impacts to the surrounding properties. The adjacent properties are currently developed with commercial, mixed use, or residential uses and the proposed project is designed to be compatible with the character of the surrounding area.

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

The project will provide 23 parking spaces on site. Each residential unit will be provided with a two-car garage and commercial space will be provided with eleven parking spaces. The guest parking space required for the project will be shared with the commercial spaces.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area.

The proposed project has been designed to be compatible with the neighborhood in terms of size, bulk and scale and architectural style. The project was reviewed by the HLC, which found the design and land use to be appropriate. The project is compatible with the surrounding area's aesthetics and character and is consistent with other two and three story commercial and mixed-use buildings in the immediate area.

6. The proposal is in compliance with any additional specific requirements for a conditional use permit. The Planning Commission may impose such other conditions and restrictions upon the proposed use consistent with the

Comprehensive General Plan and may require security to assure satisfactory performance of all conditions and restrictions.

The project will comply with the conditions of approval as outlined in Exhibit A.

Exhibits:

- A. Conditions of Approval
- B. Site Plan and Elevations
- C. Applicant's letter, dated February 22, 2007
- D. HLC Minutes, dated May 11, 2005, June 22, 2005, August 31, 2005, September 14, 2005
- E. Noise Study prepared by Dudek, dated February 1, 2007
- F. Santa Barbara County Fire Prevention Division letter, dated July 3, 2006
- G. Santa Barbara County Fire Prevention Division letter, dated January 8, 2007
- H. Sample Soil Contamination Notice

PLANNING COMMISSION CONDITIONS OF APPROVAL

1829 STATE STREET AND 11 W. PEDREGOSA STREET

PARKING MODIFICATION, FRONT YARD MODIFICATION, INTERIOR YARD MODIFICATION, REAR YARD
MODIFICATION, CONDITIONAL USE PERMIT, DEVELOPMENT PLAN AND TENTATIVE SUBDIVISION MAP
MARCH 1, 2007

- I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:
- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property", which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. 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.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the (HLC). The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official, in consultation with the Parks and Recreation Department, Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control devices 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 manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.

5. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 8, 2007 is limited to approximately 2,725 net square of commercial building area that can be subdivided into as many as six commercial condominiums and six residential condominiums and the improvements shown on the Tentative Subdivision Map and the Development Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 6. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium parcels.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Unassigned Parking.** All parking spaces other than those designated for residential purposes shall remain unassigned and available to all occupants and visitors to the site.
 - d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - e. **Trash and Recycling.** Adequate space shall be provided and maintained for trash and recycling purposes.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
 7. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
 8. **Street Tree Protection.** The street trees within the City's right-of-way shall be preserved and protected.
- B. **Design Review.** The following is subject to the review and approval of the Historic Landmarks Commission (HLC):

1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with a minimum 24-inch box sized tree of an appropriate species or like species.
 2. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 3. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided to the units at the rear of the property from the sidewalk through the use of a different paving material.
 4. **Existing Tree Preservation.** The existing tree shown on the approved demolition plan to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
 5. **Minimize Visual Effect of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
 6. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
 7. **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 Submittal Prior to Final Map Approval. The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:
1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval by the Public Works Department and/or the Building and Safety Division:
 - a. An easement for all street purposes along State Street in order to establish a minimum of a four-foot wide clearance at the back of corner access ramp to accommodate ADA requirements for the public right-of-way.
 3. **Land Development Agreement.** The Owner shall submit an executed "Land Development Agreement" for Land Development Improvements, prepared by Engineering Division Staff, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement. This agreement shall be recorded concurrently with

the map and Agreement Relating to Subdivision Conditions Imposed on Real Property.

4. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights". Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
5. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project.
6. **Drainage Calculations or Hydrology Report.** The Owner shall submit drainage calculations or a hydrology report 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 as designed by a registered civil engineer.
7. **Drainage and Water Quality.** The first 1" of stormwater runoff shall be retained and treated on-site in accordance with the City's NPDES Storm Water Management Permit. Runoff shall be directed into passive water treatment methods such as a bioswale landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater devices, and project development shall be subject to review and approval by the Building and Safety 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 quality pollutants, or groundwater pollutants would result from the project. The Owners shall maintain the drainage system and storm water pollution control devices in a functioning state.
8. **State Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on State Street. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: *seven-foot (7') sidewalk, four-foot (4') parkway, provide an MTD approved bus stop, supply and install 2 bicycle hitching posts in parkway, curb, gutter, access ramp at corner of State Street and Pedregosa Street, underground service utilities, connection to City water and sewer mains, drainage system including Type-B and Alhambra A470 and/or Type B curb drain outlets, supply and install one Type A commercial style standard street light as determined by Public Works, apply slurry seal to centerline of the street along entire property frontage and a minimum of twenty-feet (20') beyond the limits of all trenching, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs, drought-tolerant landscaping in parkway, and provide adequate positive drainage from site.* The C-1 public improvement plans shall be prepared by a registered civil engineer and reviewed by the City Engineer.

9. **Pedregosa Street Improvement Plans.** The Owner shall submit C-1 public improvement plans for construction of improvements along the subject property road frontage on Pedregosa Street. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: *ten-foot (10') sidewalk, with tree wells and tree grates, one new 36" box size street tree as determined by the City Arborist, maximum twenty-foot (20) driveway apron modified to meet Title 24 requirements, curbs, gutters, apply slurry seal to centerline of the street along entire subject property frontage and a minimum of twenty-feet (20') beyond the limits of all trenching, underground service utilities, connection to City water and sewer mains, construct plus/minus (+/-) 45 linear feet of eight-inch (8") PVC sewer main extension, drainage system (curb drain outlets, slot/trench drain, drop inlet), preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs, on-site pollution prevention interceptor device, drought-tolerant parkway landscaping, and provide adequate positive drainage from site.* The C-1 public improvement plans shall be prepared by a registered civil engineer and reviewed by the City Engineer. *Land signs*
 10. **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. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
 3. **Storm Drain Operation and Maintenance Plan Required.** The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing filters, etc.) for the operation and use of the storm drain system. The Plan shall be approved by the Creeks Division, Building and Safety Division, and the Public Works Department.
 4. **Trash and Recycling.** Trash and recycling containers shall contain equal volume, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no containers are used for multi-unit residential developments, include an item in the CC&Rs stating that the green waste will be hauled off site

- E. **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. **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.
 2. **Soil Contamination.** Prior to the issuance of a demolition or grading permit for the proposed project, the applicant shall provide evidence to the City that the Santa Barbara that the County Fire Prevention Division has issued a No Further Action (NFA) letter for the project site. If required, proposed building plans shall include measures approved by the SBC FPD to reduce potential health risk impacts to occupants of the proposed building to a less than significant level. All approved mitigation measures shall be depicted on proposed building plans prior to the approval of a building permit.
 3. **Soils Report.** Submit to the Building and Safety Division a soils report.
 4. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g., Final Map submitted to Public Works Department for review), and attach documents as appropriate.
- F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Historic Landmarks Commission, outlined in Section B above.
 2. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and/or rate of water run-off conditions from the site. The Owner shall install bioswales, catch basins, storm drainage interceptors or clarifiers on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including but not limited to hydro-carbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed interceptors or clarifiers shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition D.3 above, which shall include the regular sweeping and/or vacuuming of parking areas where interceptors and clarifiers are located and a catch basin cleaning program.

3. **Technical Reports.**

- a. All recommendations of the noise study prepared by Dudek and dated February 1, 2007, shall be incorporated into the construction plans. Mechanical ventilation and/or air condition systems as well as sound rated windows for all residential units exceeding the 60 dBA L_{dn} shall be installed to ensure compliance with the 45 dB L_{dn} interior noise standard.
- b. All recommendation of the Foundation Exploration Report prepared by Coast Valley Testing, Inc., and dated July 7, 2005, shall be incorporated into the construction plans.

4. **Fire Sprinkler System.** A fire sprinkler system shall be provided.

5. **Fire Alarm System.** A fire alarm system shall be provided pursuant to City requirements.

6. **Bicycle Parking.** Four bicycle parking spaces shall be provided.

7. **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.

8. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficient for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.

9. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.

10. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.

11. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.

12. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement

shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

G. **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.
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. **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.

6. **Construction Parking/Storage.** 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.
 - b. Storage or staging of construction materials and equipment and parking for construction workers within the public right-of-way is prohibited.
7. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
8. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.

9. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
10. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
11. **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.
12. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
13. **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, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
14. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
15. **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.
16. **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 an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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.

H. **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.) caused by construction subject to the review and approval of the Public Works Department. 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 undergrounding and installation of street trees.
3. **Backwater Valve or Backflow Device.** Provide an approved (backwater valve) (backflow device) placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120.
4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
5. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Historic Landmarks Commission (HLC).
6. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street trees have been properly pruned and trimmed.
7. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

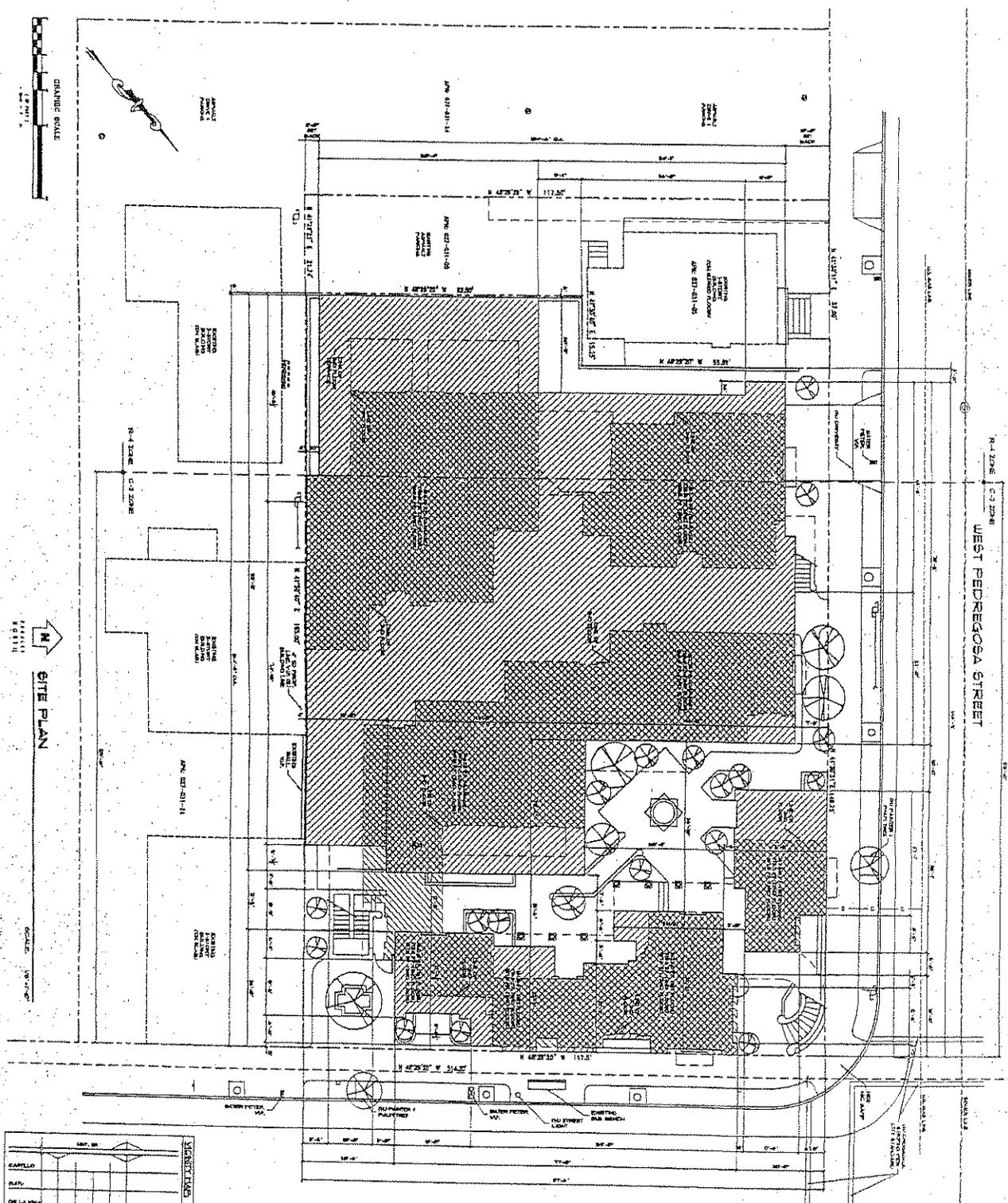
I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party 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 TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110 or the provisions of the California Subdivision Map Act.



LEGEND

CHAPPELL	ASPH	ASPH
PAV	ASPH	ASPH
DRIVE WALK	ASPH	ASPH
CHAPPELL	ASPH	ASPH
STAIR WALK	ASPH	ASPH
AMERICAN	ASPH	ASPH

THM-2

DATE: 11/11/11

SCALE: 1/8" = 1'-0"

PROJECT: [REDACTED]

CLIENT: [REDACTED]

DESIGNER: [REDACTED]

ARCHITECT: [REDACTED]

ENGINEER: [REDACTED]

PLANNING: [REDACTED]

LANDSCAPE: [REDACTED]

CONSTRUCTION: [REDACTED]

PHOTOGRAPHY: [REDACTED]

VIDEOGRAPHY: [REDACTED]

GRAPHIC DESIGN: [REDACTED]

INTERIOR DESIGN: [REDACTED]

EXTERIOR DESIGN: [REDACTED]

ENVIRONMENTAL DESIGN: [REDACTED]

PRODUCT DESIGN: [REDACTED]

USER EXPERIENCE DESIGN: [REDACTED]

RESEARCH: [REDACTED]

STRATEGY: [REDACTED]

ANALYSIS: [REDACTED]

CONCEPT DEVELOPMENT: [REDACTED]

SCHEMATIC DESIGN: [REDACTED]

PRELIMINARY DESIGN: [REDACTED]

FINAL DESIGN: [REDACTED]

CONSTRUCTION ADMINISTRATION: [REDACTED]

POST-OCCUPANCY EVALUATION: [REDACTED]

EXHIBIT B

THOMAS OCHSNER

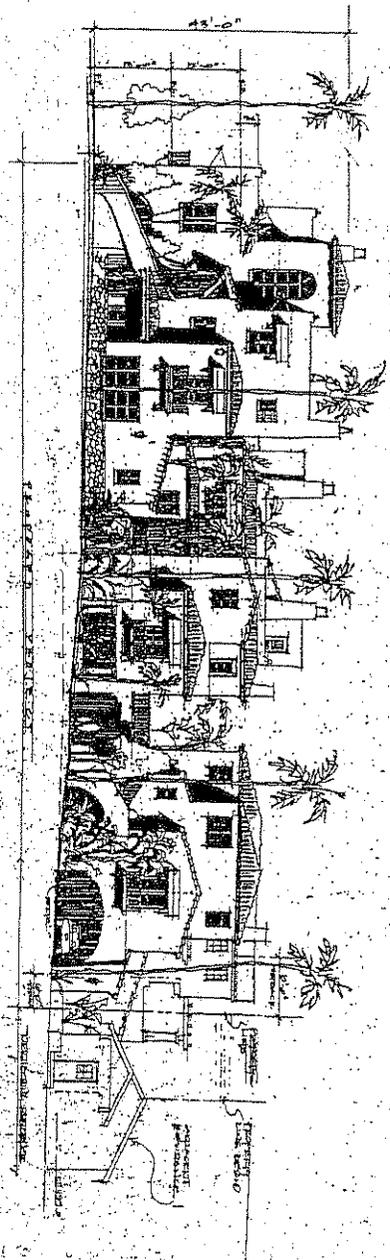
ARCHITECT

1111 STATE STREET, SUITE 100, CHICAGO, IL 60602

TEL: 312.467.1000

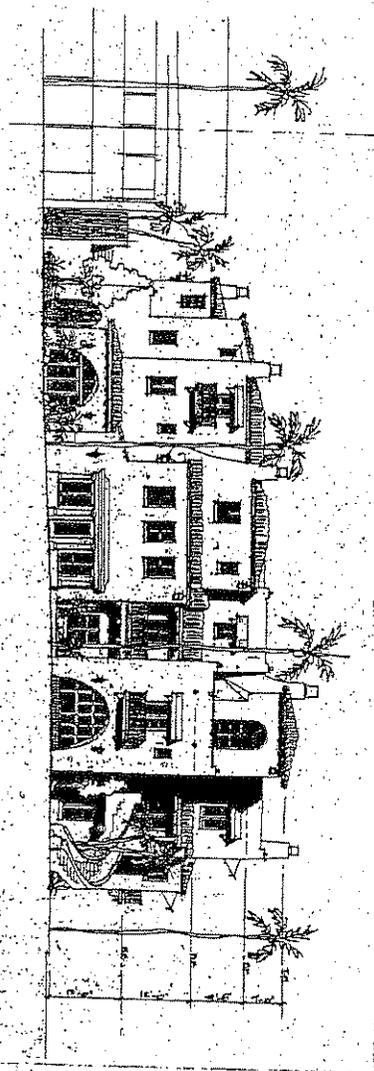
WWW.TOMASOCHSNER.COM

NORTH (Pedregosa Street) ELEVATION



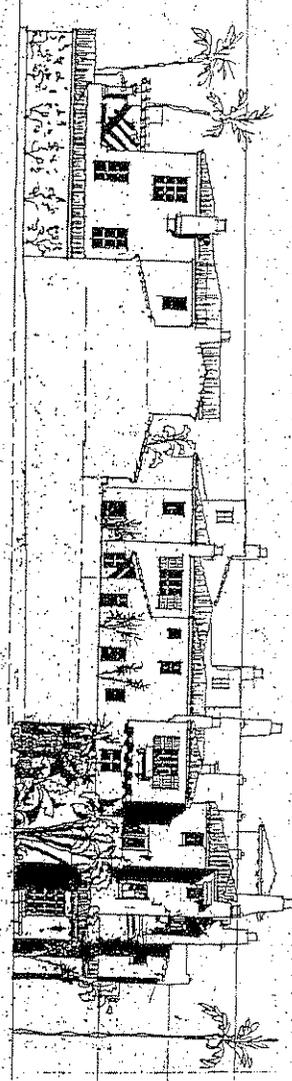
SCALE: 1/8" = 1'-0"

EAST (State Street) ELEVATION



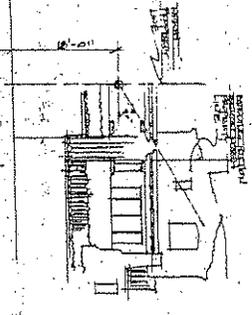
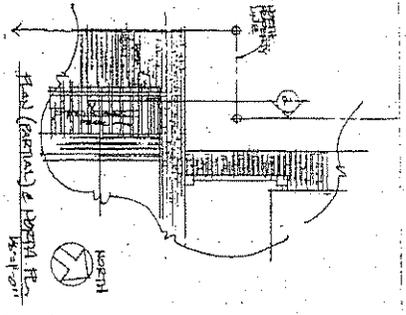
SCALE: 1/8" = 1'-0"

SOUTH ELEVATION

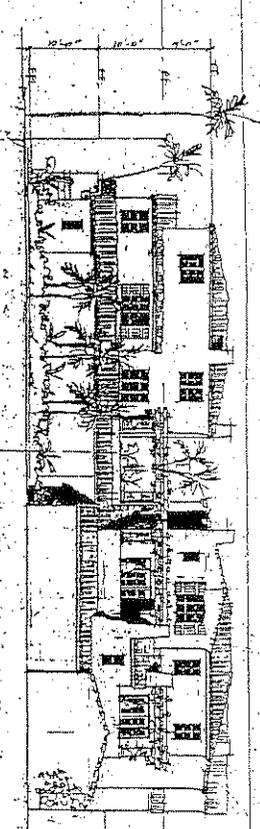


SCALE: 1/8" = 1'-0"

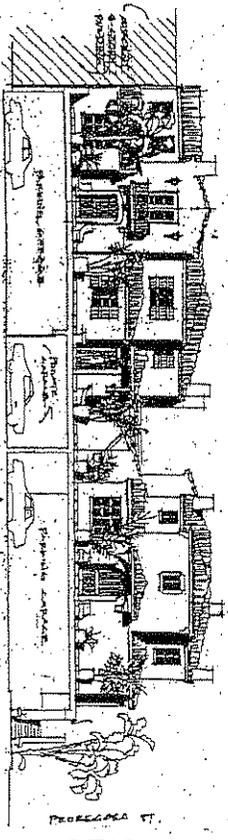
<p>A-61</p>		<p>HAWKES - MIXED USE</p> <p>HAWKES & COMPANY 11001 PEDREGOSA STREET & 1005 STATE STREET SANTA BARBARA, CA 93101</p>	<p>Thomas Ochsner architect</p> <p>222 So. 17th Street • Suite 202 • Santa Barbara • California • 93101 Phone (805) 964-1234 • Fax (805) 964-1235 • Cell (805) 964-1236</p>	<p>THOMAS OCHSNER Architect</p>
		<p>DATE: 10/15/2010</p> <p>PROJECT: HAWKES - MIXED USE</p> <p>SCALE: 1/8" = 1'-0"</p> <p>BY: T.O.</p> <p>CHECKED: T.O.</p>	<p>DATE: 10/15/2010</p> <p>PROJECT: HAWKES - MIXED USE</p> <p>SCALE: 1/8" = 1'-0"</p> <p>BY: T.O.</p> <p>CHECKED: T.O.</p>	<p>DATE: 10/15/2010</p> <p>PROJECT: HAWKES - MIXED USE</p> <p>SCALE: 1/8" = 1'-0"</p> <p>BY: T.O.</p> <p>CHECKED: T.O.</p>



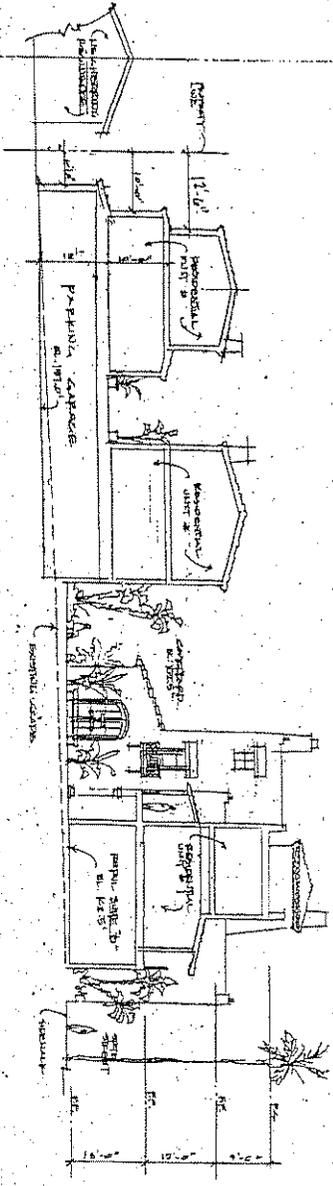
WEST ELEVATION



SECTION THROUGH PROMENADE (Looking West)



SITE SECTION (Looking North)



SCALE: 1/8" = 1'-0"

<p>A-67</p>		<p>HAWKES - MIXED USE</p> <p>HAWKES & COMPANY 6 WEST PROMENADA STREET • 408 STATE STREET SANTA BARBARA, CA 93102</p>	<p>Thomas Ochener ARCHITECT</p> <p>100 W. MAIN ST. • 2ND FL. • SANTA BARBARA, CA 93101 • TEL: 805.965.1234 FAX: 805.965.5678 • CELL: 805.965.9012 • WWW: THOMASOCHENER.COM</p>	
		<p>DATE: 10/15/2011</p> <p>PROJECT: HAWKES - MIXED USE</p> <p>SCALE: 1/8" = 1'-0"</p>	<p>DATE: 10/15/2011</p> <p>PROJECT: HAWKES - MIXED USE</p> <p>SCALE: 1/8" = 1'-0"</p>	<p>DATE: 10/15/2011</p> <p>PROJECT: HAWKES - MIXED USE</p> <p>SCALE: 1/8" = 1'-0"</p>



DUDEK

621 CHAPALA STREET
SANTA BARBARA, CALIFORNIA 93101
T 805.963.0651 F 805.963.2074

February 27, 2007

City of Santa Barbara Planning Commission
P. O. Box 1990
Santa Barbara, CA 93102-1990

**SUBJECT: Hawkes Mixed Use Project at 1829 State Street & 11 W. Pedregosa
(MST # 2004-00132)**

Members of the Planning Commission:

Thank you for the opportunity to present for the Commission's consideration the Hawkes Mixed Use Project at 1829 State Street & 11 W. Pedregosa Street. Hawkes Family Trust is proposing to redevelop the subject property, which currently consists of a former gas station site and a dilapidated single family residence, into a beautiful mixed use development consisting of six commercial and six residential units. The project's architecture, with its variation of massing and rich Spanish detail, coupled with a lushly landscaped paseo and courtyards, will truly be an architectural gem for the neighborhood; its location within the Downtown and pedestrian-friendly design will allow residents, customers, and passers-by to enjoy the project for years to come. We are excited to be able to present this project to you and look forward to your thoughtful consideration of our request for project approval.

PROJECT SUMMARY

The Hawkes Mixed Use Project consists of a proposed mixed use development on two parcels at 1829 State (APN 027-031-007) and 11 W. Pedregosa Streets (also addressed as 1835 State Street, APN 027-031-006). The subject property sits at the southwest corner of the State Street and Pedregosa. Currently, there is a small single family, one-story residence on a portion of the property (11 W. Pedregosa) that will be removed; the remainder of the site was until several years ago developed with a gas station and now sits vacant. The two parcels will be merged into one parcel, with the proposed mixed-use building subdivided into airspace condominium units.

Briefly, the proposed project consists of six (6) residential condominium units (each provided with a separate two-car garage), four (4) ground-floor commercial units, and two (2) second-floor commercial. Separate from the residential garage parking spaces, the project will provide an additional 11 surface parking spaces to be utilized primarily by the project commercial units during the day, with the use transitioning to more of a residential visitor use on nights and weekends. Total parking spaces provided is 23 spaces.

The discretionary applications requested for the proposed project are:

- **Voluntary Lot Merger:** Approval of a Voluntary Lot Merger of existing APN 027-031-007 and 027-031-006.
- **Tentative Tract Map:** Approval of a Tentative Tract Map for Subdivision of one parcel into Airspace Condominiums for Residential and Commercial Purposes. The Map includes six (6) commercial condominium units and six (6) residential condominium units.
- **Conditional Use Permit:** Approval of a driveway for non-residential uses in a residential zone (SBMC 28.94.030.H).
- **Development Plan:** Approval of a development plan (SBMC 28.87.300) to allow the construction of 2,725 net square feet of non-residential development. The proposal is a mixed-use project with six (6) commercial condominium units and six (6) residential condominium units. The three-story building will be 25,935 net square feet (Net Commercial: 2,725 SF/ Net Residential: 12,938 SF/ Net Garage: 10,272 SF) and will be provided with 23 parking spaces total, twelve of which will be garage spaces for the exclusive use of the residential project component. Prior to construction, an existing home (c. 1923) will be demolished; the City has identified this structure as NOT being historically significant.¹
- **Modification (Parking):** Approval of a Modification of SBMC 28.90.100 to not require one residential guest parking space for the project. The project proposes 23 parking

¹ Source: City of Santa Barbara Website. http://www.secure.ci.santa-barbara.ca.us/tm_bin/tmw_cmd.pl?tmw_cmd=ParcelViewParcel&shl_prc_parcel_no=027-031-006, June 14, 2006.

spaces; twelve of which will be garage spaces for the exclusive use of the residential project component.

• **Modifications (Yard Requirements):**

- Approval of a Modification of SBMC 28.21.060.1 to allow an approximate eight-foot encroachment into the R-4 Front Yard Setback for the Third Floor only, resulting in a 15-foot third-floor setback for Pedregosa Street in the R-4 zone.
- Approval of a Modification of SBMC 28.21.060.3 to allow structural encroachments within the R-4 Rear Yard for one-story parking garage elements.

EXISTING PROPERTY INFORMATION

	1829 State Street	11 W. Pedregosa Street
APN	027-031-007	027-031-006
Land Area	10,313 SF (0.24 acres)	8,236 SF (0.19 acres)
General Plan Designation	General Commerce/ Offices	General Commerce/ Central Business District
Zoning	C-2, Commercial Zone R-4, Multi-Family Residential	C-2, Commercial Zone R-4, Multi-Family Residential

As indicated above, the existing parcels are subject to a split zoning designation; C-2 and R-4. Although these parcels will be combined through a Voluntary Lot Merger as a result of the project approval, the split zoning would remain. From a planning perspective, this is a unique situation and provided the design team some challenges in trying to design a single project that meets the specific requirements of two separate and distinct residential and commercial zones. With respect to this issue, we are very much appreciative of City Staff's comments, critiques and in-depth analysis throughout the permit process which helped instrumentally to elevate the design to the well-honed project that is before you today.

EXPANDED PROJECT DESCRIPTION

The Hawkes Mixed Use Project will consist of a three-story mixed-use building with total of six (6) commercial condominiums (four units on the ground floor and two on the 2nd floor) and six (6) residential condominiums (all located on the second and third floors). All commercial units either front on State Street or are located at the corner of State and Pedregosa. One residential unit will front on State Street; the remainder of the units will either front on Pedregosa and/ or will be located within the project's interior.

The intent of the design of the commercial condominiums is to encourage occupancy with smaller neighborhood-serving retail uses (deli, café, salon, etc.) on the ground floor, with the second floor units intended for use as office space by individual professionals (attorneys, architects, planners, dentists, photographers, etc). The six separate commercial units are sized to encourage owner-occupancy.

The residential condominium units vary in is size and number of bedrooms; there are two (2) two-bedroom units, one (1) three-bedroom unit and three (3) four-bedroom units which range in size from 1,681 square feet (SF) to 2,514 SF.

The project is pedestrian-oriented with multiple entry points fronting directly along State and Pedregosa Streets. The project also includes three ground-floor courtyards, a mini-paseo bisecting the primary commercial and residential components (linking State and Pedregosa Streets), and a private second story open-air promenade providing primary access to five of the six residential units. There are four staircases and two elevators which would be accessible to the public and which would facilitate access to the second floor commercial/ residential entry points. The northeast spiraling stairwell and planter will be completed in the Spanish vernacular and will serve as a project focal point. One elevator will serve all three levels of the State Street frontage building, including both levels of the single residential condominium within that building, while a second elevator will serve the remaining five residential condominiums for the building in the rear, providing access from the parking garage below up to the pedestrian promenade on the second level.

A total of 23 parking spaces will be provided by the project. The project includes six (6) standard 20' by 20' enclosed garages (two parking spaces each) which are intended to satisfy

both the City's storage and parking requirements. One garage unit will be included within the legal description for each residential airspace condominium unit. The remaining eleven (11) unenclosed parking spaces provided for the project are located behind the main commercial area and beneath the five residential condominium units (all with vehicular access off Pedregosa Street); these unenclosed spaces are available to be shared by the commercial users and residential visitors.

The project will be consistent with Santa Barbara's Historic District's requirements, including exterior lighting and landscaping. A preliminary landscape plan has been submitted with our request for approval. No unusual, smoke, odors, or noise will be created as a result of this project.

The duration of construction, including demolition and grading will take approximately 20 months. Demolition and grading will take approximately 4-5 weeks, leaving the balance of the time for the conventional construction process. The partial underground garage, along with the need for shoring will take most of the time. The first level of the garage structure will be constructed of concrete and concrete block; the remaining construction will be of steel frame, light framing, and stud infill.

PROJECT ANALYSIS

Although the City staff have prepared an exhaustive and thorough analysis, please find below a summary of the proposed project's consistency with the R-4/C-2 zoning requirements. Any potential inconsistencies and/or requests for modifications from zoning standards are further explored in the paragraphs beyond.

Zoning Requirements	R-4 Zoning	C-2 Zoning	Proposed Project	Consistent?
Uses Permitted	Multi-family dwellings	Retail Restaurants Offices Multi-family dwellings	Mixed Use Commercial & Residential	YES
Building Height	3 stories 45'	4 stories 60'	Max. three (3) stories & max. height is 43'.	YES

Zoning Requirements	R-4 Zoning	C-2 Zoning	Proposed Project	Consistent?
	Solar Access Ord.	Adjacent to Resdntl: Resdntl Zone Height Max. w/i 30' or ½ height of proposed structure, whichever is less	Approx. 35' height w/i 21.5' of off-site residential Solar Compliance (see Sheet A-6.2)	
Yards				
Front	10' for 1-2 stories 15' for 3 stories (SBMC 28.21.060.1)	None	1-2 story: 10' in R-4 3 story: 15' in R-4 0' in C-2	Front Yard Mod. req'd for R-4 Building Portions
Interior	6' for 1-2 stories 10' for 3 stories (SBMC 28.21.060.2)	Adjacent to Resdntl: 10' or ½ height of building, whichever is greater (SBMC 28.66.060)	N/A	N/A
Rear	6' for 1 st Floor 10' for 2 nd Floor & above (SBMC 28.21.060.3)	None	Garage: 0' to 6' 2 nd Floor: 10'-18' 3 rd Floor: 10'-18'	Rear Yard Mod. req'd for 1st Floor Parking Garage (R-4)
Other		Adjacent to Resdntl: Driveways & parking—5' from resdntl P.L. Area shall be landscaped and 6' fence on P.L. (SBMC 28.66.060)	Driveway in R-4 Zone Commercial Parking: 6'+from R-4 split	YES
Distance Between Buildings	15' for 3 stories	None, except portions used for resdntl: 15' for 3 stories	Single Building	YES

City of Santa Barbara Planning Commission

Hawkes Mixed Use Project

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Zoning Requirements	R-4 Zoning	C-2 Zoning	Proposed Project	Consistent?
Min. Lot Area	14,000 SF	None, except portions used for resdntl: 14,000 SF	18,549 SF	YES
Min. Street Frontage	60'	None, except portions used for resdntl: 60'	Pedregosa: 150' State: 117'	YES
Max. Residential Units (Variable Density)	2 bed: 1 unit/ 2,320 SF lot area 3 bed+: 1 unit/ 2,800 SF lot area	None, except portions used for resdntl: 2 bed: 1 unit/ 2,320 SF lot area 3 bed+: 1 unit/ 2,800 SF lot area	Project: (2) 2 beds, (1) 3 beds, & (3) 4 beds on 18,459 SF lot 2 units x 2,320 lot SF/unit + 4 units x 2,800 SF/unit = 15,840 SF req'd Req'd < 18,459 SF proposed lot	YES
Open Space	≥10% of lot area (excluding req'd yards) See Ch. 28.21.080.F	None, except portions used for resdntl: ≥10% of lot area (excluding req'd yards)	10% of lot is 1,846 SF Project provides 2,623 SF (14%) open space. See Sheet A-2.1	YES
Private Outdoor Living Space 2 nd -3 rd Floor Units	2 bed: 84 SF 3 bed+: 96 SF Min. Dimension: 6'	None, except portions used for resdntl: 2 bed: 84 SF 3 bed+: 96 SF Min. Dimension: 6'	Unit #1 (2 bd): 703 SF Unit #2 (4 bd): 526 SF Unit #3 (4 bd): 499 SF Unit #4 (3 bd): 241 SF Unit #5 (2 bd): 198 SF Unit #6 (4 bd): 132 SF	YES

Zoning Requirements	R-4 Zoning	C-2 Zoning	Proposed Project	Consistent?
Off Street Parking (Ch. 28.90)	No Parking in Front Yard; 5% allowance for parking in interior yards. <u>Residential</u> 2+ beds: 2 spaces/unit Guest parking: 1 space/ 4 units <u>Office/ Commercial</u> 1 space / 250 SF Bike Parking 1 bike space/ 7 vehicle spaces	No Parking in Front Yard; 5% allowance for parking in interior yards. <u>Residential</u> 2+ beds: 2 spaces/unit Guest parking: 1 space/ 4 units <u>Office/ Commercial</u> 1 space / 250 SF Bike Parking 1 bike space/ 7 vehicle spaces	TOTAL: 23 spaces <u>Residential</u> 6 resdntl units x 2 spaces/unit + 6 resdntl units x 1 guest space/ 4 units = 13 spaces <u>Office/ Commercial</u> 2,725 SF x 1 space / 250 SF = 11 spaces req'd 11 spaces provided <u>Bike Parking</u> 23 spaces x 1 bike space/ 7 vehicle spaces = 4 bike spaces req'd 4 spaces provided	Mod. Req'd for not providing one (1) resdntl guest space
Driveway Width	<25 spaces: 10' or greater	<25 spaces: 10' or greater	16'6"	YES

Setbacks/ Yards (Section 28.21.060):

The proposed project would require approval of a Modification of SBMC 28.21.060.1 to allow an eight-foot encroachment into the R-4 Front Yard Setback for the Third Floor only, resulting in a 15-foot third-floor setback for Pedregosa Street. The setbacks for the first and second floors (R-4 portion) would be ten feet from the property line and over twenty-one feet from the street and would be consistent with R-4 zoning requirements.

The project would also require approval of a Modification of SBMC 28.21.060.3 to allow structural encroachments within the six-foot R-4 Rear Yards for one-story parking garage elements.

In support of our request for modifications to required yard setbacks, please consider the following:

- Both the existing and proposed parcels are subject to a split zoning designation of C-2 and R-4. While the C-2 zone requires virtually no front, rear, or interior yard setbacks, the R-4 zone calls for setbacks of 10 feet to 15 feet (typical) for the front yard. Because of a unique provision within the zoning ordinance within the R-4 zone district, if the third floor of a building is half the square footage of the ground floor or less (as is the case with the proposed project), then the ground and second floors can be setback 10 feet from the front property line while the third floor is required to be setback 10 feet plus one-third the building height. In this case, the third floor is required to be setback 23 feet [10 feet + (1/3 x 39 feet)] from the property line in the R-4 zone; the proposed project is setback 15 feet from the property line. We feel this 15-foot third story setback, particularly in light of the building's diversity of massing, provides adequate vertical relief at the pedestrian street level and meshes well with the adjacent C-2 zoned portion of the property. It should be noted that the third-story setbacks on the Pedregosa elevation within the C-2 zoned portion of the property (where no setbacks are required) actually increases to over 18 feet on the opposite side of the building located across the second story open-air promenade. A balance is, therefore, created.
- The current plans have been modified several times in order to better respect the adjacent existing single story structure. The HLC minutes of September 14, 2005, in fact, reflect positive comments from the HLC regarding the project's progress in satisfying this concern.
- Significant efforts have been made to reduce the size, bulk, and scale of the proposed development as well as to limit intrusion of the proposed development into the setbacks. It should especially be noted that within the R-4 zoned portion of the subject property, the single-story garage is only portion of the proposed structure which extends into the rear yard setback; all other floors respect or exceed the R-4 rear yard setback.
- The garage location at the western property line will create a greater level of privacy for the current single family neighbor to the west; the only encroachment near the house is for an electrical buttress, which is mainly for aesthetics. The building located to the south would not be greatly affected by the garage encroachment as it is oriented away from the subject property, with the primary use of the rear of the building being devoted to bathrooms.

- Finally, it should also be noted that the project would result in a net gain of five (5) additional residential units within the City of Santa Barbara, thus, achieving greater consistency with the City's Housing Element goals while also helping the City to meet the State's Regional Housing Needs Assessment (RHNA) numbers.

Based on the above considerations, we feel that consistent with SBMC 28.92.110, the finding that the requested modification of yard and lot regulations is "consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot" can and should be made.

Parking (Section 28.90.100):

According to City Staff, the project would require approval of a Modification of SBMC 28.90.100 such that we would not be required to provide one guest parking space for the residential portion of the project. The project proposes 23 parking spaces; twelve of which will be garage spaces for the exclusive use of the residential project component. Separate from the residential garage parking spaces, the project will provide an additional 11 surface parking spaces to be utilized primarily by the project commercial units during the day, with the use transitioning to more of a residential visitor use on nights and weekends. Given the parking calculations identified in the table above, there should be a significant comfort level in granting a one-space modification. Consistent with SBMC 28.92.110, we kindly request that the Commission make the finding that the requested modification of parking regulations is "consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot".

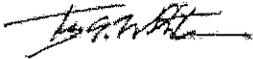
Driveway Access (Section 28.94.030.H):

To address the split R-4/ C-2 zoning on-site, we have requested a Conditional Use Permit (consistent with SBMC 28.94.030.H) to allow a driveway for non-residential uses in a residential zone. The driveway would be shared by a small number of residential and commercial site users; we do not believe any significant land use conflicts would arise from this situation. Given the unique zoning situation which exists on the property, we kindly request that the Commission approve this requested Conditional Use Permit.

City of Santa Barbara Planning Commission
Hawkes Mixed Use Project
February 27, 2007
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On behalf of the Hawkes Family Trust, I would like to thank the Commission for its time and consideration, and respectfully request the Commission's support of the requested approvals for the Santa Hawkes Mixed Use Project at State and Pedregosa. Should you have any questions or concerns regarding this application prior to the hearing date, please do not hesitate to contact me at (805) 963-0651, ext. 3528.

Most sincerely,



Troy A. White, AICP
Senior Environmental Planner

cc: Emmet Hawkes, *Hawkes Family Trust*
Tom Ochsner, *Tom Ochsner-Architect*
Jan Hubbell/ Irma Unzueta, *City of Santa Barbara Planning*



CONCEPT REVIEW - NEW

13. 1829 STATE ST

C-2/R-4 Zone

Assessor's Parcel Number: 027-031-007
Application Number: MST2004-00132
Owner: Emmet Hawkes Family Trust
Applicant: Tom Ochsner

(Proposal for a mixed-use development on two separate parcels (027-031-007 for 1829 State and 027-031-006 for 11 W. Pedregosa Street). The commercial portion of the project would be located on the first and second floors of the three-story building facing State Street consisting of 2,849 square feet of retail space and 1,772 square feet of office space, with two of the residential units on the second and third floors. The remaining residential units would be contained in a three-story building facing Pedregosa Street. The proposed residential unit mix includes three, three-bedroom units, three, two-bedroom units, one, one-bedroom unit, and one studio unit. The project includes 18 parking spaces, eight of which are open spaces to allow for shared use. In addition, an existing single-family residence on the Pedregosa St. parcel is proposed to be demolished. The project requires Planning Commission approval for a Tentative Subdivision Map, modifications for parking and open space, and a Development Plan.)

(COMMENTS ONLY, PROJECT REQUIRES PLANNING COMMISSION APPROVAL FOR A TENTATIVE SUBDIVISION MAP, MODIFICATIONS, AND ENVIRONMENTAL ASSESSMENT.)

CONCEPT REVIEW - CONTINUED

11. 1829 STATE ST

C-2/R-4 Zone

Assessor's Parcel Number: 027-031-007
Application Number: MST2004-00132
Owner: Emmet Hawkes Family Trust
Applicant: Tom Ochsner

(Proposal for a mixed-use development on two separate parcels (027-031-007 for 1829 State and 027-031-006 for 11 W. Pedregosa Street). The commercial portion of the project would be located on the first and second floors of the three-story building facing State Street consisting of 2,849 square feet of retail space and 1,272 square feet of office space, with two of the residential units on the second and third floors. The remaining residential units would be contained in a three-story building facing Pedregosa Street. The proposed residential unit mix includes three, three-bedroom units, three, two-bedroom units, and one, one-bedroom unit. The project includes 17 parking spaces, eight of which are open spaces to allow for shared use. In addition, an existing single-family residence on the Pedregosa St. parcel is proposed to be demolished. The project requires Planning Commission approval for a Tentative Subdivision Map, modifications for parking and open space, and a Development Plan.)

(Second Concept Review.)

(COMMENTS ONLY, PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL FOR A TENTATIVE SUBDIVISION MAP, AND MODIFICATIONS.)

(4:31)

Tom Ochsner, Applicant; and Emmet Hawkes, Owner, present.

Motion: Continued indefinitely to the Planning Commission with the following comments: 1) The Commission encouraged the applicant to consult with the Planning Commission regarding the mix of commercial and residential units. 2) The Commission prefers a solution in which the majority of the parking is not visible from the street. 3) The Commission had various architectural comments but would like to see the planning issues resolved before giving further direction.

Action: Hausz/Pujo, 6/0/1. Suding stepped down.

CONCEPT REVIEW - CONTINUED

6. **1829 STATE ST** C-2/R-4 Zone
 Assessor's Parcel Number: 027-031-007
 Application Number: MST2004-00132
 Owner: Emmet Hawkes Family Trust
 Applicant: Tom Ochsner
 Architect: Tom Ochsner

(Proposal for a mixed-use development on two separate parcels (027-031-007 for 1829 State Street and 027-031-006 for 11 W. Pedregosa Street). The commercial portion of the project would be located on the first and second floors of the three-story building facing State Street consisting of 2,849 square feet of retail space and 1,272 square feet of office space, with two of the residential units on the second and third floors. The remaining residential units would be contained in a three-story building facing Pedregosa Street. The proposed residential unit mix includes three, three-bedroom units, three, two-bedroom units, and one, one-bedroom unit. The project includes 17 parking spaces, eight of which are open spaces to allow for shared use. In addition, an existing single-family residence on the Pedregosa Street parcel is proposed to be demolished. The project requires Planning Commission approval for a Tentative Subdivision Map, modifications for parking and open space, and a Development Plan.)

(Third Concept Review.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL OF A TENTATIVE SUBDIVISION MAP, AND MODIFICATIONS.)

(3:23)

Emmet Hawkes, Owner; and Tom Ochsner, Applicant and Architect, present.

Public comment opened at 3:42 p.m.

Kellem De Forest, resident, asked if the applicant can provide street trees to the corner to add greenery.

Public comment closed at 3:43 p.m.

Motion: Continued two weeks with the following comments: 1) The Commission appreciates the presentation and the direction of the project. 2) Continue to reduce the size, bulk, and scale. 3) Restudy the three foot landscape strip along the southern property line adjacent to the parking garage to provide more landscaping in the street frontage and courtyard interior. 4) Provide a landscape plan. 5) Break up the verticality of the elevations on State Street and the northern side of W. Pedregosa Street to be more organic, balanced, and less symmetrical. 6) Restudy the cornice at the entry tower. Use of a genoise detail is not recommended. 7) The stair design at the corner is moving in the right direction. 8) Provide the other elevations.

Action: Rager/Naylor, 6/0/0.

CONCEPT REVIEW - CONTINUED

9. 1829 STATE ST

C-2/R-4 Zone

Assessor's Parcel Number: 027-031-007
 Application Number: MST2004-00132
 Owner: Emmet Hawkes Family Trust
 Applicant: Tom Ochsner
 Architect: Tom Ochsner

(This is a revised project description. Proposal for a mixed-use development on two separate parcels (027-031-007 for 1829 State Street and 027-031-006 for 11 W. Pedregosa Street). The commercial portion of the project would be located on the first and second floors of the three-story building facing State Street consisting of 3,000 square feet of retail space and 1,600 square feet of office space, with one residential unit on the second and third floors. The remaining residential units would be contained in a three-story building facing Pedregosa Street. The proposed residential unit mix includes four, three-bedroom units and three, two-bedroom units. The project includes 21 parking spaces, 14 of which are open spaces to allow for shared use. In addition, an existing single-family residence on the Pedregosa Street parcel is proposed to be demolished. The project requires Planning Commission approval for a Tentative Subdivision Map, modifications for parking and open space, and a Development Plan.)

(Fourth Concept Review.)

(COMMENTS ONLY, PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL FOR A TENTATIVE SUBDIVISION MAP, AND MODIFICATIONS.)

(5:10)

Philip Suding, Landscape Architect; Tom Ochsner, Architect; and Emmet Hawkes, Owner, present.

Straw vote: How many Commissioners can support the State Street chimney with a volute bottom design in some form? 6/0.

Motion: Continued indefinitely to the Planning Commission with the following positive comments: 1) The Commission appreciates the applicant's progress. 2) The parking is resolved in a positive manner in that it is hidden from public view. 3) The Pedestrian access on both State Street and W. Pedregosa Street is well defined and well designed. 4) The interface between the commercial and residential portions of the project is well balanced. 5) The Commission can support the conceptual landscape plan. 6) In general, the project needs more architectural refinement. 7) The corner stair needs to be restudied. The Commission does not support the option of the rail on top of the stair. 8) Restudy the windows at tower element on the State Street elevation. 9) Eliminate the cornice and restudy the window proportions at the second floor.

Action: Hsu/Rager, 6/0/0. Suding stepped down.



DUDEK

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T 805.963.0651 F 805.963.2074

February 1, 2007

5211-01

Mr. Tom Ochsner
c/o On Design Architects
829 De la Vina Street
Santa Barbara, CA 93101

SUBJECT: Mixed Commercial and Residential Project
1829 State Street & 11 West Pedregosa, Santa Barbara
REVISED Environmental Noise Study

Dear Mr. Ochsner:

This revised report contains our assessment of the future traffic-related noise environment at the proposed new commercial and residential condominium structures to be located at 1829 State Street and 11 West Pedregosa Street in the City of Santa Barbara, based upon the Architecture Plans dated November 7, 2006; revisions have been included to respond to the City of Santa Barbara 15 December 2006 DART Letter. The assessment has been conducted in conformance with the City of Santa Barbara's requirement that the Community Noise Equivalent Level (CNEL) not exceed 60 dB within any exterior living spaces of the project which are necessary to meet the minimum space requirements of the Santa Barbara Municipal Code. The report also contains a preliminary analysis of interior noise levels based upon the conceptual building designs, for comparison with the City's 45 dB CNEL residential interior noise criterion.

The project would provide outdoor living space primarily in the form of private upper-level balconies or decks pursuant to City of Santa Barbara Municipal Code Section 28.21.081. The future noise levels from Year 2030 traffic volumes on State Street and Pedregosa Street are calculated to range up to 56 dB CNEL within the project's *required* outdoor living areas for each of the six residential condominium units. These exterior noise levels would be within the acceptable range for new condominium residences, and therefore no mitigation would be required for exterior noise exposure.

Private outdoor living space in excess of the Zoning Ordinance requirement would also be provided in the proposed development; the City of Santa Barbara has determined excess exterior living areas should be evaluated on a case-by-case basis with respect to allowable noise

Environmental Noise Study 1829 State Street, Santa Barbara

exposure, but that noise exposure in exterior areas should not exceed 75 dB CNEL in all cases (Santa Barbara 2006). This evaluation concludes the noise exposure within the proposed, excess, exterior living spaces would be well below the 75 dB CNEL guideline recommendation.

To comply with the City's 45 dB CNEL residential interior noise standard, an interior noise analysis will be required for the dwelling units adjacent to State Street project prior to issuance of building permits. Based on a preliminary review, the dwelling units immediately adjacent to State Street would most likely require sound-rated windows; such windows would also need to be in the closed position in order to achieve compliance with the interior noise standard of 45 dB CNEL. As such, a mechanical ventilation system or air conditioning would be required so that the occupants could keep the windows closed at their discretion.

1.0 BACKGROUND

1.1 Project Setting

The subject property is currently identified as 1829 State Street and 11 West Pedregosa Street. The two project parcels are currently vacant. The proposed development is essentially composed of two separate structures. Fronting State Street, a three-story structure is proposed which would contain retail commercial space on the ground floor, residential space and two separate commercial office spaces on the second floor, and residential space on the third floor. The one residence in this structure has interior living space on the second and third levels of the building, and a roof-top terrace as the primary designated exterior living space. This State Street structure is separated from the second structure by a ground-level courtyard or paseo feature which leads from Pedregosa Street behind the first structure and outlets to State Street just south of the State Street structure.

The second structure of the proposed project is also three stories in height. An at-grade parking garage forms the first level of the structure, above which are two levels of residential space. There would be an exterior promenade running north/south at the second level, separating two parallel wings of residences. Primary exterior living space for the residences in this structure is comprised of terraces at the second level. Terraces for Units 4-6 are at the rear of the structure (facing west), while terraces for Units 2-3 are oriented into the courtyard which separates the two project structures. Units 2-3 also have a proposed roof-top terrace as part of their exterior living area. In general, the State Street structure would provide shielding of the remainder of the property from State Street traffic noise.

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2

Environmental Noise Study 1829 State Street, Santa Barbara

The project site is located at the southwest corner of the intersection of State Street and Pedregosa Street in Santa Barbara. The regional location and project vicinity are depicted in *Figures 1 and 2*. The site plan and first level floor plan for the proposed project are graphically depicted on *Figure 3*. The proposed floor plans are illustrated on *Figures 4, 5 and 6*.

As part of the application review process by the City of Santa Barbara, an acoustical study is required. The updated analysis is based on the *Site Plan, Floor Plan, and Elevations*, November 7, 2006, by Thomas Ochsner Architecture.

The City of Santa Barbara Zoning Ordinance (Section 28.21.081) stipulates the minimum mandatory outdoor living space to be provided per each residence in a multi-family residential project. The requirement can be met through the provision of a private outdoor space per condominium, or via common outdoor living spaces available for use by the residents. The project will provide primary outdoor living space in the form of upper level terraces (decks). For Unit 1, exterior living space to meet Municipal Code Requirements will be provided on the roof-top; the roof-top deck is accessible from an interior spiral stair case in Unit 1. For Units 2-6, terrace area on the second-level has been provided to meet exterior space requirements of the Municipal Code. Please refer to *Figures 3 - 6* for the location of proposed exterior living areas.

With respect to exterior living space in excess of the Zoning Ordinance Requirement, many of the proposed units would have surplus or excess exterior living space. Unit 1 would include exterior living area in excess of the minimum requirements (a terrace and balcony on level 2 and a terrace on level 3). Unit 2 and Unit 3 would also include excess exterior living space (a balcony facing Pedregosa Street on Level 2).

1.2 City Noise Criteria

The City of Santa Barbara requires that the noise level within required outdoor living spaces for new single family and multiple family residential development not exceed 60 dB CNEL (City of Santa Barbara, 1979). The City of Santa Barbara has indicated exterior living space in excess of the Zoning Ordinance requirements should be evaluated on a case by case basis, with a recommended guideline that these spaces not have noise exposure above 75 dB CNEL (City of Santa Barbara, 2006). Last, interior noise levels are not to exceed 45 dB CNEL (City of Santa Barbara, 1979). All sound levels discussed in this report are A-weighted. The acoustical terminology used in this report is defined in *Attachment 1*.

Environmental Noise Study
1829 State Street, Santa Barbara

2.0 EXISTING CONDITIONS

The project site is exposed primarily to traffic noise from State Street with traffic noise from Pedregosa Street a secondary contributor to the noise environment at the site.

Pedregosa Street carries a current volume of approximately 1,600 average daily trips (ADT), according to the City Transportation Division (Sissler 2006); State Street carries a current volume of approximately 15,900 ADT (Sissler 2006).

Ambient Noise Monitoring

Noise measurements were conducted adjacent to Pedregosa Street in the immediate vicinity of the subject property and adjacent to State Street along the subject property boundary, to determine the existing noise level resulting from traffic on Pedregosa Street and State Street at the project site. The measurements were made using a calibrated Larson-Davis Laboratories Model 820 (S.N. 1534) integrating sound level meter equipped with a Type 2551 ½-inch pre-polarized condenser microphone with pre-amplifier. When equipped with this microphone, the sound level meter meets the current American National Standards Institute standard for a Type 1 precision sound level meter. The sound level meter was positioned at a height of approximately five feet above the ground. *Table 1* shows the measured noise levels and concurrent traffic volumes on the two roadway facilities.

Table 1
Measured Average Sound Level

Site	Description	Date/Time	LAeq	Cars	MT ²	HT ³
1	Approximately 25 feet to center line of Pedregosa Street	6/20/06 10:40 to 11:10 a.m.	56 dB	58	1	0
2	Approximately 40 feet to center line of State Street	6/20/06 11:15 to 11:35 a.m.	66 dB	321	8	0

- Notes: ¹ Equivalent Continuous Sound Level (Time-Average Sound Level)
 ² Medium Trucks
 ³ Heavy Trucks

General Notes: Temperature 72 degrees, partly cloudy, 1 mph southwesterly wind.

Environmental Noise Study 1829 State Street, Santa Barbara

The noise measurement locations are depicted as Site 1 and Site 2 on *Figure 7*. Site 1 is approximately 25 feet from the center line of Pedregosa Street. Site 2 is approximately 40 feet from the center line of State Street. The measured average noise level was 56 dB at Site 1; the measured average noise level was 66 dB at Site 2.

Traffic Noise Modeling

The Caltrans' Sound 32 model was calibrated first, before using the model to evaluate existing and future noise levels from traffic. The same traffic volume and vehicle composition ratios counted during the noise measurements were used to calibrate the model and verify the input used in the noise model. The modeled existing traffic speed was 30 mph along Pedregosa Street and 35 mph along State Street.

The modeled L_{eq} for both Site 1 and Site 2 are within one dB of the measured noise levels. This result generally confirms the assumptions used in the noise model.

Based upon information provided by the City traffic engineer (Sissler 2006), a vehicle mix of 2 percent medium trucks and 0.01 percent heavy trucks was employed in the model for evaluation of existing and future anticipated noise levels from the adjacent segment of Pedregosa Street. For State Street, a vehicle mix of 1.5 percent medium trucks and 0.5 percent heavy trucks was employed in the model for evaluation of existing and future anticipated noise levels, in accordance with information provided by the City traffic engineer (Sissler 2006).

The modeled existing noise level is 58 dB CNEL at Site 1. The modeled existing noise level is 68 dB CNEL at Site 2. It should be noted that these noise levels are in terms of the CNEL and not the L_{eq} as shown in Table 1.

3.0 ANALYSIS

State Street is classified as a Major Arterial in the City's General Plan and will be one of the primary noise sources at the project site in the future. In the year 2030, State Street south of Pedregosa Street will carry approximately 18,600 ADT (Sissler 2006). Pedregosa Street is classified as an arterial in the City's General Plan, and will be a secondary noise source at the project site. The year 2030 traffic volume for Pedregosa Street west of State Street is projected to be 1,950 ADT (Sissler 2006).

**Environmental Noise Study
1829 State Street, Santa Barbara**

Exterior Noise

Based upon the proposed project design, the future exterior noise level from Year 2030 traffic along State Street and Pedregosa Street within the designated exterior living areas of the project residences would be as follows.

**TABLE 2
Calculated Future Sound Levels in Exterior Living Spaces**

Designated Area	Modeled Future Sound Level
Unit 1 – Roof-top Deck / Terrace	56 dB CNEL
Unit 2 – Pedregosa Terrace	54 dB CNEL
Unit 2 – Courtyard Terrace	47 dB CNEL
Unit 2 – Roof-top Deck / Terrace	55 dB CNEL
Unit 3 – Terrace	47 dB CNEL
Unit 3 – Roof-top Deck / Terrace	55 dB CNEL
Unit 4 – Terrace	51 dB CNEL
Unit 5 – Terrace	51 dB CNEL
Unit 6 – Terrace	48 dB CNEL
Common Area – Promenade	47 – 60 dB CNEL

The designated outdoor living area for each unit, which would meet the space requirements under the Zoning Ordinance (Section 28.21.081), would have future noise levels ranging up to 56 dB CNEL; future noise levels within these exterior living areas would be within the City's adopted exterior noise criteria of 60 dB CNEL maximum, without the need for any mitigation.

The Promenade area at the second-level within the development would serve as common open space for project residents as well. The calculated future noise levels for different portions of the Promenade range from 47 to 60 dB CNEL from Year 2030 traffic along State Street and Pedregosa Street. Therefore, the common open space within the Promenade area would also meet the City's adopted exterior noise criteria of 60 dB CNEL maximum, without the need for any mitigation.

The proposal does include exterior living space in excess of that required under the Zoning Ordinance. The City has indicated such space is to be evaluated on a cases to case basis with respect to allowable noise exposure, if predicted noise exposure would exceed 60 db CNEL. In

Environmental Noise Study 1829 State Street, Santa Barbara

no case should excess exterior living areas be allowed where noise exposure is predicted to exceed 75 dB CNEL. Table 3 below provides the predicted noise levels within exterior living areas proposed to be provided in excess of the Zoning Ordinance space requirements.

TABLE 3
Calculated Future Sound Levels
Surplus or Excess Exterior Living Spaces

Location/Space	Modeled Future Sound Level
Unit 1 - Second Floor Terrace	69 dB CNEL
Unit 1 - Second Floor Balcony, State Street	59 dB CNEL
Unit 1 - Third Floor Terrace	62 dB CNEL
Unit 2 - Second Floor Balcony, Pedregosa	60 dB CNEL
Unit 2 - Third Floor Terrace, interior	56 dB CNEL
Unit 4 - Second Floor Balcony, Pedregosa	58 dB CNEL

Interior Noise

A detailed interior noise analysis was not conducted at this preliminary project design phase. However, the following conceptual discussion is provided for interior noise concerns.

Standard construction materials and techniques for a multiple family development normally result in a minimum exterior to interior noise attenuation of 15 dB. Therefore, an exterior noise exposure not exceeding 60 dB CNEL would result in interior noise levels of 45 dB CNEL or less.

Exterior noise levels for the State Street façade of the proposed development are expected to range up to approximately 69 dB CNEL. With the windows open or closed, the interior noise level within the residences adjacent to State Street could exceed the City and State's interior residential noise standard of 45 dB CNEL, unless mitigation measures are provided.

Exterior noise levels for the Pedregosa Street façade of the proposed development are expected to range up to approximately 59 dB CNEL. Standard construction materials and techniques should therefore be adequate for future residences fronting Pedregosa Street or within the interior of the project, in order to achieve the City and State's interior residential noise standard of 45 dB CNEL.

Environmental Noise Study 1829 State Street, Santa Barbara

Construction Noise

There are existing residences immediately adjacent to the westerly property boundary of the subject property, as well as generally along the opposite side of Pedregosa Street from the project site. These residences are considered noise-sensitive land uses for the purposes of construction-related noise impact assessment. The City of Santa Barbara does not have an adopted criterion with a specific threshold for construction related noise, but does have a standard limitation for construction project schedules within areas containing residential uses.

Construction would involve several phases including grading, foundation construction and finish construction. The noise levels generated by construction equipment would vary greatly depending upon factors such as the type and specific model of the equipment, the operation being performed and the condition of the equipment. Based on typical construction operations involving scrapers, dozers, water truck, blades and loaders, noise levels in excess of 95 dB (A) measured 50 feet from the noise source could be produced during demolition and grading phases of the project.

Construction noise in a well defined area typically attenuates at approximately six dB per doubling of distance. Therefore, at a distance of 100 feet the maximum noise level would be approximately six dB less (or 89 dB (A)). This assumes a direct line-of-sight from the receiver to the construction area. Intervening buildings would limit the noise level for residential properties not immediately adjacent to the subject property boundary.

When construction equipment is operating, existing residences immediately west and north of the project site could be disturbed by the activities. Because of the relatively short-term to moderate duration of construction activities, the City's existing restrictions on periods when construction can occur, and the common incorporation of routine construction noise controls, potential noise impacts upon adjacent existing residences are considered adverse, but not significant. However, a strict construction schedule which adheres to the City's adopted standard schedule should be enforced for the project development.

Construction activities would also generate short-term traffic as workers, equipment and materials are brought to the site. The daily transportation is expected to cause short-term traffic-related noise increases along the project roadways. However, this traffic would not be a significant percentage of the daily volumes in the area and would not increase the noise levels by more than three dB CNEL. Therefore, the construction-related traffic noise impacts are

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Environmental Noise Study 1829 State Street, Santa Barbara

considered to be less than significant. A mitigation to minimize non-significant construction-related noise is provided in the mitigation discussion.

4.0 MITIGATION

Exterior Noise

The designated primary exterior living area for each unit would be within the City's exterior noise criterion of 60 dB CNEL without any need for mitigation.

Proposed excess or surplus exterior living areas, where provided, would have calculated future noise levels not greater than 69 db CNEL, which would meet the recommended guideline for noise exposure within excess exterior living areas.

In response to the City of Santa Barbara, December 15, 2006, Final DART Comment Letter, 1829 State Street & 11 West Pedregosa Street this noise report has been supplemented with additional figures that provide greater detail pertaining to the size and type of each of the proposed exterior living areas. Please refer to *Figures 8-10* for color-coded representation of the proposed exterior living areas of the project, broken into "Required" versus "Additional" space, consistent with the discussion in the *Analysis* section.

Interior Noise

To comply with the City's 45 dB CNEL interior noise standard, an interior noise analysis will be required for the residential units fronting State Street, prior to issuance of building permits. Based upon exterior noise levels calculated in this report, the State Street fronting residences would appear to require mechanical ventilation and/or air conditioning systems and sound-rated windows. The interior noise analysis will refine the construction materials and ventilation system requirements for these project residential units.

Construction Noise

To avoid nuisance noise impacts, the following adopted City of Santa Barbara construction schedule limitation shall be incorporated into all construction contracts for the project, and posted at the site:

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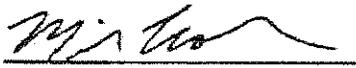
Environmental Noise Study
1829 State Street, Santa Barbara

Future project-related site preparation and construction activities shall be limited to non-holiday weekdays between the hours of 8 AM and 5 PM only. Construction equipment maintenance shall be limited to the same hours. Non-noise-generating construction activities such as interior painting are not subject to these restrictions.

This concludes our noise assessment, if you have any questions please call me.

Very truly yours,

DUDEK & ASSOCIATES, INC.



Mike J. Komula
Acoustician

att.: Figures 1-10

Environmental Noise Study
1829 State Street, Santa Barbara

REFERENCES

California Department of Transportation (Caltrans), June 1983, *User's Instructions for SOUND32 (FHWA/CA-83/06)*.

California Department of Transportation (Caltrans), 1987, *California Vehicle Noise Emission Levels, (FHWA/CA/TL-87/03)*.

City of Santa Barbara, August 1979. *City of Santa Barbara General Plan Noise Element*.

City of Santa Barbara, Transportation Division, Steve Sissler (Traffic Engineer) June 2006, email.

City of Santa Barbara, October 30, 2006, *DART Comment Letter, 1829 State Street & 11 West Pedregosa Street*.

City of Santa Barbara, December 15, 2006, *Final DART Comment Letter, 1829 State Street & 11 West Pedregosa Street*.

Tom Ochsner Architects, November 2006, *Site Plans, Floor Plans, and Elevations for 1829 State Street & 11 West Pedregosa*.

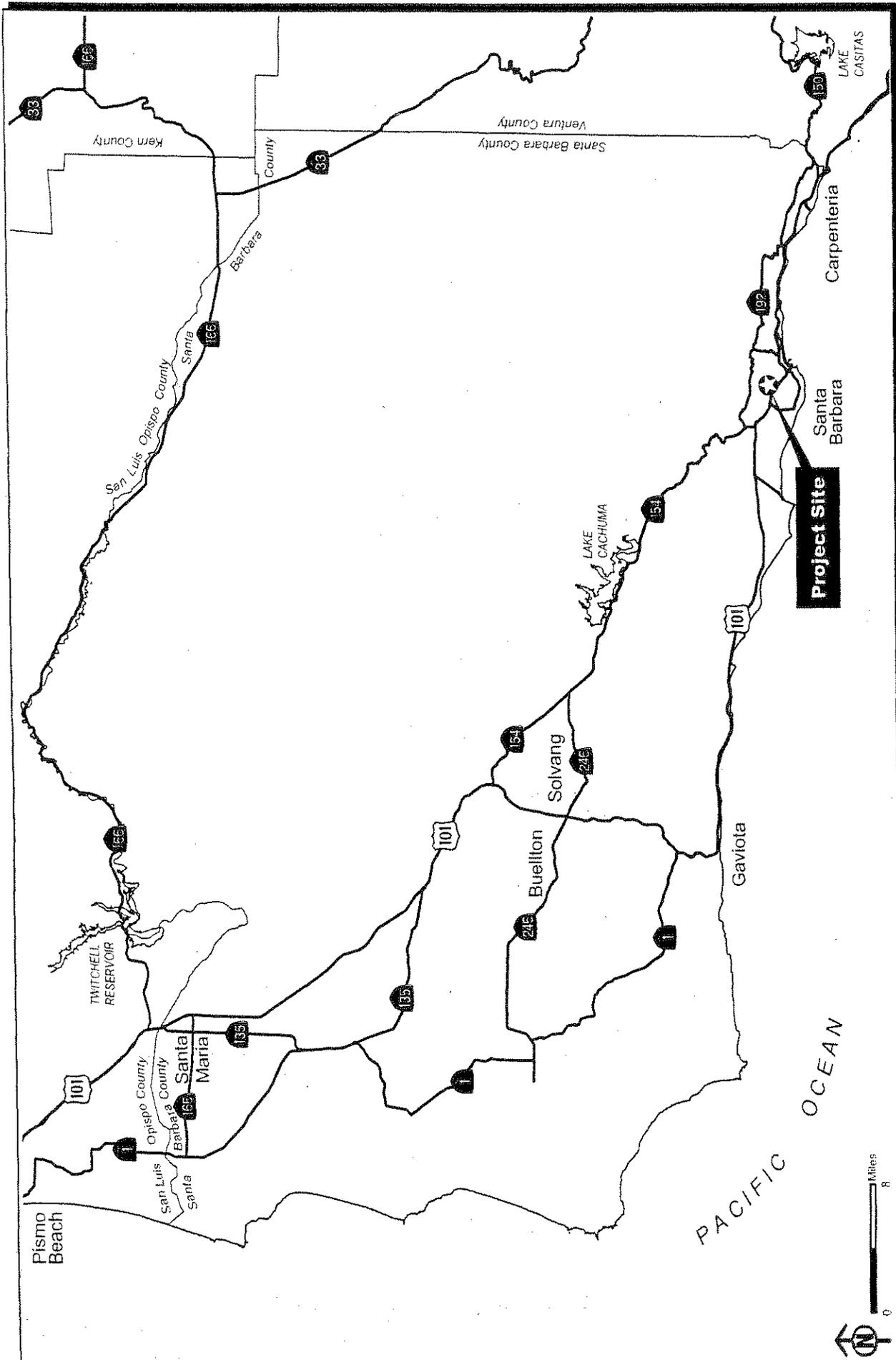
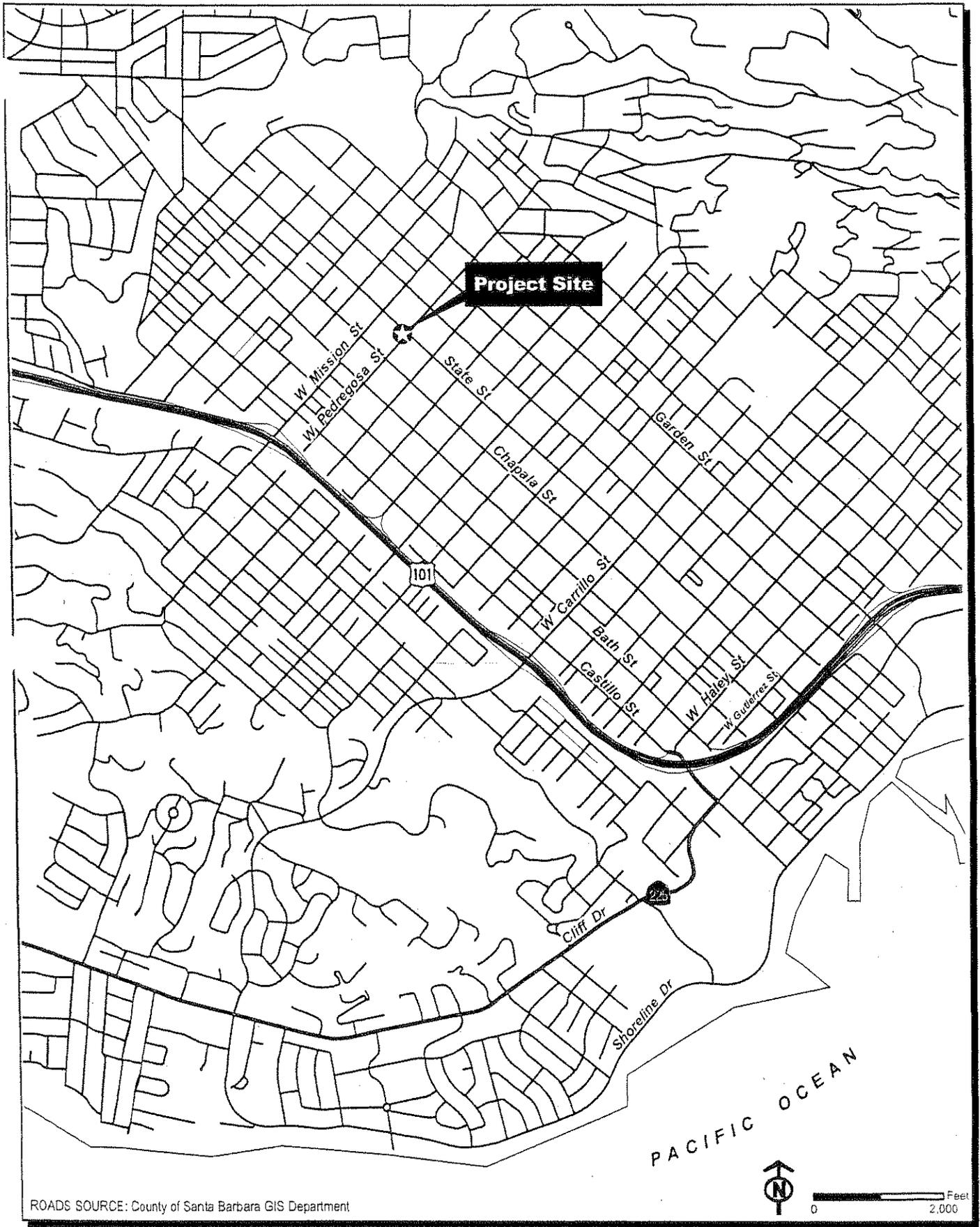


FIGURE
1

1829 State Street Environmental Noise Study
Regional Setting



1829 State Street Environmental Noise Study
Local Setting

FIGURE
2

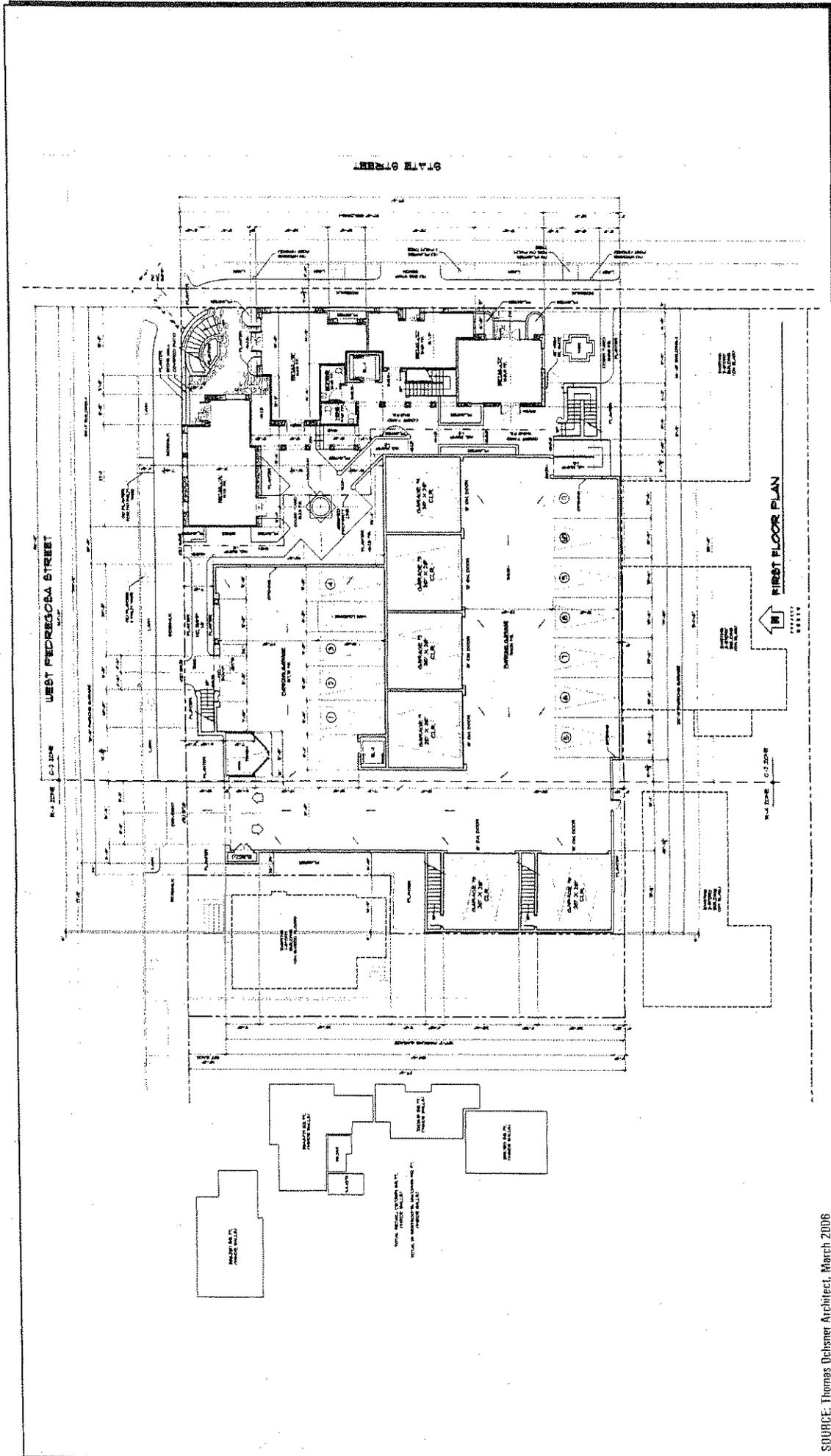
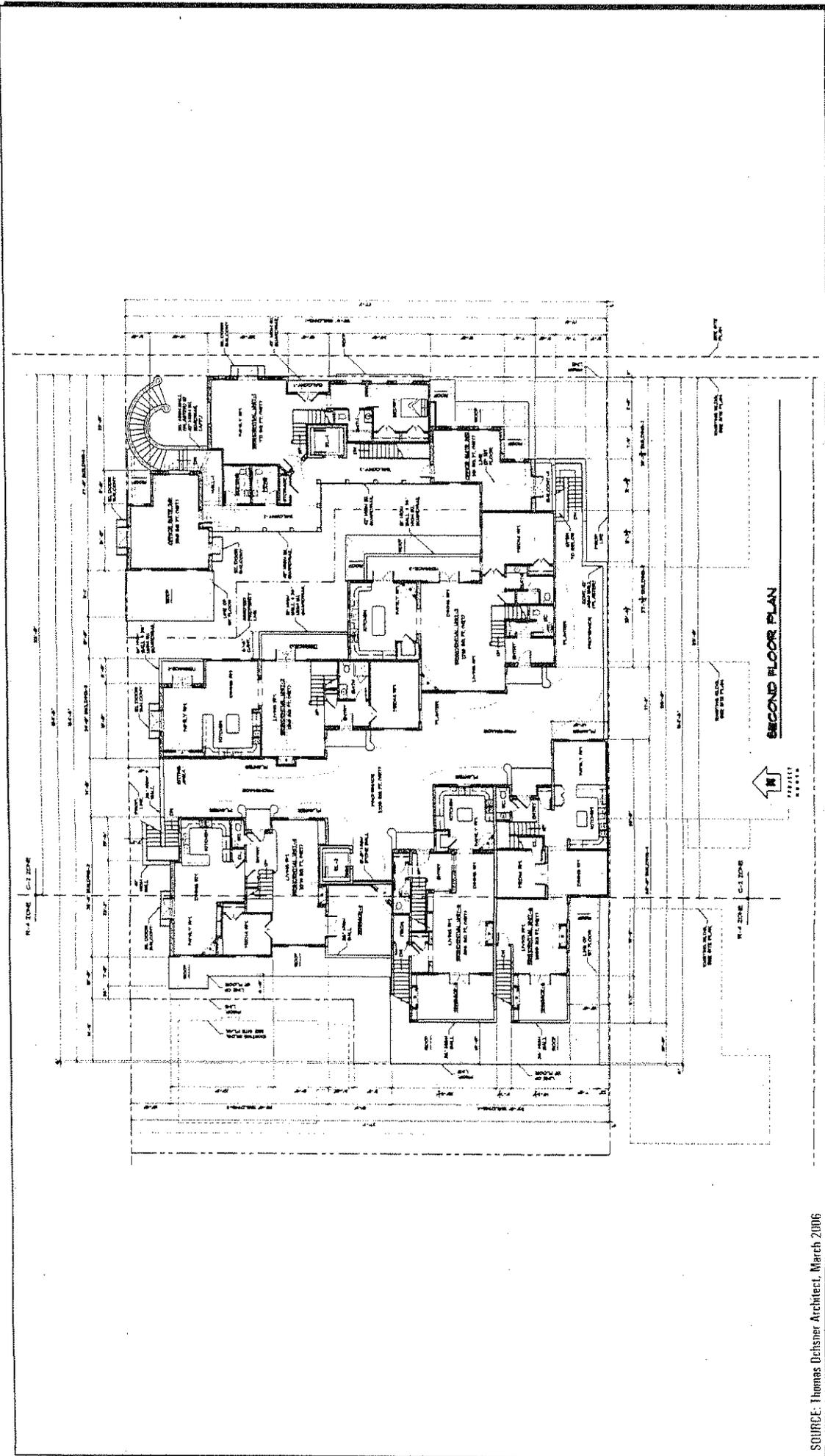


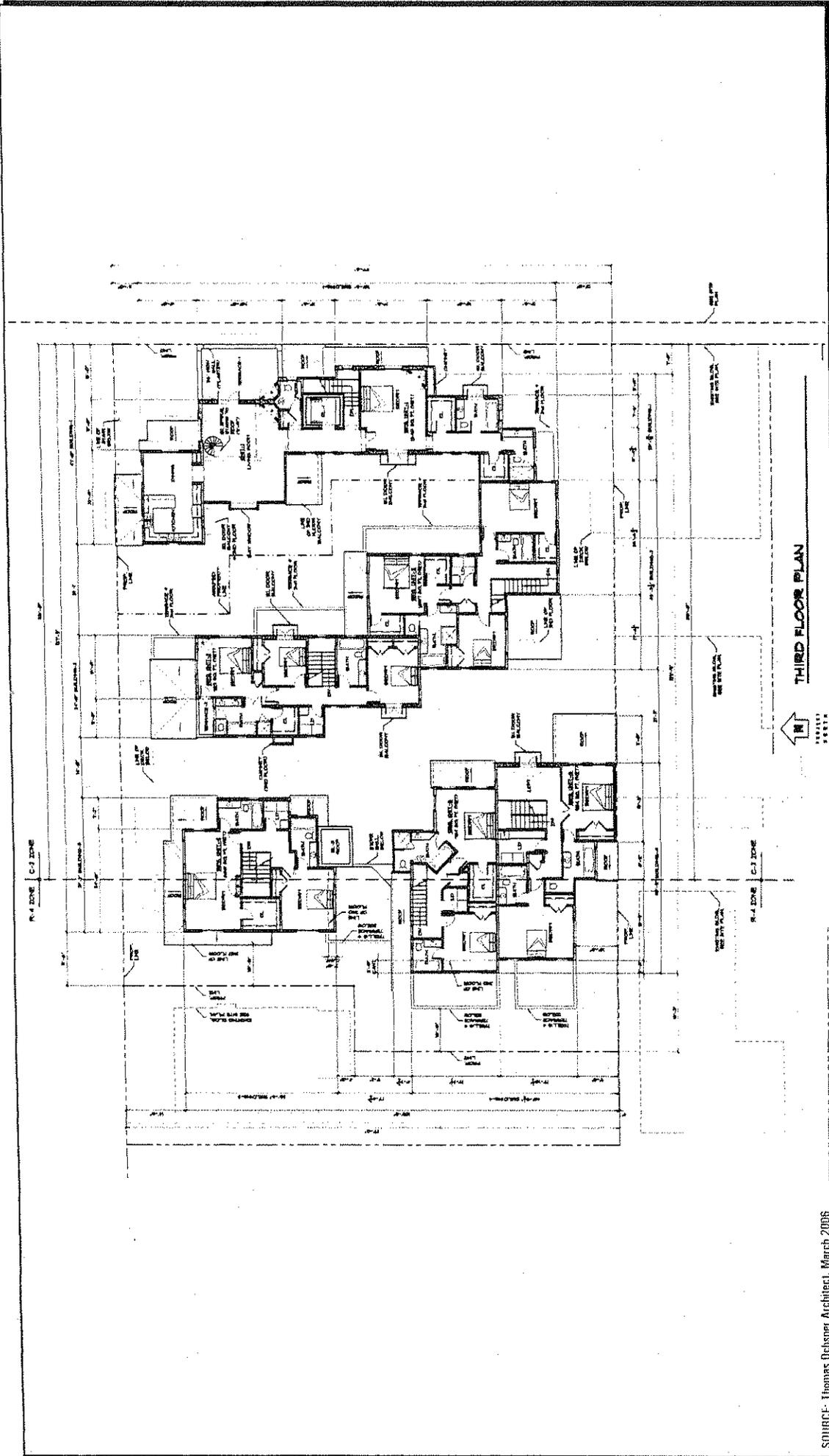
FIGURE
3

1829 State Street Environmental Noise Study
Site Plan / First Floor



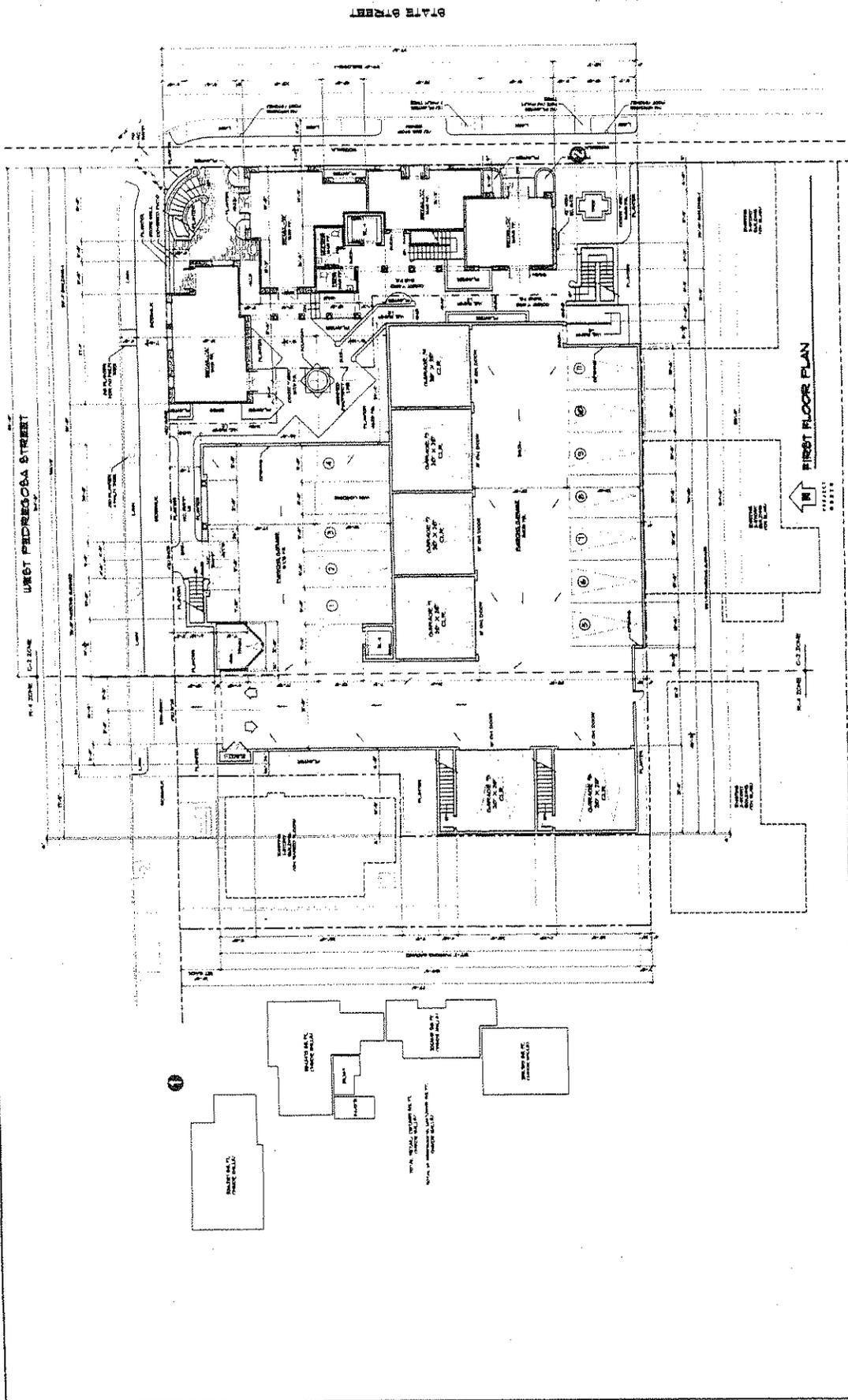
SOURCE: Thomas Dehsner Architect, March 2006

1829 State Street Environmental Noise Study
Second Floor Plan
 FIGURE 4



SOURCE: Thomas DeLisner Architect, March 2006

1829 State Street Environmental Noise Study
Third Floor Plan
 FIGURE 5

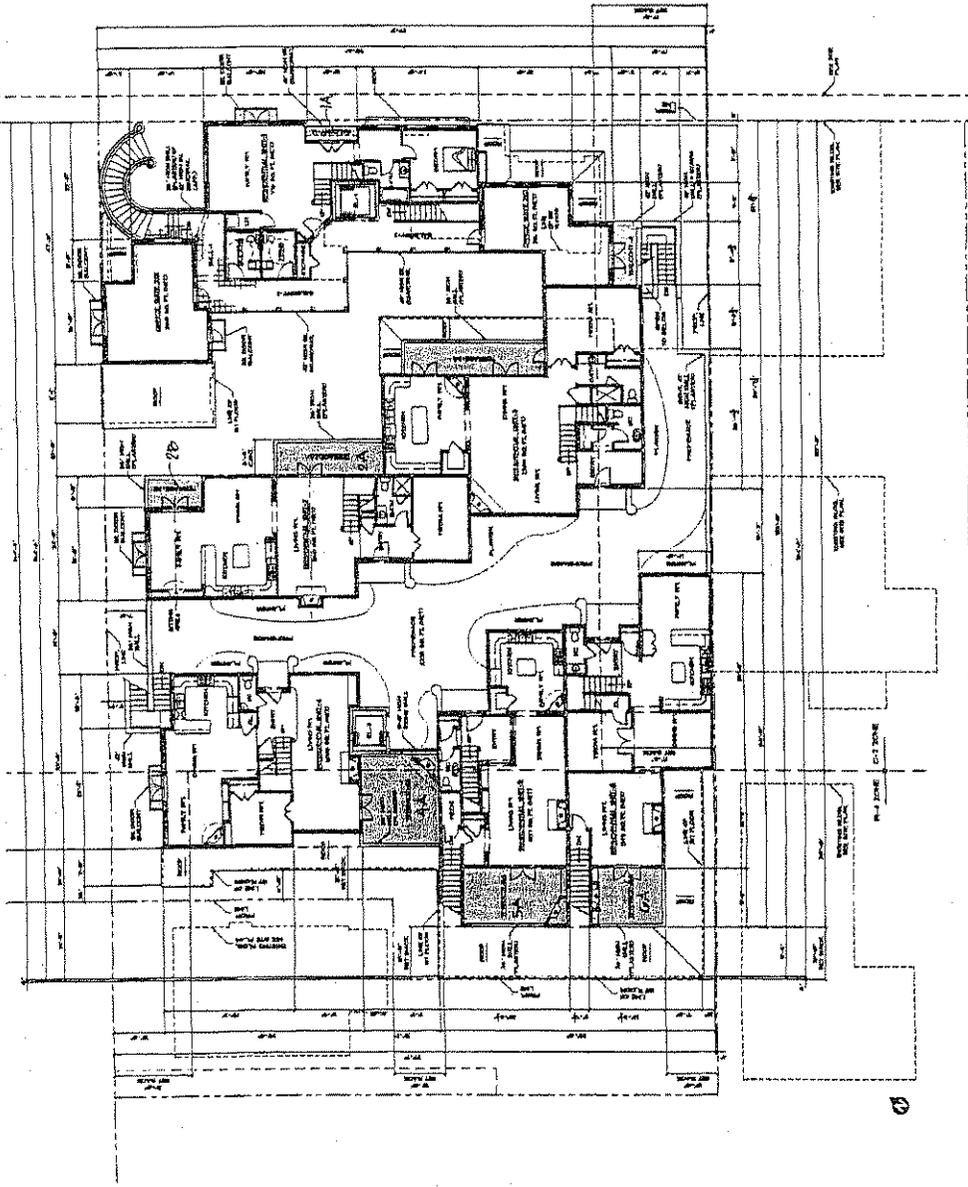


SOURCE: Thomas Dohmer Architect, March 2005

1829 State Street Street Environmental Noise Study
Measurement Locations

Pedregosa St.

State St.



Required
Additional

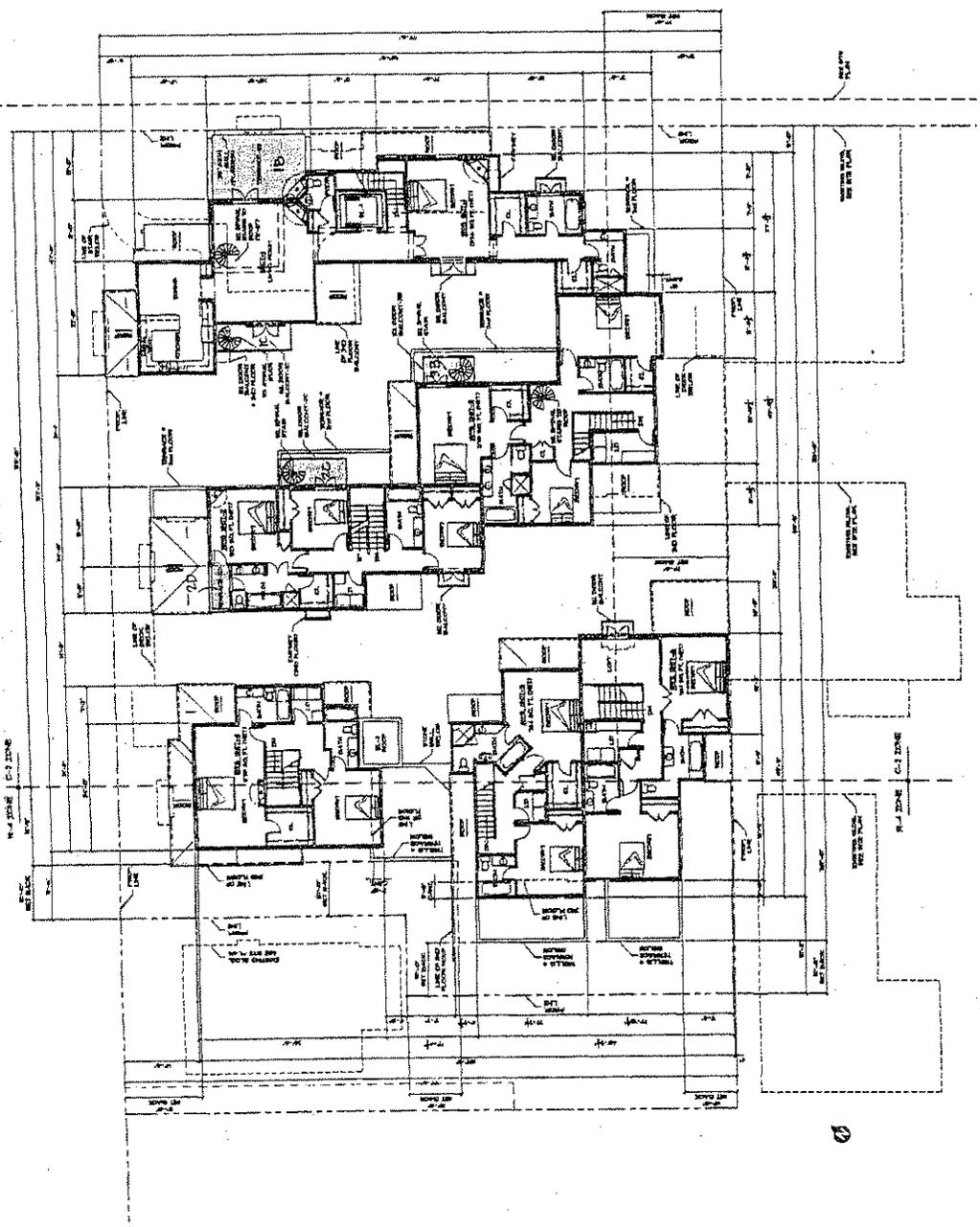
SOURCE: Thomas Dehsner Architect, March 2006

FIGURE
8

1829 State Street Street Environmental Noise Study
Exterior Living Area Detail - Second Floor Plan

Pedregosa St.

State St.



Required
Additional

SOURCE: Thomas Ochsner Architect, March 2006

FIGURE
9

1829 State Street Environmental Noise Study
Exterior Living Area Detail - Third Floor Plan

ATTACHMENT 1 DEFINITIONS

<u>Term</u>	<u>Definition</u>
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
A-Weighted Sound Level, (dB[A])	The sound pressure level in decibels as measured on a sound level meter using the A-weighted filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Community Noise Equivalent Level, (CNEL)	CNEL is the A-weighted equivalent continuous sound exposure level for a 24-hour period with a ten dB adjustment added to sound levels occurring during nighttime hours (10 pm to 7 am) and a five dB adjustment added to the sound levels occurring during the evening hours (7 pm to 10 pm).
Decibel, (dB)	A unit for measuring sound pressure level, equal to 10 times the logarithm to the base 10 of the ratio of the measured sound pressure squared to a reference pressure, which is 20 micropascals.
Time-Average Sound Level, (TAV)	The sound level corresponding to a steady state sound level and containing the same total energy as a time varying signal over a given sample period. TAV is designed to average all of the loud and quiet sound levels occurring over a specific time period.
Sound Transmission Class, (STC)	A single number rating of the noise reduction of a building element.

ATTACHMENT 2

Noise Calculations

future

SOUND32 - RELEASE 07/30/91, MODIFIED 04/22/00

TITLE:
1829 STATE STREET - FUTURE

1

BARRIER DATA

BAR ELE	BARRIER HEIGHTS							BAR ID	LENGTH	TYPE
	0	1	2	3	4	5	6			
1	-	25.*						B1 P1	110.0	
2	-	25.*						B1 P2	80.0	
3	-	25.*						B1 P3	66.0	
4	-	25.*						B1 P4	24.0	
5	-	25.*						B1 P5	44.0	
6	-	25.*						B1 P6	104.0	
7	-	25.*						B2 P1	34.0	
8	-	25.*						B2 P2	46.0	
9	-	25.*						B2 P3	34.0	
10	-	25.*						B2 P4	46.0	
11	-	36.*						B3 P1	34.0	
12	-	36.*						B3 P2	20.0	
13	-	36.*						B3 P3	10.0	
14	-	36.*						B3 P4	16.0	
15	-	36.*						B3 P5	43.0	
16	-	36.*						B3 P6	36.0	
17	-	21.*						B4 P1	21.0	
18	-	21.*						B4 P2	22.0	
19	-	21.*						B4 P3	3.0	
20	-	21.*						B4 P4	13.0	
21	-	21.*						B4 P5	12.0	
22	-	21.*						B4 P6	8.0	
23	-	21.*						B4 P7	6.0	
24	-	21.*						B4 P8	27.0	
25	-	24.*						B5 P1	24.0	
26	-	24.*						B5 P2	5.0	
27	-	24.*						B5 P3	50.0	
28	-	24.*						B5 P4	19.0	
29	-	24.*						B5 P5	18.0	
30	-	24.*						B5 P6	7.0	
31	-	24.*						B5 P7	59.0	
32	-	24.*						B5 P8	18.0	
33	-	24.*						B5 P9	3.0	
34	-	24.*						B5 P10	13.0	
35	-	14.*						B6 P1	126.0	
36	-	14.*						B6 P2	51.0	
37	-	14.*						B6 P3	21.0	
38	-	14.*						B6 P4	56.0	
39	-	14.*						B6 P5	31.0	
40	-	14.*						B6 P6	3.0	
41	-	14.*						B6 P7	45.0	
42	-	14.*						B6 P8	47.0	
43	-	14.*						B6 P9	29.0	
44	-	14.*						B6 P10	63.0	

future_input

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INPUT DATA FILE : P:\300.Environmental\Noise Studies\5211 - 1829 State Street\5211_1829State.fut.s32
 DATE : 11/14/2006

1829 STATE STREET - FUTURE

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TRAFFIC DATA

LANE NO.	AUTO		MEDIUM TRKS		HEAVY TRKS		DESCRIPTION
	VPH	MPH	VPH	MPH	VPH	MPH	
1	911	35	14	35	5	35	NORTHBOUND LANE
2	96	30	2	30	0	0	WESTBOUND LANE
3	96	30	2	30	0	0	EASTBOUND LANE
4	911	35	14	35	5	35	SOUTHBOUND LANE

=====

LANE DATA

LANE NO.	SEG. NO.	GRADE COR.	X	Y	Z	SEGMENT DESCRIPTION	LANE DESCRIPTION
1	1	N	7.0	200.0	167.0	NORTH END	STATE STREET NB
	2	N	7.0	100.0	165.0		
	3	N	7.0	0.0	163.0		
	4	N	7.0	-50.0	162.0		
	5	N	7.0	-100.0	161.0		
	6	N	7.0	-150.0	160.0		
	7	N	7.0	-250.0	158.0		
2	1	N	7.0	-350.0	156.0	SOUTH END	PEDREGOSA WB
	2	N	-400.0	-7.0	154.0		
	3	N	-300.0	-7.0	156.0		
	4	N	-200.0	-7.0	158.0		
	5	N	-160.0	-7.0	159.0		
	6	N	-120.0	-7.0	160.0		
	7	N	-80.0	-7.0	161.0		
3	1	N	-40.0	-7.0	162.0	WEST END	PEDREGOSA EB
	2	N	0.0	-7.0	163.0		
	3	N	-400.0	7.0	154.0		
	4	N	-300.0	7.0	156.0		
	5	N	-200.0	7.0	158.0		
	6	N	-160.0	7.0	159.0		
	7	N	-120.0	7.0	160.0		
4	1	N	-80.0	7.0	161.0	EAST END	STATE STREET SB
	2	N	-40.0	7.0	162.0		
	3	N	0.0	7.0	163.0		
	4	N	-7.0	200.0	167.0		
	5	N	-7.0	100.0	165.0		
	6	N	-7.0	0.0	163.0		
	7	N	-7.0	-50.0	162.0		
4	1	N	-7.0	-100.0	161.0	WEST END	STATE STREET SB
	2	N	-7.0	-150.0	160.0		
	3	N	-7.0	-250.0	158.0		
	4	N	-7.0	-350.0	156.0		
	5	N	-7.0	0.0	163.0		
	6	N	-7.0	100.0	165.0		
	7	N	-7.0	200.0	167.0		
4	1	N	-7.0	100.0	165.0	SOUTH END	STATE STREET SB
	2	N	-7.0	0.0	163.0		
	3	N	-7.0	-50.0	162.0		
	4	N	-7.0	-100.0	161.0		
	5	N	-7.0	-150.0	160.0		
	6	N	-7.0	-250.0	158.0		
	7	N	-7.0	-350.0	156.0		

=====

BARRIER DATA

future_input

Barrier No. 1 Barrier Description: FUNERAL HOME Type: wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (Z0)	TOP (Z)	BARRIER HEIGHTS AT ENDS		
1	-40.0	138.0	163.0	188.0	B1	P1	* 25
2	-40.0	28.0	163.0	188.0	B1	P2	* 25
3	-120.0	28.0	163.0	188.0	B1	P3	* 25
4	-120.0	94.0	163.0	188.0	B1	P4	* 25
5	-144.0	94.0	163.0	188.0	B1	P5	* 25
6	-144.0	138.0	163.0	188.0	B1	P6	* 25
	-40.0	138.0	163.0	188.0	B1	P7	* 25

Barrier No. 2 Barrier Description: STATE 1 Type: wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (Z0)	TOP (Z)	BARRIER HEIGHTS AT ENDS		
1	-40.0	-148.0	160.0	185.0	B2	P1	* 25
2	-40.0	-182.0	160.0	185.0	B2	P2	* 25
3	-86.0	-182.0	160.0	185.0	B2	P3	* 25
4	-86.0	-148.0	160.0	185.0	B2	P4	* 25
	-40.0	-148.0	160.0	185.0	B2	P5	* 25

Barrier No. 3 Barrier Description: STATE 2 Type: wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (Z0)	TOP (Z)	BARRIER HEIGHTS AT ENDS		
1	-108.0	-148.0	160.0	196.0	B3	P1	* 36
2	-108.0	-182.0	160.0	196.0	B3	P2	* 36
3	-128.0	-182.0	160.0	196.0	B3	P3	* 36
4	-128.0	-192.0	160.0	196.0	B3	P4	* 36
5	-144.0	-191.0	160.0	196.0	B3	P5	* 36
6	-144.0	-148.0	160.0	196.0	B3	P6	* 36
	-108.0	-148.0	160.0	196.0	B3	P7	* 36

Barrier No. 4 Barrier Description: RETAIL 1 (LEVEL 1 & 2) Type: wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (Z0)	TOP (Z)	BARRIER HEIGHTS AT ENDS		
1	-98.0	-30.0	163.0	184.0	B4	P1	* 21
2	-98.0	-51.0	163.0	184.0	B4	P2	* 21
3	-76.0	-51.0	163.0	184.0	B4	P3	* 21
4	-76.0	-48.0	163.0	184.0	B4	P4	* 21
5	-63.0	-48.0	163.0	184.0	B4	P5	* 21
6	-63.0	-36.0	163.0	184.0	B4	P6	* 21

			future_input					
7	-71.0	-36.0	163.0	184.0	B4 P7	*	21	
8	-71.0	-30.0	163.0	184.0	B4 P8	*	21	
	-98.0	-30.0	163.0	184.0	B4 P9	*	21	

Barrier No. 5 Barrier Description: RETAIL 2 (LEVEL 1 & 2) Type: wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS
1	-71.0	-53.0	160.0	184.0	B5 P1 * 24
2	-71.0	-77.0	160.0	184.0	B5 P2 * 24
3	-66.0	-77.0	160.0	184.0	B5 P3 * 24
4	-66.0	-127.0	160.0	184.0	B5 P4 * 24
5	-47.0	-127.0	160.0	184.0	B5 P5 * 24
6	-47.0	-109.0	160.0	184.0	B5 P6 * 24
7	-40.0	-109.0	160.0	184.0	B5 P7 * 24
8	-40.0	-50.0	160.0	184.0	B5 P8 * 24
9	-58.0	-50.0	160.0	184.0	B5 P9 * 24
10	-58.0	-53.0	160.0	184.0	B5 P10 * 24
	-71.0	-53.0	160.0	184.0	B5 P11 * 24

Barrier No. 6 Barrier Description: PARKING Type: wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS
1	-79.0	-147.0	158.0	172.0	B6 P1 * 14
2	-205.0	-147.0	158.0	172.0	B6 P2 * 14
3	-205.0	-96.0	158.0	172.0	B6 P3 * 14
4	-184.0	-96.0	158.0	172.0	B6 P4 * 14
5	-184.0	-40.0	158.0	172.0	B6 P5 * 14
6	-153.0	-40.0	158.0	172.0	B6 P6 * 14
7	-153.0	-37.0	158.0	172.0	B6 P7 * 14
8	-108.0	-37.0	158.0	172.0	B6 P8 * 14
9	-108.0	-84.0	158.0	172.0	B6 P9 * 14
10	-79.0	-84.0	158.0	172.0	B6 P10 * 14
	-79.0	-147.0	158.0	172.0	B6 P11 * 14

Barrier No. 7 Barrier Description: PED TERRACE 2 WALLS Type: wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS
1	-109.0	-38.0	172.0	175.0	B7 P1 * 3
2	-114.0	-38.0	172.0	175.0	B7 P2 * 3
3	-114.0	-50.0	172.0	175.0	B7 P3 * 3
4	-109.0	-50.0	172.0	175.0	B7 P4 * 3
	-109.0	-38.0	172.0	175.0	B7 P5 * 3

future_input

 Barrier No. 8 Barrier Description: COURT TERRACE 2 WALLS
Type: wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS
1	-101.0	-84.0	158.0	175.0	B8 P1 * 17
2	-101.0	-60.0	158.0	175.0	B8 P2 * 17
	-108.0	-60.0	158.0	175.0	B8 P3 * 17

 Barrier No. 9 Barrier Description: FLOOR 3 - NORTH RETAIL
Type: wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS
1	-87.0	-36.0	184.0	199.0	B9 P1 * 15
2	-65.0	-36.0	184.0	199.0	B9 P2 * 15
3	-65.0	-48.0	184.0	199.0	B9 P3 * 15
4	-87.0	-48.0	184.0	199.0	B9 P4 * 15
	-87.0	-36.0	184.0	199.0	B9 P5 * 15

 Barrier No. 10 Barrier Description: RETAIL THIRD FLOOR - SOUTH
Type: wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS
1	-53.0	-50.0	184.0	199.0	B10 P1 * 15
2	-53.0	-70.0	184.0	199.0	B10 P2 * 15
3	-47.0	-70.0	184.0	199.0	B10 P3 * 15
4	-47.0	-104.0	184.0	199.0	B10 P4 * 15
5	-53.0	-104.0	184.0	199.0	B10 P5 * 15
6	-53.0	-122.0	184.0	199.0	B10 P6 * 15
7	-65.0	-122.0	184.0	199.0	B10 P7 * 15
8	-65.0	-70.0	184.0	199.0	B10 P8 * 15
9	-53.0	-70.0	184.0	199.0	B10 P9 * 15
	-53.0	-50.0	184.0	199.0	B10 P10 * 15

 Barrier No. 11 Barrier Description: T1F2
Type: wall Barrier

Height Increment (DELZ) = 0 No. Height Changes (P)= 0

SEG	X	Y	GROUND (ZO)	TOP (Z)	BARRIER HEIGHTS AT ENDS
1	-53.0	-50.0	184.0	187.0	B11 P1 * 3
2	-40.0	-50.0	184.0	187.0	B11 P2 * 3
3	-40.0	-70.0	184.0	187.0	B11 P3 * 3

-47.0 -70.0 future_input
 184.0 187.0 B11 P4 * 3

RECEIVER DATA

REC NO.	X	Y	Z	ID
1	-38.0	-128.0	165.0	M1
2	-280.0	-30.0	162.0	M2
3	-58.0	-80.0	201.0	U1 LR
4	-39.0	-60.0	177.0	U1 L2
5	-45.0	-60.0	189.0	U1 L3
6	-105.0	-72.0	177.0	U2 L2
7	-112.0	-42.0	177.0	U2 L2
8	-85.0	-102.0	177.0	U3 L2
9	-178.0	-86.0	177.0	U4 L2
10	-190.0	-100.0	177.0	U5 L2
11	-190.0	-132.0	177.0	U6 L2
12	-132.0	-114.0	177.0	P1
13	-139.0	-84.0	177.0	P2
14	-139.0	-55.0	177.0	P3
15	-75.0	-140.0	177.0	P4
16	-124.0	-33.0	177.0	U2 F2 PED
17	-43.0	-76.0	177.0	U1 F2 STATE
18	-168.0	-38.0	177.0	U4 F2 PED
19	-130.0	-52.0	189.0	U2 F3 INT
20	-116.0	-66.0	201.0	U2 LR
21	-100.0	-102.0	201.0	U3 LR

DROP-OFF RATES

LANE No.	RECEIVER NO.													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
15	16	17	18	19	20	21								
1	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
2	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
3	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
4	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0



Fire Department

"Serving the community since 1926"

4410 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX (805) 681-5563

John M. Scherrei
Fire Chief

July 3, 2006

Mr. Jeff Whitworth
Shell Oil Products Company
20945 W. Wilmington Ave.
Carson, California 90810

FILE COPY

Dear Mr. Whitworth:

Subject: Results of Soil Vapor Survey and Clearance to Redevelop Site
Former Shell Service Station, 1835 State Street, Santa Barbara
LUFT Site #50070

The Santa Barbara County Fire Department, Fire Prevention Division (FPD), Leaking Underground Fuel Tank (LUFT) unit has reviewed the document titled *Soil Vapor Survey and Vapor Risk Assessment Report (Report)*, received from your consultant, Miller Brooks Environmental, Inc. on April 27, 2006. After a careful review of the *Report*, FPD verbally requested submittal of additional information during a telephone conversation with Mr. Jonathon Swope of Miller Brooks on June 6, 2006 and also directed submittal of an addendum to the *Report* in a letter dated June 15, 2006. The additional information was submitted via e-mail on June 15, 2006. While submittal of a formal written report addendum is still required, FPD's evaluation has been completed. Based on this evaluation and a review of the site file, FPD has cleared the site for redevelopment with the following comments and conditions:

- (1) The soil vapor survey appears to have been conducted according to appropriate methods and procedures.
- (2) The risk estimates were calculated according to standard health risk assessment protocols, using acceptable and appropriate input parameter values.
- (3) Potential cancer risks and hazards were estimated for residential property use. Based on the results of the risk assessment, the *Report* concludes that the estimated health risks are within acceptable limits (per U.S. EPA and Cal-EPA guidelines). FPD concurs with this conclusion. Therefore, based on the data available to FPD as of this date, FPD has no additional conditions regarding the type of development (e.g., commercial, residential, mixed use) or the configuration of the property following development. However, if evidence of soil contamination is encountered during excavation, grading or other site activities, work shall be halted and FPD notified immediately. FPD will then provide oversight for remediation, mitigation and/or proper handling and disposal of any contaminated soil that is encountered.
- (4) The *Report* conclusion also recommends closure of the LUFT site. FPD requests submittal of a closure report (including completed electronic and hard copies of FPD's Case Closure

Summary Form). FPD will complete our review and respond to the request for closure following receipt of the closure report. As part of this review, a determination will be made regarding the need to file a deed notification per FPD policies and procedures. Note that FPD does not require that this site be closed prior to proceeding with the planning process or redevelopment.

Please submit the requested closure report no later than August 31, 2006.

The time frame for site closure review is dependent on a number of factors including completeness of submittals, FPD concurrence with the closure request, and the need to record a deed notification. In general, site closure requires approximately 90 days to complete. However, incomplete submittals and other factors beyond FPD's control may extend this time frame.

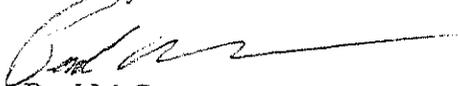
Following FPD concurrence with the closure request and if appropriate and necessary for this site, the following tasks must be completed prior to final closure of the site and may be completed concurrent with the closure review process:

- (1) All existing groundwater monitoring, vapor extraction and other wells associated with the LUFT site shall be properly abandoned under permit with FPD and the City of Santa Barbara.
- (2) If a deed notification is required, a 30-day public notification and comment period shall be completed per CCR Title 23.
- (3) Following completion of the public notification/comment period, the deed notification shall be recorded with the Recorder/ Assessor's Office and proof that the deed notification has been recorded must be submitted to FPD.

Please submit the required materials and all future correspondence regarding this site to my attention at: Santa Barbara County Fire Department, Fire Prevention Division, 195 W. Highway 246, Suite #102, Buellton, CA 93427 or via FAX at (805) 686-8165.

If you have any questions or comments regarding this letter, please feel free to contact me at (805) 686-8165.

Sincerely,



Paul McCaw

Senior Hazardous Materials Specialist

pc: Ms. Kathy Andrews, Miller-Brooks Environmental
Mr. John Mijares, CCRWQCB
Mr. Mark Matranga, SWRCB
Mr. Emmet Hawkes Jr., Esq.
Ms. Irma Unzueta, City of Santa Barbara City Planning Division



Fire Department

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4410 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX (805) 681-5563

John M. Scherrei
Fire Chief

January 8, 2007

RECEIVED

Mr. Jeff Whitworth
Shell Oil Products US
2095 S. Wilmington Avenue
Carson, California 90810

Mr. Emmet J. Hawkes, Esq.
213 W. Figueroa Street
Santa Barbara, CA 93101

JAN 19 2007
CITY OF SANTA BARBARA
PLANNING DIVISION

Dear Mr. Whitworth and Mr. Hawkes:

Subject: Supplemental Information in Support of Site Closure
Former Shell Service Station
1835 State Street, Santa Barbara, California
LUFT Site #50070

Santa Barbara County Fire Department, Fire Prevention Division (FPD) Leaking Underground Fuel Tank (LUFT) Program has reviewed Delta's letter report entitled *Supplemental Information in Support of Site Closure (Supplemental Information)* dated December 20, 2006. The *Supplemental Information* provides calculations of the volume and mass of remaining petroleum hydrocarbons in soil at the site, plan view and cross sections of estimated contamination left in place and a discussion by a Professional Geologist as to how delineation and plume definition were established. An arbitrary action level of 1,000 milligrams per kilogram (mg/kg) Total Petroleum Hydrocarbons as Gasoline (TPH-G) was used to calculate the mass of remaining petroleum contamination. After careful review of the *Supplemental Information*, FPD has the following comments and requirements prior to issuing site closure:

- FPD has published Investigation Levels (ILs) for gasoline constituents & fuel oxygenates. The IL for TPH-G is 100 mg/kg. The ILs shall be used for calculations of mass estimates. Revise the volume and mass estimates to reflect this change. Please note that the estimates will now be expanded to include the shallow soil contamination identified in CB-4. Furthermore, all remaining contaminants of concern remaining in on-site soils above FPD's ILs shall be included in mass and volume estimates. Therefore, benzene above the IL of 0.1 mg/kg shall also have associated volume and mass estimates.
- Provide GPS coordinates of the locations of the mass of residual soil contamination remaining onsite.

January 8, 2007

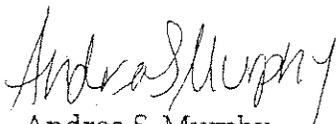
- In order to close this case with contamination in place, FPD requires that a deed notification be recorded. Since the notification must be recorded by the property owner, FPD requires a written statement of the property owners' willingness to accept a deed notification. This statement shall include the property owners' notarized signature.
- The Electronic Reporting Regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, CCR) require electronic submission of any report or data required by a regulatory agency from a cleanup site. All LUFT sites are required to electronically submit the following data to the *GeoTracker* database system:
 - Lab data (EDF): Analytical data for all soil, vapor, and water samples
 - Boring logs and well construction details (GEO_BORE)
 - Depth to water (GEO_WELL)
 - Locational and elevation data (GEO_XY and GEO_Z): Survey data for USTs and all groundwater wells
 - Site map (GEO_MAP): Scaled site maps for all soil and groundwater sampling locations
 - Reports (GEO_REPORT): Starting January 1, 2005, a PDF version of all documents submitted to FPD in paper form shall be submitted electronically.

The pdf versions of the *Supplemental Information*, Site Closure Report dated August 31, 2006 and the Addendum to Soil Vapor Survey and Vapor Risk Assessment Report dated July 13, 2006 have not been submitted to Geotracker as of the date of this letter. Laboratory results from the Soil Vapor Survey have not been submitted in EDF format. Upload all remaining data and reports not previously submitted to the Geotracker database.

- Please complete the above requirements by **February 22, 2007**.

If you have any questions regarding this letter, please contact me at 805-686-8146. Submit all written correspondence to me at the Fire Prevention Division, 195 W Highway 246 Ste. #102, Buellton, California, 93427 or via Fax at 805-686-8183.

Sincerely,



Andrea S. Murphy
Senior Hazardous Materials Specialist

Closure response 1.07

pc: Mr. John Mijares, RWQCB
Mr. Lee Dooley, Delta
Ms. Unzueta, City of Santa Barbara Planning ✓

RECORDED BY:

(Owner)

AND WHEN RECORDED, MAIL TO:

Specialist's Name
Santa Barbara County Fire Department
Fire Prevention Division
Address
City, State and Zip Code

(Recorders Stamp)

SOIL CONTAMINATION NOTICE

LET IT BE KNOWN:

That (Owner's Name) is owner of the real property in the County of Santa Barbara, State of California, described as:

(Legal Description of Property)

This property is known to contain soil contamination in excess of Santa Barbara County clean up levels. The contamination and monitoring program which has occurred is described in Exhibit A and the site plan attached.

Notice of these conditions shall remain with the land until verification of remediation is approved and signed off by Santa Barbara County Fire Department, Fire Prevention Division.

These conditions do not prevent the sale of the property, however, restrictions may be placed on the use of the property and the construction of buildings on the property.

In witness whereof, this notice has been executed by the owner of the property named above or their duly authorized representatives this (Date)

(Owner's Signature)

This notice has been reviewed by the County of Santa Barbara Fire Department, Fire Prevention Division, State of California, this (Date)

(Hazardous Material Specialist's Signature)

State of California)
County of Santa Barbara)

On (Date) before me, , personally appeared (Owner or Rep.) , personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted executed the instrument.

WITNESS my hand and official seal.

Signature Notary Signature

Seal
per Government Code section 17
protection \\ \luf\forms\Soil Contamina



PLANNING COMMISSION MINUTES

March 8, 2007

CALL TO ORDER:

Chair Charmaine Jacobs called the meeting to order at 1:12 P.M.

ROLL CALL:

Present:

Chair Charmaine Jacobs

Vice-Chair George C. Myers

Commissioners Bruce Bartlett, John Jostes, Stella Larson, George C. Myers, Addison S. Thompson and Harwood A. White, Jr.

STAFF PRESENT:

Jan Hubbell, Senior Planner

N. Scott Vincent, Assistant City Attorney

Michael Berman, Environmental Analyst

Irma Unzueta, Project Planner

Victoria Johnson, Project Engineer

Rob Dayton, Principal Transportation Planner

Julie Rodriguez, Planning Commission Secretary

NEW ITEM:

ACTUAL TIME: 1:13 P.M.

APPLICATION OF TOM OCHSNER, ARCHITECT FOR THE HAWKES FAMILY TRUST, 1829 STATE STREET AND 11 W. PEDREGOSA STREET, 027-031-006 and 029-031-007, C-2/R-4, COMMERCIAL AND HOTEL/MOTEL/MULTIPLE RESIDENCE ZONES, GENERAL PLAN DESIGNATION: OFFICES AND GENERAL COMMERCE (MST2004-00132)

The proposed project involves the development of a three-story mixed use building on two parcels located at 1829 State Street and 11 W. Pedregosa Street. The project site is located at the southwest corner of State and Pedregosa Streets. The existing 1,180 square foot residential unit located at 11 W. Pedregosa is proposed to be removed. The proposed mixed use project would provide 2,725 net square feet of commercial space and six residential condominiums. The commercial space is proposed to be divided into six commercial condominiums, four of which will be located on the ground floor and two on the second floor. The six residential condominiums are proposed on the second and third floor and range in size from 1,681 to 2,514 net square feet. One residential unit would front on State Street and the remaining five units would either front on Pedregosa Street or be located within the project's interior. Twenty-three parking spaces are proposed in a ground level garage, which includes six, two-car garages for the residential units and 11 parking spaces

for the commercial uses. Multiple pedestrian entry points are proposed along State and Pedregosa Streets and vehicular access would be located on Pedregosa Street. The merger of APN 027-031-006 and 027-031-007 is also proposed.

The discretionary applications required for this project are:

1. Modification to allow less than the required guest parking for the project (SBMC §28.90.100.G.3.d.);
2. Modification for front yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
3. Modification for interior yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
4. Modification for rear yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
5. Tentative Subdivision Map to create a one-lot subdivision for six commercial and six residential condominium units (SBMC§27.07 and 27.13);
6. Conditional Use Permit to allow a driveway and parking area for non-residential uses in a residential zone (SBMC § 28.94.030.H); and
7. Development Plan Approval allow the construction of 2,725 net square feet of nonresidential 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 Guidelines Section 15303.

Case Planner: Irma Unzueta, Project Planner
Email: iunzueta@santabarbaraca.gov

Irma Unzueta, Project Planner, gave the Staff presentation, joined by Jan Hubbell, Senior Planner, Rob Dayton, Principal Transportation Planner, and Victoria Johnson, Project Engineer.

Tom Ochsner, Architect, gave the applicant presentation, joined by Emmet Hawkes, applicant; and Troy White, Dudek and Associates,

Staff answered Planning Commission questions on the split zoning of the lot, the drainage plan, the traffic analysis, the project's setbacks, sound mitigation, historical usage, and parking requirements. Staff also addressed the floor area ratio (FAR), clarification of the categorical exemption determination, and rezone considerations,

Scott Vincent, Assistant City Attorney, added clarification on the Noise Element and sound mitigation.

Mr. Ochsner and Mr. White answered Planning Commission questions on rebuilding and energy use, the drainage plan, solar panel installation, use of condensers, and plate heights. Also addressed were parking alternatives and roof form considerations.

Chair Jacobs opened the public hearing at 2:25 P.M. and, with no one wishing to speak, closed the hearing. Chair Jacobs read a letter received from Eric Pedersen expressing concern that the modifications were not justified.

Commissioner's comments:

1. Some Commissioners expressed concern with the size and mass of the project, specifically on State Street. Would like to see the height lowered at State Street and Pedregosa to provide some relief to the corner. Corner is very imposing. Would like to see the mass move toward the center of the building and plate heights reduced.
2. Suggested moving the second story office space to the back side of the commercial paseo and relocating the parking.
3. Commissioners expressed concern with the number of modifications and requested that an effort be made to reduce the number of modifications by revising the design or project scope. Would like to see modifications mitigated with benefits such as incorporation of photo voltaics, green building features, and commercial use restrictions.
4. Supportive of four bedroom units and the size of the owner's unit. Like the paseos.
5. Would prefer to have the parking garage lowered further into the ground to allow for more parking and reduce overall project height. Landscaping and paving ratio needs to be addressed. Too much paving and not enough landscaping. Suggested adding tree wells, vine pockets, etc.
6. One Commissioner was concerned with the building's presence on State Street and the pedestrian experience; would like to see more fenestration and building pulled back from State Street.
7. Some Commissioners expressed concern over the inclusion of a café, but could support a condition that would give preference to a neighborhood café.
8. Would like to see a rezone to protect the adjacent single family residence.
9. Encouraged the applicant to not enclose access to the fourth story.
10. Commissioners asked that the applicant explore options that do not include a parking modification.
11. One Commissioner was concerned with not having adequate traffic analysis to support making the parking modification findings.
12. Concerned with the project contributing to and exceeding the cumulative traffic capacity, especially in Mission Street corridor.
13. Concerned with the rear lot setbacks near the residential lot.
14. Requested that the MTD bus stop include a shelter.

Staff answered additional Planning Commission questions and concerns on cumulative traffic, and did not support a condition that restricts the operator of the café.

MOTION: Myers

Approve the project making the findings outlined in the Staff Report with added conditions that the applicant: 1) return to HLC to study the massing on State Street and the pedestrian interfacing, the inclusion of a more friendly bus stop, and the reduction of the overall height

at the front of the project, specifically the tower; 2) include photo voltaics; 3) build to 2 star Built Green requirements.

The motion died for lack of a second.

MOTION: White/Bartlett

Continue the project to April 19th with recommendations to the applicant that: 1) the project design be revised to include more openness to the State Street frontage; 2) more landscaping on State Street; 3) an improved bus stop; 4) study lowering the parking garage further to help reduce overall project height; 5) push the mass more toward the center of the project site, as opposed to State Street; 6) study the elimination of all modifications, unless there is a strong benefit; 7) no use limitation on the commercial uses; and 8) study use of photo voltaics.

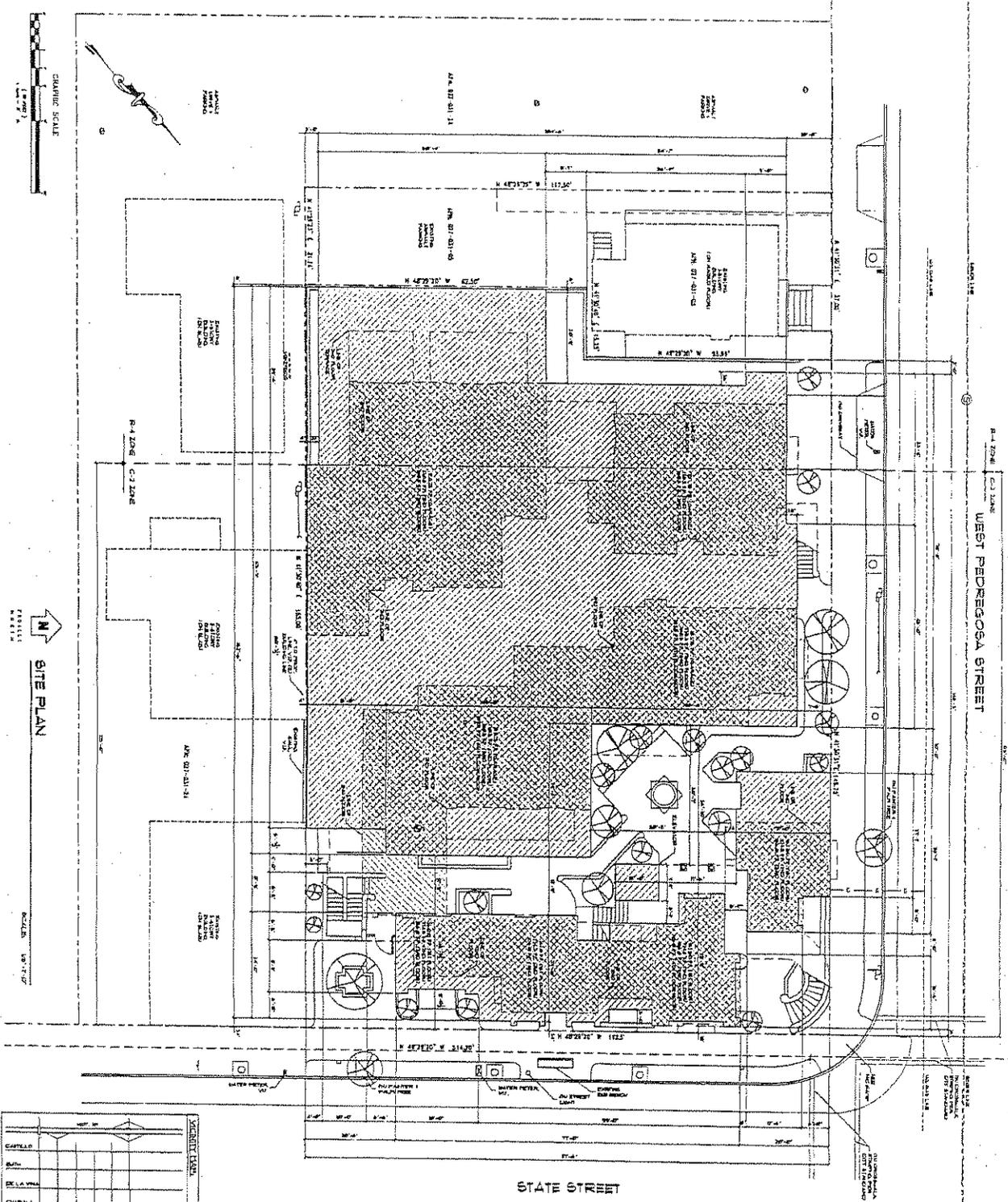
Mr. Oschner clarified massing issues with the Commission. Mr. Hawkes asked the Commission for an explanation of why the process involves multiple design and land use reviews.

One Commissioner suggested reconvening the Process Improvements Subcommittee to review the application process.

This motion was carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Commissioner White left the Council Chambers at 3:41 P.M.





 N

 SITE PLAN

EXISTING PLAN	
CAPITAL	
BATH	
DE LA VALL	
CHAPALA	
BLANCA	
ALICIA	

TH-2



 THOMAS OCHSMEN

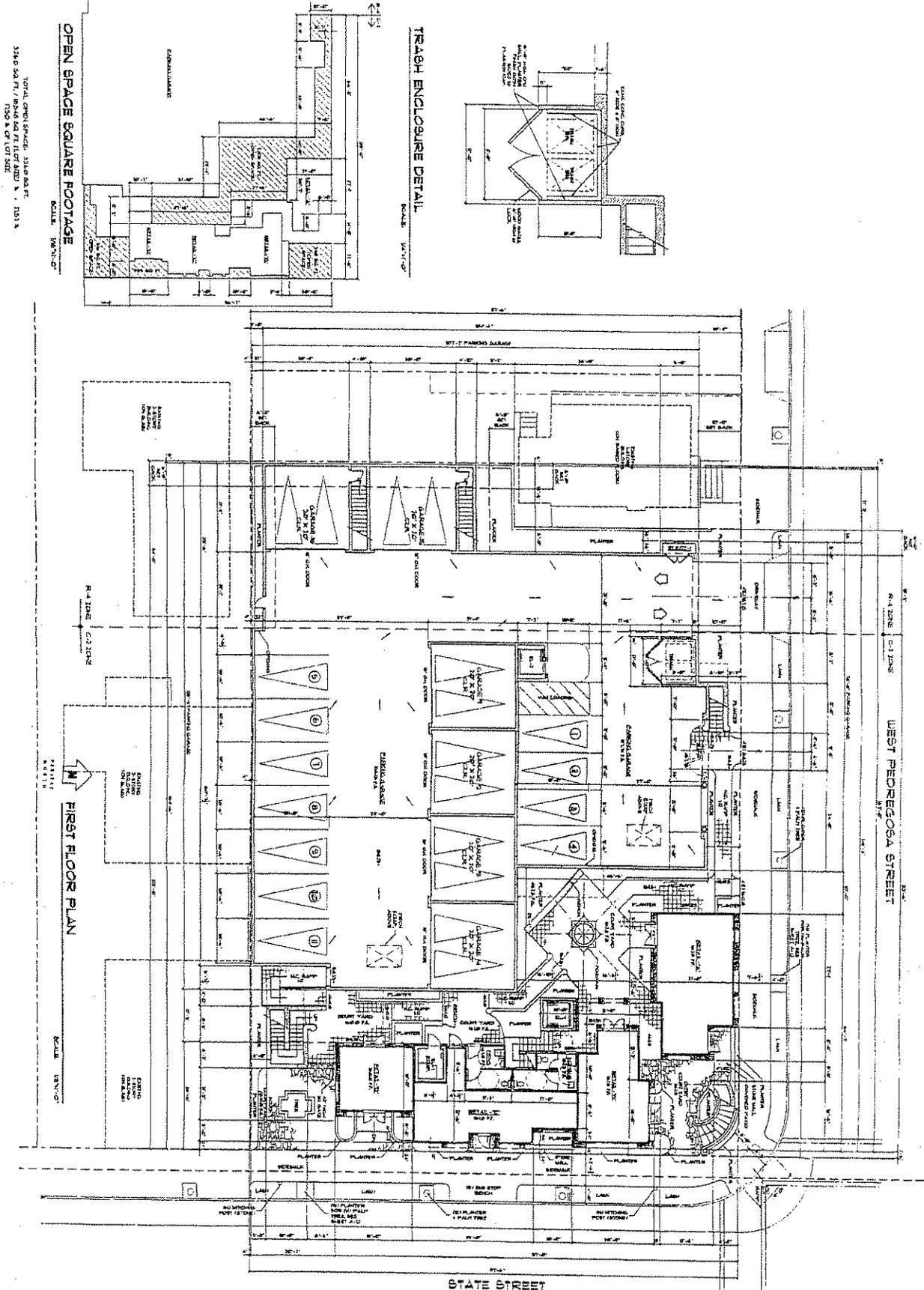
 ARCHITECT

EXHIBIT D



 THOMAS OCHSMEN

 ARCHITECT



TOTAL OPEN SPACE: 2340 SQ. FT.
 2340 SQ. FT. / 17,170 SQ. FT. LOT SIZE = 13.6%

OPEN SPACE SQUARE FOOTAGE
 SCALE: 1/8" = 1'-0"

TRASH ENCLOSURE DETAIL
 SCALE: 1/4" = 1'-0"

FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"

STATE STREET

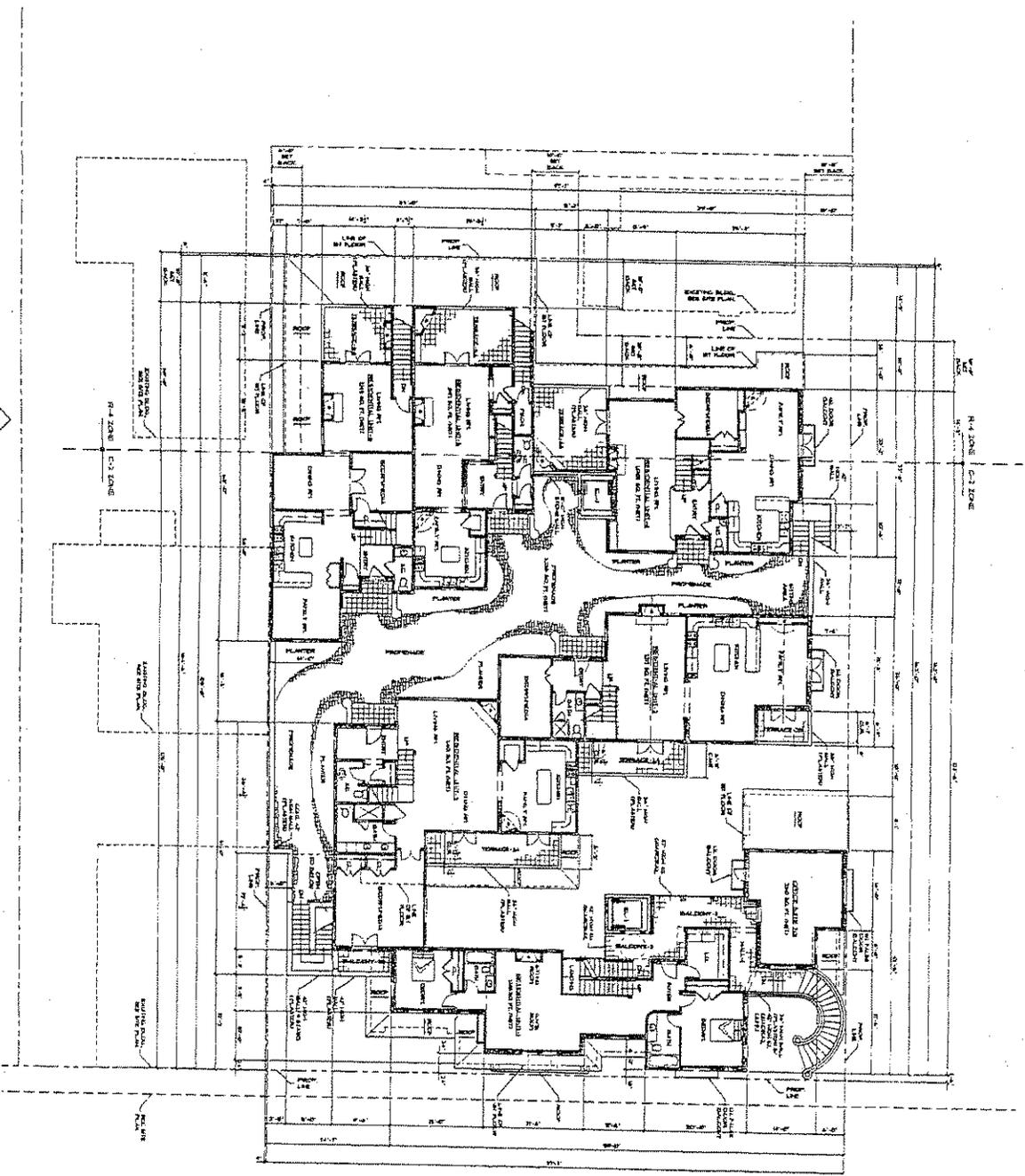
WEST PEDREGOSA STREET

<p>A-21</p>	<p>DATE: 11/11/11 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT: [Name]</p>	<p>HAWKES - MIXED USE HAWKES & COMPANY 11 WEST PEDREGOSA STREET + 1101 STATE STREET SANTA BARBARA, CA 93101 FIRST FLOOR PLAN</p>	<p>Thomas Ochsner ARCHITECT 275 So. of New Street • Suite 202 • Santa Barbara • California • 93101 Phone: (805) 964-2330 • Fax: (805) 964-0200 • Cell: (805) 962-2800</p>	<p>THOMAS OCHSNER ARCHITECT</p> 
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SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"



A-22

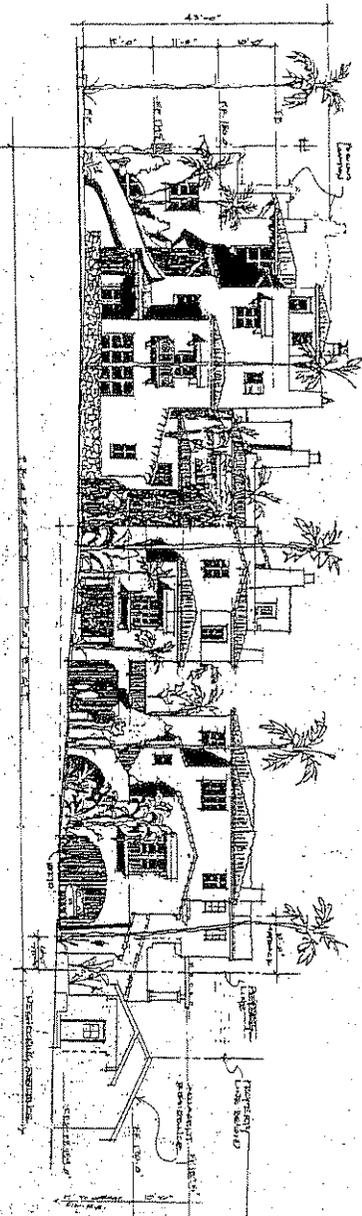
DATE	10/11/07
PROJECT	HAWKES - MIXED USE
ARCHITECT	THOMAS OCHSNER ARCHITECT
SCALE	1/8" = 1'-0"
PROJECT NO.	07-001
DATE	10/11/07
PROJECT	HAWKES - MIXED USE
ARCHITECT	THOMAS OCHSNER ARCHITECT
SCALE	1/8" = 1'-0"
PROJECT NO.	07-001
DATE	10/11/07

HAWKES - MIXED USE
 HAWKES & COMPANY
 200 WEST PIEDMONT STREET - SUITE 200 - SANTA ANITA STREET
 SANTA ANITA, CA 95051
SECOND FLOOR PLAN

Thomas Ochsner
 architect
 200 West Piedmont Street - Suite 200 - Santa Anita Street - Santa Anita, CA 95051
 Phone: (408) 241-1111 Fax: (408) 241-1111

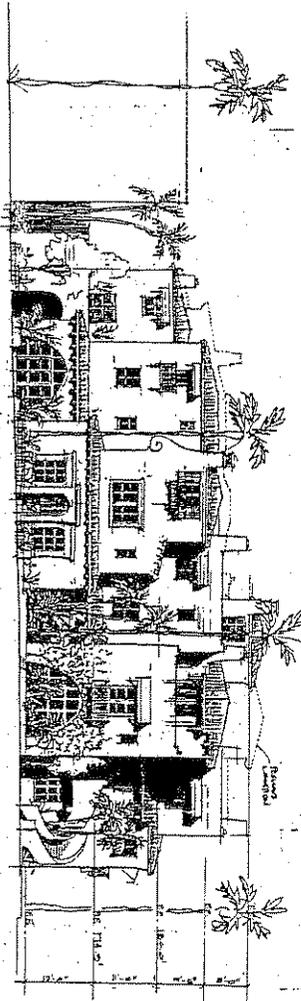


HAWKES Mixed Use



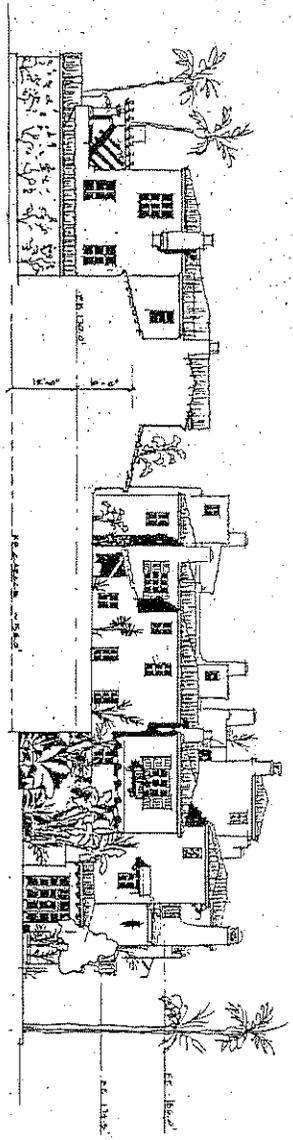
NORTH (Pedregosa Street) ELEVATION

SCALE: 1/8" = 1'-0"



EAST (State Street) ELEVATION

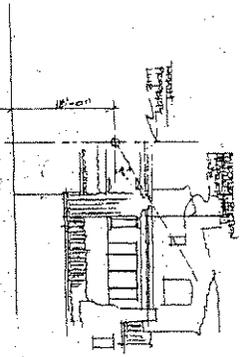
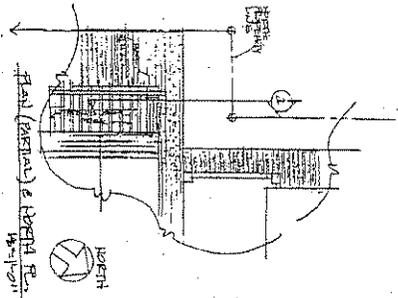
SCALE: 1/8" = 1'-0"



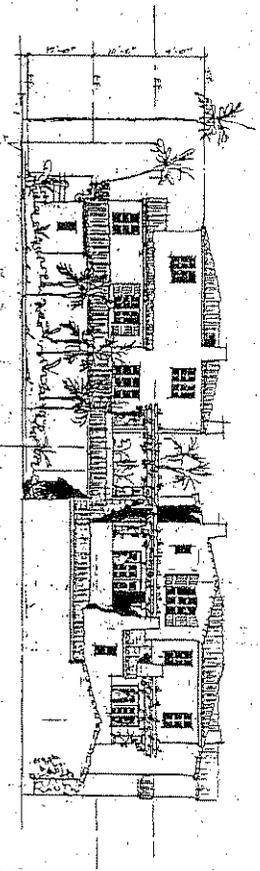
SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

<p>A-61</p>		<p>HAWKES - MIXED USE</p> <p>HAWKES & COMPANY 11651 PEDREGOSA STREET & 400 STATE STREET SANTA BARBARA, CA 93101</p>	<p>Thomas Ochsner architect</p> <p>211 De W. Ave. Street & Suite 200 • Santa Barbara • California • 93101 phone (805) 964-1200 • fax (805) 755-8884 • cell (805) 964-2861</p>	<p> THOMAS OCHSNER ARCHITECT</p>
		<p>DATE: 10/15/11</p> <p>PROJECT: HAWKES - MIXED USE</p> <p>SCALE: 1/8" = 1'-0"</p> <p>BY: T.O.</p> <p>CHECKED: T.O.</p> <p>APPROVED: T.O.</p>	<p>DATE: 10/15/11</p> <p>PROJECT: HAWKES - MIXED USE</p> <p>SCALE: 1/8" = 1'-0"</p> <p>BY: T.O.</p> <p>CHECKED: T.O.</p> <p>APPROVED: T.O.</p>	<p>DATE: 10/15/11</p> <p>PROJECT: HAWKES - MIXED USE</p> <p>SCALE: 1/8" = 1'-0"</p> <p>BY: T.O.</p> <p>CHECKED: T.O.</p> <p>APPROVED: T.O.</p>

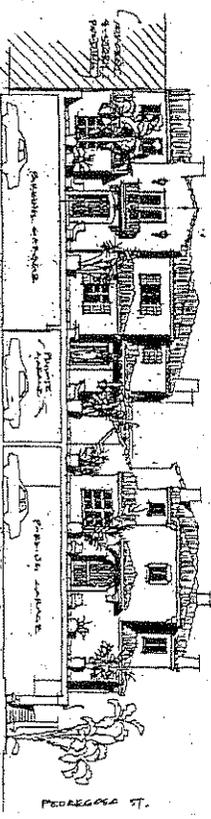


WEST ELEVATION



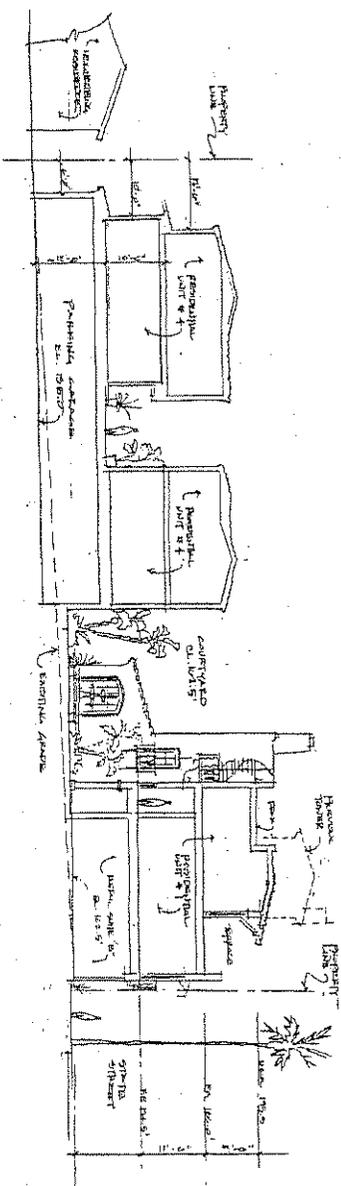
SCALE: 1/8" = 1'-0"

SECTION THROUGH PROMENADE (Looking West)



SCALE: 1/8" = 1'-0"

SITE SECTION (Looking North)



SCALE: 1/8" = 1'-0"

<p>A-62</p>		<p>HAWKES • MIXED USE HAWKES & COMPANY 11 WEST PEDROGOSA STREET • 1875 STATE STREET SANTA BARBARA, CA 93101</p>	<p>Thomas Ochsner ARCHITECT</p> <p>225 So. Hill Street • Santa Barbara, California • 93101 Phone: (805) 964-1200 • Fax: (805) 964-1201 • www.thomasochsner.com</p>	<p>THOMAS OCHSNER ARCHITECT</p>
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DUDEK

621 CHAPALA STREET
SANTA BARBARA, CALIFORNIA 93101
T 805.963.0661 F 805.963.2024

May 28, 2007

City of Santa Barbara Planning Commission
P. O. Box 1990
Santa Barbara, CA 93102-1990

**SUBJECT: Hawkes Mixed Use Project at 1829 State Street & 11 W. Pedregosa
(MST # 2004-00132)**

Members of the Planning Commission:

It was a pleasure to present the Hawkes Mixed Use Project at State and Pedregosa to you on March 8, 2007. We very much appreciated your thoughtful deliberations and insightful comments. Based on what we heard at our last Planning Commission meeting, we have taken the opportunity over the past two months to revamp and further refine the project. With the changes we've incorporated into the project, we are hopeful that we have met and/ or exceeded your expectations such that you will be able to grant approval to redevelop the subject property, which currently consists of a former gas station site and a dilapidated single family residence, into a beautiful mixed use development consisting of five commercial and six residential units.

REVISED PROJECT DESCRIPTION

The Hawkes Mixed Use Project consists of a proposed mixed use development on two parcels at 1829 State (APN 027-031-007) and 11 W. Pedregosa Streets (also addressed as 1835 State Street, APN 027-031-006). The subject property sits at the southwest corner of the State Street and Pedregosa. Currently, there is a small single family, one-story residence on a portion of the property (11 W. Pedregosa) that will be removed; the remainder of the site was until several years ago developed with a gas station and now sits vacant. The two parcels will be merged into one parcel, with the proposed mixed-use building subdivided into airspace condominium units.

Briefly, the proposed project consists of six (6) residential condominium units (each provided with a separate two-car garage), four (4) ground-floor commercial units, and one (1) second-

floor commercial unit. Separate from the residential garage parking spaces, the project will provide an additional 11 surface parking spaces to be utilized primarily by the project commercial units during the day, with the use transitioning to more of a residential visitor use on nights and weekends. Total parking provided is 23 spaces.

The discretionary applications requested for the proposed project are:

- **Voluntary Lot Merger:** Approval of a Voluntary Lot Merger of existing APN 027-031-007 and 027-031-006.
- **Tentative Tract Map:** Approval of a Tentative Tract Map for Subdivision of one parcel into Airspace Condominiums for Residential and Commercial Purposes. The Map includes five (5) commercial condominium units and six (6) residential condominium units.
- **Conditional Use Permit:** Approval of a driveway for non-residential uses in a residential zone (SBMC 28.94.030.H).
- **Development Plan:** Approval of a development plan (SBMC 28.87.300) to allow the construction of 2,360 net square feet of non-residential development. The proposal is a mixed-use project with five (5) commercial condominium units and six (6) residential condominium units. The three-story building will be 25,981 net square feet (Net Commercial: 2,360 SF/ Net Residential: 13,349 SF/ Net Garage: 10,272 SF) and will be provided with 23 parking spaces total, twelve of which will be garage spaces for the exclusive use of the residential project component. Prior to construction, an existing home (c. 1923) will be demolished; the City has identified this structure as NOT being historically significant.¹

¹ Source: City of Santa Barbara Website, http://www.secure.ci.santa-barbara.ca.us/tm_bin/tmw_cmd.pl?tmw_cmd=ParcelViewParcel&shl_prc_parcel_no=027-031-006, June 14, 2006.

Modifications (Yard Requirements):

- Approval of a Modification of SBMC 28.21.060.1 to allow an approximate eight-foot encroachment into the R-4 Front Yard Setback for the Third Floor only, resulting in a 15-foot third-floor setback for Pedregosa Street in the R-4 zone.
- Approval of a Modification of SBMC 28.21.060.3 to allow structural encroachments within the R-4 Rear Yard for one-story parking garage elements.

DISCUSSION OF MAJOR PROJECT CHANGES

The project now consists of 6 residential units and 5 commercial units. To avoid the request for a modification of one parking space, one second floor commercial unit (State Street frontage/ Office Suite #202) was removed in the project redesign. The square footage associated with this former Office Suite (316 SF) was allocated between Residential Units #1 and #3. In the course of the redesign, the State Street elevation (Floors 1-3) was pushed towards the interior of the site to further enhance the pedestrian experience; additional landscape pockets were created along State Street as well (see attached **State Street Section Study**). Balcony #3, which was required in order to access Office Suite #202, was no longer required as a result of the project redesign. In order to limit floor plan design sacrifices to the Owner's Unit (Residential Unit #1) as a result of the revised State Street elevations, the Unit #1 2nd story floor plan was completely redesigned with the former office balcony space located within the project's interior being picked up in Unit #1; this resulted in slight increase in the overall project square footage, as the interior office balcony was not included in the original project's total building area, although it was always a part of the building's overall size, bulk, and scale.

The tower portion of Unit #1 was relocated from its visually prominent location on the northeast building corner (at State and Pedregosa) to a more central location within the building; its visibility (as demonstrated in the attached **State-Pedregosa Visual Simulations**) is now substantially less discernible. It should be noted, however, that the tower element did grow an additional 6" in order to allow the relocation and placement of the elevator within this architectural feature. The elevator also now allows elevator access to the roof deck to better accommodate safe and accessible access to the anticipated Unit #1 residents.

Finally, the 2nd story promenade was reduced in width by approximately 2'-0" in order to allow for improvements to the floor plans of residential units fronting the promenade (Unit #'s 2-6); this resulted in a slight increase in overall project square footage, as the interior promenade was not included in the original project's total building area, although it was always a part of the building's overall size, bulk, and scale.

As a result of the project redesign, gross building area slightly increased from 29,222 SF to 29,345 SF; maximum building height remained the same (43'-0"), although average building height was reduced by 1-1/2 feet; open space increased from 14% to 17.5%; and landscape coverage increased from 11.6% to 12.2%.

RESPONSE TO COMMENTS/ RECOMMENDATIONS

1. Revise Project to include more openness on State Street.

The building has been redesigned to further respect and enhance the pedestrian experience along State Street. The Building at the first floor has been pulled back in several places (along the State Street frontage) by approximately an additional 1.5' to 2', which creates additional landscape opportunities. The second floor along State Street has been pulled back in several places an additional 3' to 4', which breaks up the verticality of the building and allows for the creation of pedestrian-friendly first-story roof lines. The third story has been pulled back in several places by an additional 1' to 2'. Although the plate heights associated with the original design were fairly conservative, the plate heights for the State Street first floor commercial space was reduced by approximately one foot and the second floor residential space along State Street was reduced by approximately 0.5'.

2. Provide more landscaping on State Street.

As indicated above, the building has been pulled back away from the street in several locations creating additional vine pockets and planter space. These areas will further enhance the pedestrian experience. It should further be noted that the open space area on-site has been increased from 14.1% (old project) to 17.5% (revised project); landscape coverage similarly increased from 11.6% to 12.2%.

3. Provide an improved bus stop.

The architect continues to seek guidance from MTD relative to bus stop improvements and will work with HLC to comply with the Public Works Condition of Approval (State Street Improvement Plans) which requires installation of an approved MTD bus stop.

4. Study lowering the parking garage further to help reduce overall project height.

The lowering of the parking area to reduce the project height along the Pedregosa Street frontage was studied and determined to be problematic for two primary reasons. 1) Lowering the building along the Pedregosa frontage would require an entry ramp of a greater length in order to avoid having cars bottom out after transitioning from the street elevation to a partially subterranean garage elevation; this elongated access ramp would create practical difficulties for those seeking access to the commercial parking area located immediately east of the street ingress/ egress point. In order to address this design issue, the base elevation of the commercial parking area would have to be raised—this would result in an even taller elevation above the commercial parking area than the garage elevation which was trying to be redesigned for. 2) Further, lowering the Pedregosa frontage by as little as six inches (6”) would result in the inability to drain the garage by gravity flow. As a result, mechanical pumps would be required in order to drain the garage, and storage reservoirs would be required to be installed should power become unavailable during a rain event.

It should be noted, however, that the Pedregosa elevation is relatively small in scale and has been designed with significant second story massing and generous third-story setbacks, which creates the effect of lowering the overall project height.

5. Push the mass towards the center of the project site, as opposed to State Street.

*The tower was relocated to a more central portion of the building so as to avoid domination of the corner at State and Pedregosa Streets; its visibility (as demonstrated in the attached **State-Pedregosa Visual Simulations**) is now substantially less discernible. See, also, response to Comment #1.*

6. Study elimination of all modifications, unless there is a strong benefit.

By reducing the size of the project by one commercial unit, the need for a parking modification was eliminated.

The current frontyard setback calculation within the R-4 zone is somewhat complicated and confusing—City Staff is in the process of revising the requirements such that 1st and 2nd story building elements would be required to be setback 10' and any third story elements would be required to setback 15'. We feel that these suggested setbacks revisions (or modifications in our case) will allow for adequate separation of the building from the pedestrian and the street. It should be noted that with public sidewalks and planters, the project is setback from the street approximately 22' at the 1st and 2nd floors and approximately 27' at the 3rd floor.

The modification of side/rear yard setbacks for first floor garage elements is necessary and was implemented as a result of direction provided by the City's HLC in order to allow for the interior paseo space towards the State Street frontage. The main encroachment into the 6' setback is located towards the rear of the property, would not be discernible from the street, and would back-up to an existing asphalt parking lot. In order to achieve the project without side/rearyard modifications, the paseo element would have to be removed and the project's design (based on substantial input from HLC) would have to be significantly reworked.

7. PC does not recommend limiting types of commercial uses

Comment noted.

8. Study use of photo voltaics.

The applicant has committed that the project will be built to two-star green standard, which may include the use of photo voltaics. As the project enters the construction drawing process, the structural, plumbing, and mechanical systems associated with the building can be further fleshed out to determine where environmental savings can be achieved most effectively. In particular, as the project's structural system has not yet been designed, it is too early in the process to allow the applicant to fully commit to implement photo voltaics. It should be noted, however, that there are areas located on the roof which appear to have the ability to host photo voltaic equipment and the applicant will commit to further study/ investigation of this specific request.

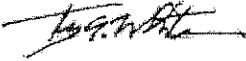
CONCLUSION

As provided above, the project design team has thoughtfully considered all comments and recommendations which were offered at Planning Commission on March 8, 2007. We have attempted to respond to all the Commission's recommendations for study/ implementation, and feel that we have made significant strides in achieving the Planning Commission's primary design objectives. In particular, the State Street façade is now much more visually interesting, its verticality has been minimized/ pushed into the project's interior, and additional landscaping has been added. The building's tower is now located towards the building's interior. As demonstrated in the revised project graphics, the overall size, bulk, and scale of the building has been significantly reduced. Please, therefore, kindly consider the revised Hawkes Mixed Use Project for approval.

Should you have any questions or concerns regarding this application prior to our next hearing date, please do not hesitate to contact me at (805) 963-0651, ext. 3528.

City of Santa Barbara Planning Commission
Hawkes Mixed Use Project
May 28, 2007
Page 8 of 8

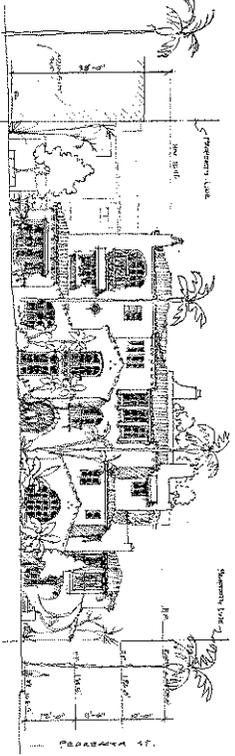
Most sincerely,



Troy A. White, AICP
Senior Environmental Planner

Attachments

cc: Emmet Hawkes, *Hawkes Family Trust*
Tom Ochsner, *Tom Ochsner-Architect*
Jan Hubbell/ Irma Unzueta, *City of Santa Barbara Planning*



PROJECT INFORMATION

OWNER: HAWKES + COMPANY
 621 CHAPALA STREET
 SANTA BARBARA, CA 93101

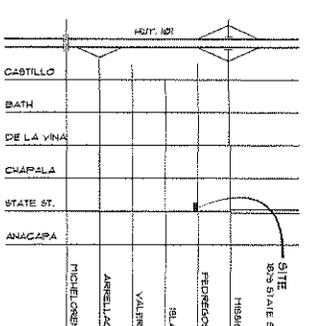
PROJECT: 1 UNIT RESIDENTIAL UNIT AND DEVELOPMENT OF EXISTING ONE SF.

ARCHITECT: CITY OF BARBARA, 500 WEST STATE ST.
 SANTA BARBARA, CA 93101

DATE: 08/27/2018

PROJECT DESCRIPTION: RESIDENTIAL UNIT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

NEIGHBORHOOD MAP



CODE COMPLIANCE

1. CALIFORNIA ADMINISTRATIVE CODE (380) 114.168.24 (1391)
2. UNIFORM BUILDING CODE (UBC) 1997
3. UNIFORM FIRE MARSHAL'S CODE (UFC) 2003
4. CALIFORNIA ELECTRICAL CODE (CEC) 1999
5. CALIFORNIA MECHANICAL CODE (CMC) 1999
6. CALIFORNIA PLUMBING CODE (CPC) 1999
7. CALIFORNIA GAS CODE (CGC) 1999
8. CALIFORNIA CONCRETE CODE (CCC) 1999
9. CALIFORNIA WOOD PRESERVATION CODE (CWP) 1999
10. CALIFORNIA GREEN BUILDING CODE (CALGreen) 2015

GOVERNING AGENCIES

- CITY BUILDING DEPT:** 620 GARDNER STREET, SANTA BARBARA, CA 93101
- CITY PLANNING DEPT:** 620 GARDNER STREET, SANTA BARBARA, CA 93101

SQUARE FEET (LEASEABLE AREA)

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PROJECT DESCRIPTION

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AREA COVERAGE

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SHEET INDEX

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8	RESERVED	08/27/2018	JL	JK
9	RESERVED	08/27/2018	JL	JK
10	RESERVED	08/27/2018	JL	JK

AREA COVERAGE

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SQUARE FOOTAGE

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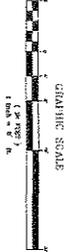
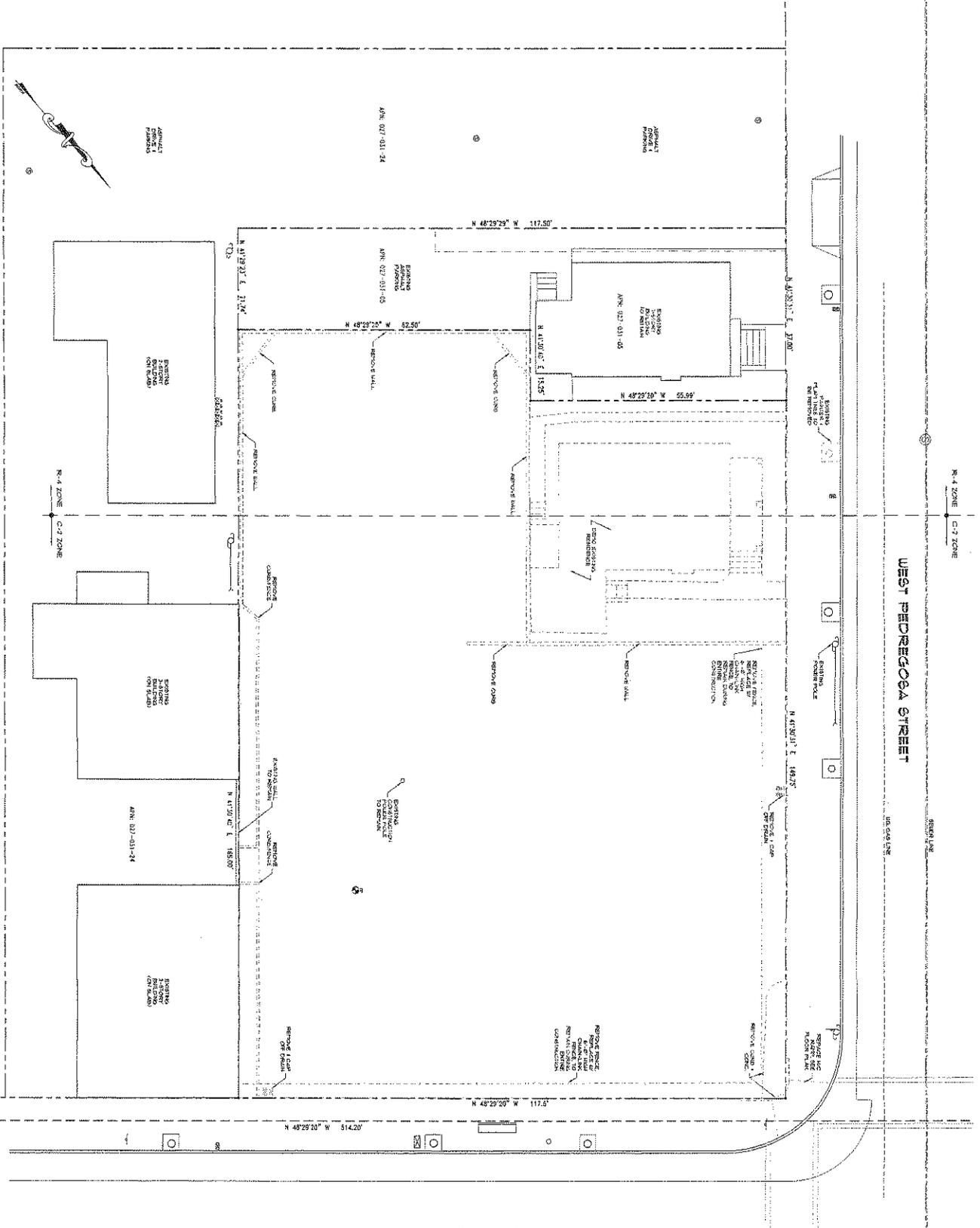
AREA COVERAGE

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HAWKES MIXED USE

EXHIBIT C

T-11

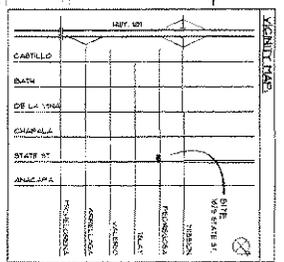


SITE DEMOLITION PLAN

SCALE: 1/8" = 1'-0"

LEGEND

(---)	EXISTING TO REMAIN
(---)	EXISTING TO BE DEMOLISHED
(---)	REMOVE
(---)	REMOVE



PROJECT INFORMATION

PROJECT NO. 211

DATE: 10/15/11

SCALE: 1/8" = 1'-0"

A-11

HAUKES - MIXED USE

HAUKES + COMPANY

11 WEST PEDREGOSA STREET • 9275 STATE STREET

SANTA BARBARA, CA 93101

SITE DEMOLITION PLAN

Thomas Ochsner

architect

• 222 De la Vina Street • Suite 200 • Santa Barbara • California • 93101 •
 Phone (805) 564-1354 • Cell (805) 750-4008 • Fax (805) 962-2904

THOMAS OCHSNER

Architect

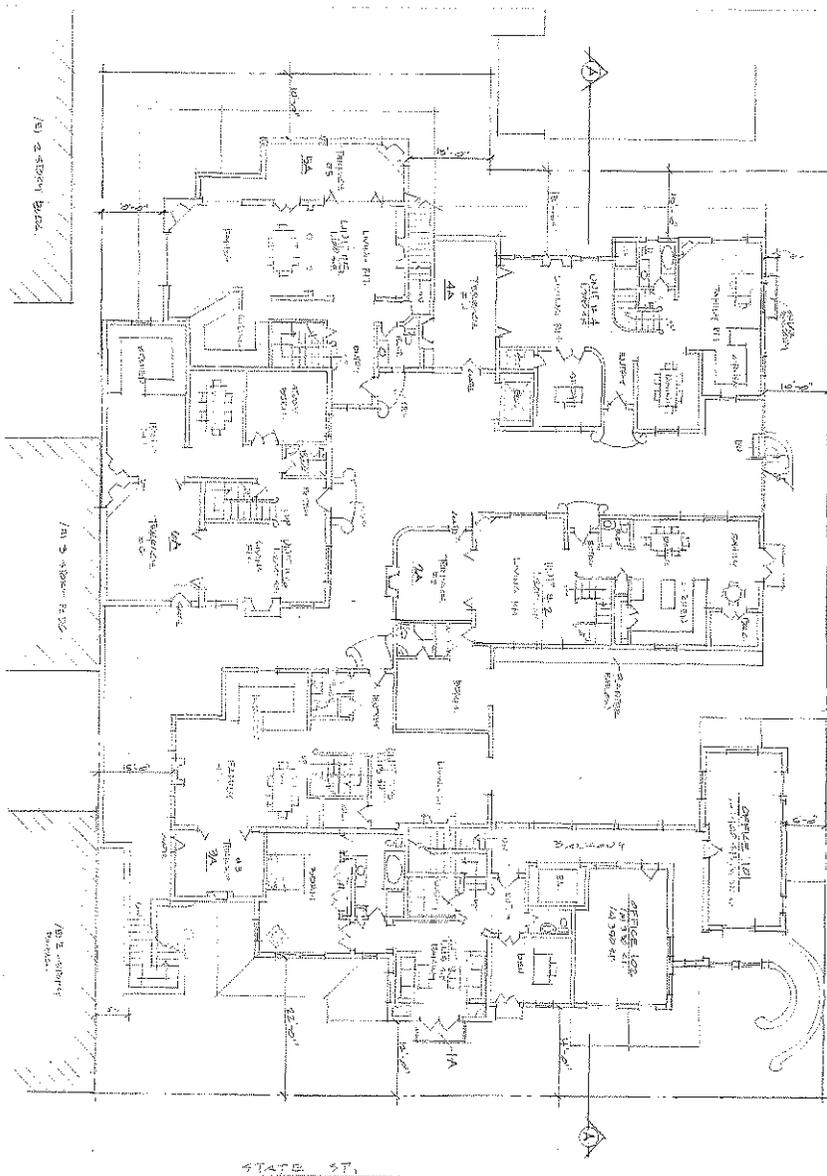


FIGURE 404A

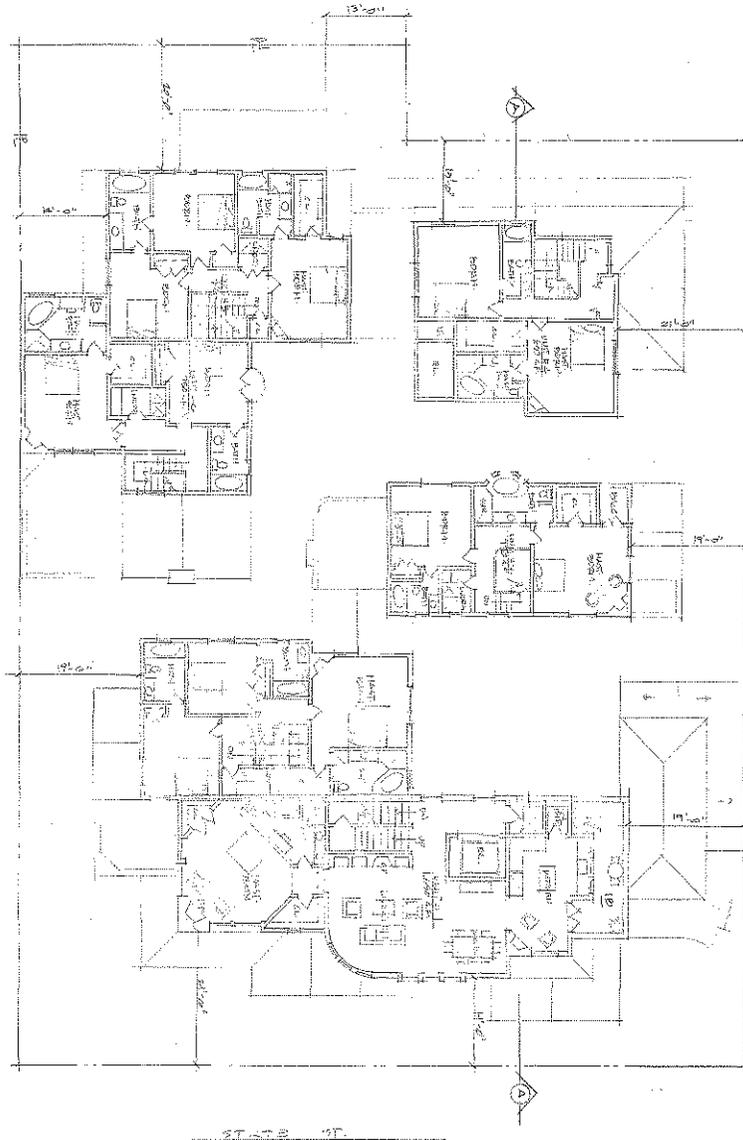
STATE ST.

A-2-2	DATE	
	SCALE	
PROJECT NO. _____ SHEET NO. _____ TOTAL SHEETS _____ DRAWN BY _____ CHECKED BY _____ DATE _____		

HAWKES - MIXED USE
 HAWKES COMPANY
 8 WEST PEDREGOSA STREET & 1000 STATE STREET
 SANTA BARBARA, CA 93101

Thomas Ochsner
 architect
 • 829 De la Vina Street • Suite 200 • Santa Barbara • California • 93101
 phone (805) 564-2204 • fax (805) 720-6558 • telex (805) 562-3924





THIRD FLOOR PLAN

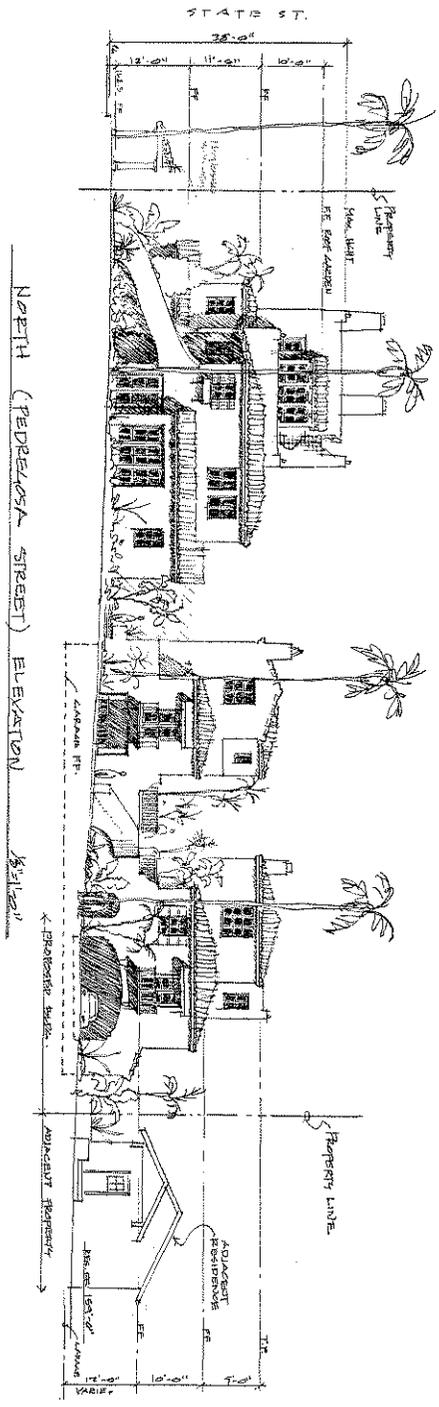
PRINTED AT THE ARCHITECT'S OFFICE

A-23	DATE	10/15/01
	SCALE	AS SHOWN
DRAWN BY	THOMAS OCHSNER	
	DATE	10/15/01
CHECKED BY	THOMAS OCHSNER	
	DATE	10/15/01
APPROVED BY	THOMAS OCHSNER	
	DATE	10/15/01

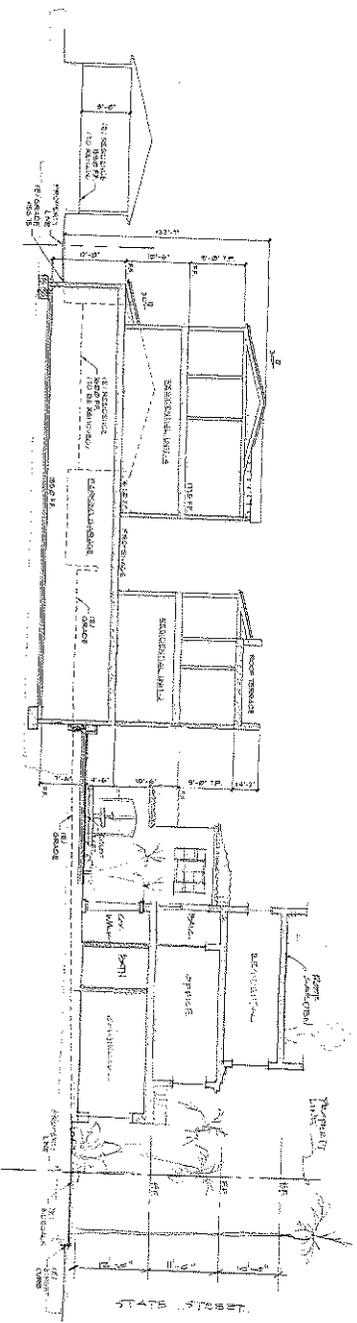
HAWKES - MIXED USE
 WALKER & COMPANY
 11 WEST PROCESSION STREET • 102 STATE STREET
 SANTA BARBARA, CA 93101

Thomas Ochsner
 architect
 • 829 Co to Uno Street • Suite 200 • Santa Barbara • California • 93101 •
 phone (805) 964-2384 • cell (805) 700-6255 • fax (805) 962-2924





NORTH (PEDREGOSA STREET) ELEVATION



SECTION - A (PARKING GARAGE)

A-6.2

DATE: 11/11/07

SCALE: 1/8" = 1'-0"

PROJECT: HAWKES - MIXED USE

ARCHITECT: THOMAS OCHSNER ARCHITECT

11 WEST PEDREGOSA STREET & 1800 STATE STREET
SANTA BARBARA, CA 93101

HAWKES - MIXED USE

HAWKES & COMPANY
11 WEST PEDREGOSA STREET & 1800 STATE STREET
SANTA BARBARA, CA 93101

Thomas Ochsner
architect

• 829 De la Vina Street • Suite 210 • Santa Barbara • California • 93101
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THOMAS OCHSNER
architect

DUDEK

621 CHAPALA STREET
SANTA BARBARA, CALIFORNIA 93101
T 805 963 0651 F 805 963 2074

October 23, 2007

City of Santa Barbara Planning Commission
c/o Community Development Dept., Planning Division
630 Garden Street
Santa Barbara, CA 93101

SUBJECT: Appeal of Planning Commission Decision of June 7, 2007
1829 State Street & 11 W. Pedregosa Street (MST # 2004-00132)

Dear Planning Commission Members:

Upon behalf of the applicant, Hawkes Family Trust, please accept this appeal and request for reconsideration of the City of Santa Barbara's Planning Commission decision of June 7, 2007, related to the Hawkes Mixed Use Project at 1829 State Street & 11 W. Pedregosa Street (MST # 2004-00132). The applicant's project team has been working diligently for over three years, at great expense and emotional investment, to formulate an appropriate plan for this former gas station site (now vacant and undergoing remediation) and dilapidated residential property. We believe that the project, as revised, will be a wonderful asset for the City. On August 14, 2007, then City Council approved by consent that the project appeal be referred back to the Planning Commission for action. We ask that in light of our significant progress in working with City Staff and the Historic Landmarks Commission to respond to the Planning Commission's concern in revising the project, that you accept our appeal of the Planning Commission decision of June 7, 2007, and approve the revised project.

BACKGROUND

Briefly, the project denied on June 7th consisted of a request for approval of approximately 2,360 square feet of non-residential office/ retail space and six (6) residential condominium units (with 2-4 bedrooms each) on an 18,458 square foot lot. The three-story building, with roof patio elements, was to be 25,981 net square feet (Net Commercial: 2,360 SF/ Net Residential: 13,349 SF/ Net Garage: 10,272 SF) and would have provided 23 parking spaces.

The project was presented to the Planning Commission on March 8, 2007 and June 7, 2007. We received positive, but constructive criticism of the project design at the March 8th Planning Commission hearing. Major comments included the following:

- Revise Project to include more openness on State Street.
- Provide more landscaping on State Street.
- Provide an improved bus stop.
- Study lowering the parking garage further to help reduce overall project height.
- Push the mass towards the center of the project site, as opposed to State Street.
- Study elimination of all modifications, unless there is a strong public benefit.
- Planning Commission does not recommend limiting types of commercial uses.
- Study use of photo voltaics.

The project team attempted to respond to the March 8th comments of the Planning Commission by increasing setbacks and landscaping along State Street, by committing to work with HLC and MTD on an improved bus shelter fronting on State Street, by lowering the plate heights and moving a tower mass towards the central portion of the building, and by committing to build to a two-star green standard. As evidenced by the decision for project denial on June 7, 2007, we obviously had not proceeded far enough in satisfying Planning Commission concerns.

On June 7th, we heard from the Planning Commission that they were unwilling to consider any regulatory modifications unless the project could demonstrate a clear public benefit, that the project's volume and bulk was still too big, and that the individual residential units were too large. We indicated at the June 7th hearing that we appreciated Planning Commission's comments, that we had misunderstood their earlier direction and that we desired a continuance to be able to refine the project further. As is reflected in the minutes, both the Planning Commission and the applicant's project team were willing to consider further revisions of the project at a subsequent hearing, but due to Permit Streamlining Act requirements, the Planning Commission was forced to make a decision on the project as presented on June 7th and determined that the site was not physically suitable for the proposed development and that without the Planning Commission's support of the modifications, the tentative parcel map would be inconsistent with zoning and could not, therefore, be approved.

On June 13, 2007, an appeal of the Santa Barbara's Planning Commission June 7th decision was filed. In the appeal, the project applicant indicated that should the Council allow the project to be remanded to Planning Commission for further review and deliberation, the following project revisions would be made:

- Eliminate the need for all requested setback and parking modifications.
- Reduce larger residential unit sizes by an average of 10%-20%.
- Increase first floor building setbacks along State Street from average of 2'-4' to 6'-10'.
- Reduce the overall volume and bulk of the building.
- Limit the visibility of third story elements.

- Increase setbacks from adjacent residential areas as well as from State Street and Pedregosa Street.
- Increase landscaping and open space on-site.
- Commit to allowing public access to the project's internal paseo/ courtyard during regular business hours.
- Incorporate "green" energy efficiency/ alternative energy source features to be consistent with the City's Solar Energy System Design Guidelines & Solar Recognition Program (2006).

On August 14, 2007, then City Council approved by consent that the project appeal be referred back to the Planning Commission for action.

Following City Council action, the project was revised in concept and reviewed at Historic Landmarks Commission (HLC) on July 25, 2007. Official comments received at this meeting are listed as follows:

- 1) The portion of the project proposed to be facing State Street: a) The size, bulk, and scale on the State Street elevation is generally acceptable. b) Landscaping on State Street is important and it is suggested to minimize hardscape to help mitigate the building size. c) Simplify the architecture.
- 2) The portion of the building proposed to be in the back: a) In order to further reduce the height of the building, recess the garage further into the ground. b) Subterranean parking is requested. c) The majority of the Commission does not support the roof deck, particularly the mass of the elevator.
- 3) Provide a computer model of the building to help understand its massing.

The project was revised again and reviewed at Historic Landmarks Commission (HLC) on October 3, 2007. Official comments received at this meeting are listed as follows:

- 1) The Commission would like to review the project one more time prior to the project going to the Planning Commission.
- 2) The Commission requested a model.
- 3) Simplify the fenestration and articulation of the masses.
- 4) Restudy the roof pitches.
- 5) Increase landscaping wherever possible.
- 6) Minimize and enhance the opening to the garage.
- 7) The Commission accepts the applicant's proposal for a roof deck.
- 8) The Commission appreciated the applicant's efforts on transitioning the building into a residential neighborhood.
- 9) The Commission appreciated the applicant's efforts to recess the garage into the ground to the extent the he has.
- 10) The Commission was impressed with the use of landscaping pockets.

The project was revised again and reviewed at Historic Landmarks Commission (HLC) on October 17, 2007. General comments received at this meeting are listed as follows:

- 1) Resolve minor architectural details when project return for final HLC approval.
- 2) Provide additional landscaping at project corner.
- 3) Size, bulk, and scale are acceptable.
- 4) Appreciates pedestrian connections to State and Pedregosa.
- 5) Appreciates generous setbacks.
- 6) Appreciates transition of project architecture to adjacent neighbors.
- 7) Appreciates the break-up of massing.

The project, as summarized below, now returns for Planning Commission consideration.

REVISED PROJECT DESCRIPTION (SEPTEMBER 2007)

The Revised Hawkes Mixed Use Project consists of a proposed mixed use development on two parcels at 1829 State (APN 027-031-007) and 11 W. Pedregosa Streets (also addressed as 1835 State Street, APN 027-031-006). The subject property sits at the southwest corner of the State Street and Pedregosa Street. Currently, there is a small single family, one-story residence on a portion of the property (11 W. Pedregosa) that will be removed; the remainder of the site was until several years ago developed with a gas station and now sits vacant. The two parcels will be merged into one parcel, with the proposed mixed-use building subdivided into airspace condominium units.

Briefly, the proposed project consists of six (6) residential condominium units (each provided with a separate two-car garage), four (4) ground-floor commercial units, and two (2) second-floor commercial units. Separate from the dedicated residential parking spaces (13 spaces), the project will provide an additional 10 parking spaces to be utilized primarily by the project commercial units during the day, with the use transitioning to more of a residential visitor use on nights and weekends. Total parking provided is 23 spaces.

The discretionary applications requested for the proposed project are:

- **Voluntary Lot Merger:** Approval of a Voluntary Lot Merger of existing APN 027-031-007 and 027-031-006.
- **Tentative Tract Map:** Approval of a Tentative Tract Map for Subdivision of one parcel into Airspace Condominiums for Residential and Commercial Purposes. The Map includes six (6) commercial condominium units and six (6) residential condominium units.
- **Conditional Use Permit:** Approval of a driveway for non-residential uses in a residential zone (SBMC 28.94.030.H).
- **Development Plan:** Approval of a development plan (SBMC 28.87.300) to allow the construction of 2,539 net square feet (3,008 SF gross) of non-residential development. The proposal is a mixed-use project with six (6) commercial condominium units and six (6) residential condominium units. The three-story building will be 22,451 net square feet (26,465 SF gross), which is broken down as follows:

Commercial:	2,539 net square feet (3,008 SF gross)
Residential:	9,857 net square feet (12,958 SF gross)
Garage:	10,055 net square feet (10,499 SF gross)

The project will be provided with 23 parking spaces total, thirteen of which will be garage spaces for the exclusive use of the residential project component. Prior to construction, an existing home (c. 1923) will be demolished; the City has identified this structure as NOT being historically significant.¹

¹ Source: City of Santa Barbara Website, http://www.secure.ci.santa-barbara.ca.us/tm_bin/tmw_cmd.pl?tmw_cmd=ParcelViewParcel&shl_prc_parcel_no=027-031-006, June 14, 2006.

DISCUSSION OF MAJOR PROJECT CHANGES

The proposed project has been substantially revised from the May 2007 version of the project last presented to Planning Commission. The overall building area has been reduced from 29,799 SF to 26,164 SF (gross)—a 12.2% reduction. Average residential unit sizes have been reduced from 2,595 SF to 2,160 SF (gross)—an average of 16.8%. Setbacks from the property lines have been substantially increased; all previously requested setback modifications are no longer necessary. Consistent with Planning Commission direction, the project's overall massing has been significantly reduced, with the remaining mass well-balanced towards the center of the site. The tower element has been removed and the building height has been reduced by five feet (5'). The project's size, bulk, and scale have been drastically reduced from a floor-to-area ratio (FAR) of 1.61 to 1.41—a 12.4% reduction.

In the course of the redesign, the State Street elevation was totally redesigned on all floors to create an open feeling on State Street and to further enhance the pedestrian experience; additional landscape and hardscape amenities were created. In addition, several substantial planters now line State Street with average depths of eight feet (8'). Although zoning requirements call for no front yard setbacks along State Street, the revised project incorporates substantial first floor setbacks on State Street of 8' -16'; setbacks on the second and third story elements are 14'-22'. Along the Pedregosa Street frontage, setbacks on the second floor have been increased by as much as 6'-10', while the third floor setback has increased to approximately 21' from the property line. Building floor areas on the first, second, third, and fourth floors have been reduced, respectively, as follows: 4.6%, 10.9%, 17.8% and 100.0%.

The grading & drainage plan has been revised such that the parking garage is now subterranean, which has further lowered the proposed building's massing. Each residential unit will be provided an area for a photo-voltaic system which will be located on the rooftop behind the roof parapets and will not be visible from the street. The project will replace the current bus stop with a structure that meshes with both the proposed building as well as the high design standards of the El Pueblo Viejo. We should further note that we are committed to allowing public access to the project's internal paseo/ courtyard during regular business hours and the project will be designed to be consistent with the City's Solar Energy System Design Guidelines & Solar Recognition Program (2006).

Please refer to the table below for a more thorough comparison of the "Old" May 2007 and the "Revised" projects.

REVISED HAWKES MIXED USE PROJECT COMPARISON TABLE			
COMPARISON CRITERIA	"ORIGINAL" PC PROJECT	"REVISED" PROJECT	COMPARISON
Basic Project Statistics			
Building Floor Area (gross)	29,799 SF	26,164 SF	-12.2% Reduction (-3,635 SF)
Lot Size (net)	18,548 SF	18,548 SF	No Change
Floor-to-Area Ratio	1.61	1.41	-12.4% Reduction
Commercial Area (gross)	2,727 SF	3,008 SF	+10.3% Increase
Residential Area (gross)	15,570 SF	12,958 SF	-16.8 % Reduction
Garage Area (gross)	11,057 SF	10,499 SF	-5.0 % Reduction
Open Space	3,260 SF (17.6%)	3,285 SF (17.7%)	+0.1% Increase
Landscaping	2,269 SF (12.2%)	2,960 SF (16.0%)	+3.8% Increase
Building Area By Floor (gross)			
1 st Floor Area	13,368 SF	12,757 SF	-4.6% Reduction
2 nd Floor Area	8,631 SF	7,687 SF	-10.9% Reduction
3 rd Floor Area	7,422 SF	6,100 SF	-17.8% Reduction
4 th Floor Area	378 SF	0 SF	-100.0% Reduction
Residential Unit Sizes (gross)			
Unit #1	3,301 SF (2 bed)	2,795 SF (3 bed)	-15.3% Reduction
Unit #2	2,651 SF (4 bed)	1,970 SF (3 bed)	-25.7% Reduction
Unit #3	3,116 SF (4 bed)	2,143 SF (3 bed)	-31.2% Reduction
Unit #4	2,203 SF (3 bed)	2,100 SF (3 bed)	-4.7% Reduction
Unit #5	1,920 SF (2 bed)	2,000 SF (3 bed)	-4.2% Increase
Unit #6	2,379 SF (4 bed)	1,950 SF (3 bed)	-18.0% Reduction
Average Residential Unit Size (gross)	2,595 SF	2,160 SF	-16.8 % Reduction
Building Height			
Maximum Building Height (Tower / Elevator Shaft)	43'	38'0"	-5' Reduction Tower Removed
Setbacks			
East (State) -1 st Floor	3' avg	12' avg	+9' Increase
East (State) -2 nd Floor	5' avg	18' avg	+15' Increase
East (State) -3 rd Floor	9' avg	18' avg	+9' Increase
North (Pedregosa) -1 st Floor	0' - 10'	0' - 10'	No Change
North (Pedregosa) -2 nd Floor	0' - 10'	6'-10'	+6' Increase
North (Pedregosa) -3 rd Floor	6' - 18' (mod. req'd)	19'-20'	+13' Increase No mod. req'd
West -1 st Floor	0.5' - 6' (mod. req'd)	6'	+5.5' Increase No mod. req'd
West -2 nd Floor	10'	10'	No Change
West -3 rd Floor	12.5' - 18.3'		+2.5' Increase
South -1 st Floor	0' - 5' (mod. req'd)	0'-6'	6' setbacks in R-4 No mod. req'd
South -2 nd Floor	0' - 14'	0'-10'	+3' Increase
South -3 rd Floor	0' - 13'	0'-19.5'	+7' Increase

**HISTORIC LANDMARKS COMMISSION
MINUTES**

Wednesday, July 25, 2007 David Gebhard Public Meeting Room: 630 Garden Street

1:30 P.M.

COMMISSION MEMBERS: WILLIAM LA VOIE, *Chair* – Present
ALEX PUJO, *Vice-Chair* – Present
ROBERT ADAMS – Absent
LOUISE BOUCHER – Present
KEN CURTIS – Present
STEVE HAUSZ – Absent
FERMINA MURRAY – Present
SUSETTE NAYLOR – Present
DONALD SHARPE – Present

ADVISORY MEMBER: DR. MICHAEL GLASSOW – Absent

CITY COUNCIL LIAISON: ROGER HORTON – Present from 1:45 p.m. to 3:00 p.m.

PLANNING COMMISSION LIAISON: STELLA LARSON – Absent

STAFF: JAIME LIMÓN, Design Review Supervisor – Absent
JAKE JACOBUS, Urban Historian – Present until 6:00 p.m.
Irma Unzueta, Project Planner – Present from 4:45 p.m. to 5:35 p.m.
SUSAN GANTZ, Planning Technician II – Present
GABRIELA FELICIANO, Commission Secretary – Present

CONCEPT REVIEW - CONTINUED

16. 1829 STATE ST C-2/R-4 Zone
(4:46) Assessor's Parcel Number: 027-031-007
Application Number: MST2004-00132
Owner: Emmet J. Hawkes Family Trust
Architect: Tom Ochsner

(This is a revised project description. Proposal for a mixed-use development on two separate parcels (027-031-007 for 1829 State Street and 027-031-006 for 11 W. Pedregosa Street). The commercial portion of the project would be located on the first and second floors of the three-story building facing State Street consisting of 3,000 square feet of retail space and 1,600 square feet of office space, with one residential unit on the second and third floors. The remaining residential units would be contained in a three-story building facing Pedregosa Street. The proposed residential unit mix includes four, three-bedroom units and three, two-bedroom units. The project includes 21 parking spaces, 14 of which are open spaces to allow for shared use. In addition, an existing single-family residence on the Pedregosa Street parcel is proposed to be demolished. The project is currently under appeal at City Council and may require Planning Commission approval for a Tentative Subdivision Map and a Development Plan.)

(Fifth Concept Review of a project that has been redesigned so as to not require zoning modifications.)

(COMMENTS ONLY; PROJECT CURRENTLY UNDER APPEAL AT CITY COUNCIL AND MAY REQUIRE PLANNING COMMISSION APPROVAL OF A TENTATIVE SUBDIVISION MAP AND A DEVELOPMENT PLAN.)

Present: Irma Unzueta, City Project Planner
Tom Ochsner, Architect
Troy White, Dudek and Associates
Emmet Hawkes, Owner

Public comment opened at 5:11 p.m.

Ms. Gantz acknowledged receipt of a letter from Paula Westbury expressing opposition to the project.

Public comment closed at 5:11 p.m.

Straw votes: How many Commissioners agree with the size, bulk, and scale as proposed? 0/6. (All disagreed.)

How many Commissioners would agree that if the roof deck was smaller it would become more acceptable? (Most disagreed.)

How many Commissioners would agree that the problem is the mass of the elevator? 6/0. (All agreed.)

Motion: **Continued indefinitely to the Planning Commission with the following comments:** 1) **The portion of the project proposed to be facing State Street:** a) The size, bulk, and scale on the State Street elevation is generally acceptable. b) Landscaping on State Street is important and it is suggested to minimize hardscape to help mitigate the building size. c) Simplify the architecture. 2) **The portion of the building proposed to be in the back:** a) In order to further reduce the height of the building, recess the garage further into the ground. b) Subterranean parking is requested. c) The majority of the Commission does not support the roof deck, particularly the mass of the elevator. 3) Provide a computer model of the building to help understand its massing.

Action: Boucher/Naylor, 6/0/0. (Sharpe stepped down. Adams/Hausz absent.) Motion carried.

HISTORIC LANDMARKS COMMISSION
MINUTES

Wednesday, October 03, 2007 David Gebhard Public Meeting Room: 630 Garden Street
1:30 P.M.

COMMISSION MEMBERS: WILLIAM LA VOIE, *Chair*
ALEX PUJO, *Vice-Chair*
ROBERT ADAMS- Present
LOUISE BOUCHER- Present
KEN CURTIS- Absent
STEVE HAUSZ- Present
FERMINA MURRAY- Present
SUSETTE NAYLOR- Present
DONALD SHARPE- Present

ADVISORY MEMBER: DR. MICHAEL GLASSOW- Absent

CITY COUNCIL LIAISON: ROGER HORTON--- Present

PLANNING COMMISSION LIAISON: STELLA LARSON- Present at 2:02 p.m.

STAFF: JAIME LIMÓN, Design Review Supervisor - Present
JAKE JACOBUS, Urban Historian- Present
SUSAN GANTZ, Planning Technician II -Present
AUDREY WILK, Acting Commission Secretary- Present

CONCEPT REVIEW - CONTINUED

3. 1829 STATE ST C-2/R-4 Zone

(3:15) Assessor's Parcel Number: 027-031-007
Application Number: MST2004-00132
Owner: Emmet J. Hawkes Family Trust
Architect: Tom Ochsner

(This is a revised project description. Proposal for a mixed-use development on two separate parcels (027-031-007 for 1829 State Street and 027-031-006 for 11 W. Pedregosa Street). The commercial portion of the project would be located on the first and second floors of the three-story building facing State Street consisting of 3,000 square feet of retail space and 1,600 square feet of office space, with one residential unit on the second and third floors. The remaining residential units would be contained in a three-story building facing Pedregosa Street. The proposed residential unit mix includes four, three-bedroom units and three, two-bedroom units. The project includes 21 parking spaces, 14 of which are open spaces to allow for shared use. In addition, an existing single-family residence on the Pedregosa Street parcel is proposed to be demolished. The project is currently under appeal at City Council and may require Planning Commission approval for a Tentative Subdivision Map and a Development Plan.)

(Sixth Concept Review.)

(COMMENTS ONLY, PROJECT REQUIRES PLANNING COMMISSION APPROVAL OF A TENTATIVE SUBDIVISION MAP, A CONDITIONAL USE PERMIT, AND ZONING MODIFICATIONS.)

Present: Troy White, Architect
Tom Ochsner, Architect

Public Comment opened at 3:33 P.M.

Kellam De Forrest, a local resident, expressed concern about how this structure will tie into adjacent structures, which are smaller. Overall, he opposes the project.

Public comment closed at 3:35 P.M.

Straw vote: How many Commissioners feel the roof deck should be eliminated?
7/1/0

Motion: Continued two weeks to the Full Board with the following comments:

- 1) The Commission would like to review the project one more time prior to the project going to the Planning Commission.
- 2) The Commission requested a model.
- 3) Simplify the fenestration and articulation of the masses.
- 4) Restudy the roof pitches.
- 5) Increase landscaping wherever possible.
- 6) Minimize and enhance the opening to the garage.
- 7) The Commission accepts the applicant's proposal for a roof deck.
- 8) The Commission appreciated the applicant's efforts on transitioning the building into a residential neighborhood.
- 9) The Commission appreciated the applicant's efforts to recess the garage into the ground to the extent the he has.
- 10) The Commission was impressed with the use of landscaping pockets.

Action: Naylor/Adams, 1/6/0(Curtis absent. Sharpe stepped down). Motion carried.

HISTORIC LANDMARKS COMMISSION
DRAFT MINUTES

Wednesday, October 17, 2007 David Gebhard Public Meeting Room: 630 Garden Street
1:30 P.M.

COMMISSION MEMBERS: WILLIAM LA VOIE, *Chair*
ALEX PUJO, *Vice-Chair*
ROBERT ADAMS- Present
LOUISE BOUCHER- Present
KEN CURTIS- Absent
STEVE HAUSZ- Present
FERMINA MURRAY- Present until 6:55 p.m.
SUSETTE NAYLOR- Present
DONALD SHARPE- Present

ADVISORY MEMBER: DR. MICHAEL GLASSOW- Absent

CITY COUNCIL LIAISON: ROGER HORTON - Absent

PLANNING COMMISSION LIAISON: STELLA LARSON - Absent

STAFF: JAIME LIMÓN, Design Review Supervisor
JAKE JACOBUS, Urban Historian
SUSAN GANTZ, Planning Technician II
AUDREY WILK, Commission Secretary

CONCEPT REVIEW - CONTINUED

7. 1829 STATE ST C-2/R-4 Zone
(5:02) Assessor's Parcel Number: 027-031-007
Application Number: MST2004-00132
Architect: Tom Ochsner

(This is a revised project description. Proposal for a mixed-use development on two separate parcels (027-031-007 for 1829 State Street and 027-031-006 for 11 W. Pedregosa Street). The commercial portion of the project would be located on the first and second floors of the three-story building facing State Street consisting of 3,000 square feet of retail space and 1,600 square feet of office space, with one residential unit on the second and third floors. The remaining residential units would be contained in a three-story building facing Pedregosa Street. The proposed residential unit mix includes four, three-bedroom units and three, two-bedroom units. The project includes 21 parking spaces, 14 of which are open spaces to allow for shared use. In addition, an existing single-family residence on the Pedregosa Street parcel is proposed to be demolished. The project is currently under appeal at City Council and may require Planning Commission approval for a Tentative Subdivision Map and a Development Plan.)

(Seventh Concept Review.)

(COMMENTS ONLY, PROJECT REQUIRES PLANNING COMMISSION APPROVAL OF A TENTATIVE SUBDIVISION MAP, A CONDITIONAL USE PERMIT, AND ZONING MODIFICATIONS.)

Present: Tom Ochsner, Architect
Troy White, Planner, Dudek Association

Public comment opened at 5:16 P.M.

Kellam De Forrest, a local resident, felt that the trees presented did not provide a proper screen.

Kathiann Brown, a local resident, opposed the project.

Public comment closed at 5:18 P.M.

Motion: Indefinite continuance to Planning Commission with the following comments:

The Commission had favorable comments as to size, bulk, and scale with the request that additional landscaping be provided. They also had positive comments as follows: 1) They liked the subterranean parking, the pedestrian connection to the site from both streets; 2) the generous setback (particularly on State Street as it transitions to the residential area on W. Pedregosa Street); and , 3) the breaking up of the massing on both elevations to minimize visual impacts. Other minor architectural design issues to be solved in the process, as follows: a) the undercarriage of the curved stair; b) the window articulation in the curved element facing State Street; and, c) the interconnectiveness of the spiral stair and bay window.

Action: Hausz/Pujo, 7/0/0. (Sharpe stepped down. Curtis absent.) Motion carried.