

City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: May 1, 2008
AGENDA DATE: May 8, 2008
PROJECT ADDRESS: 528 Anacapa Street (MST2006-00748)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Irma Unzueta, Project Planner

I. PROJECT DESCRIPTION

The proposed project involves the demolition of an existing 3,300 square-foot commercial building and the construction of a three- and partial fourth story, mixed-use building containing seven commercial condominiums totaling 4,135 square feet and seven residential condominiums. The residential unit mix would be one three-bedroom unit, four two-bedroom units, and two one-bedroom unit. The units would range in size from 940 net square feet to 2,449 net square feet. Nineteen parking spaces are provided including eleven (one van accessible space) provided in an open surface parking lot and eight covered parking spaces. The eight (one van accessible space) covered parking spaces are assigned residential parking spaces including five within individual garages along the east side of the building. Ingress to the building would be provided on Anacapa Street and egress would be via Cota Street (Exhibits B and C).

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Development Plan to allow the construction of 4,135 net square feet of nonresidential development (SBMC §28.87.300); and
2. A Tentative Subdivision Map for a one-lot subdivision to create seven (7) commercial condominiums and seven (7) residential condominium units (SBMC§27.07 and 27.13).

III. RECOMMENDATION

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 528 ANACAPA STREET

APPLICATION DEEMED COMPLETE: February 29, 2008
DATE ACTION REQUIRED PER MAP ACT: May 19, 2008

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Richard Redmond	Property Owner: James Doub and Tom P. Ziegler Trust
Parcel Number: 031-201-029	Lot Area: 16,065 sq. ft.
General Plan: Major Public & Institutional/Offices	Zoning: C-M, Commercial Manufacturing
Existing Use: Commercial	Topography: 2%
Adjacent Land Uses: North – Commercial/Parking Lot South – Commercial/Industrial East – Vacant, Bus Parking West – Anacapa Street, Car Wash	

B. RESIDENTIAL STATISTICS

Units	# of Bedrooms	Unit Size (net)	Private Outdoor Living Space
Residential Unit 1	1	1,474 sq. ft.	284 sq. ft.
Residential Unit 2	2	1,909 sq. ft.	212 sq. ft.
Residential Unit 3	2	1,896 sq. ft.	212 sq. ft.
Residential Unit 4	2	1,905 sq. ft.	212 sq. ft.
Residential Unit 5	2	1,845 sq. ft.	229 sq. ft.
Residential Unit 6	1	940 sq. ft.	98 sq. ft.
Residential Unit 7	3	2,449 sq. ft.	336 sq. ft.

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
C-M Setbacks -Front -Interior -Rear	None Required	6' front yard (Anacapa) 73' front yard (Cota) 0' interior yard (south) 32' rear yard (east)	2' front yard (Anacapa) 7' front yard (Cota) 5' to 33' interior yard (south) 4" rear yard (east)
Building Height	C-M=4 stories/60'	1 story/Approx. 18'	3 stories with 4 th story roof decks maximum height = 42 feet
10% Open Space	1,606 sq. ft.	N/A	1,716 sq. ft.
Parking	Commercial = 2 spaces Residential = 7 spaces Total = 9 spaces	22 spaces (including one handicapped space)	Residential=7 spaces + 1 van accessible space Commercial=10 spaces + 1 van accessible Total = 19 spaces

Lot Area Required for Each Unit (Variable Density)	1-Bdrm = 1,840 sq. ft. 2-Bdrm = 2,320 sq. ft. 3-Bdrm = 2,800 sq. ft. (2) One-Bdrm=1,840 sq. ft. (4) Two-Bdrm=9,280 sq. ft. (1) Three-Bdrm=2,800sq. ft. Total = 13,920 sq. ft.	N/A	Required = 13,920 sq. ft. Provided =15,760 sq. ft.
Private Outdoor Living Space	72 sq. ft. = 1 bdrm 84 sq. ft. = 2 bdrms 96 sq. ft. = 3+ bdrms	N/A	Unit 1 = 284 sq. ft. Unit 2 = 212 sq. ft. Unit 3 = 212 sq. ft. Unit 4 = 212 sq. ft. Unit 5 = 229 sq. ft. Unit 6 = 98 sq. ft. Unit 7 = 336 sq. ft.
Lot Coverage			
Building	N/A	3,362 sq. ft. 21.0%	9,404 sq. ft. 58.5%
Paving/Driveway	N/A	11,082 sq. ft. 69.0%	4,165 sq. ft. 25.5%
Landscaping	N/A	1,621 sq. ft. 10.0%	2,496 sq. ft. 16.0%

The proposed project would meet the requirements of the C-M Zone. No modifications are being requested as part of this project.

A. PARKING

The property is located within the Central Business District, which has a requirement of one parking space per 500 square feet of nonresidential square footage. The residential parking requirement is one uncovered space per residential unit, with no guest parking requirement. As such, the Zoning Ordinance would require that seven parking spaces be provided for the proposed residential condominiums. The proposed 4,135 square feet of commercial use would require 8 parking spaces (4,135 sq. ft./500 sq. ft. = 8.2 spaces). However, because the site is located in an 80% parking zone-of-benefit due to the proximity of the Lot #10 parking lot, which allows the commercial parking requirement to be reduced by 80%, the required parking for the commercial area is 2 spaces. Therefore, two commercial and seven residential parking spaces are required, for a total of nine parking spaces. The project proposes 19 parking spaces, and thus, would provide more parking than the Zoning Ordinance requirement. Transportation Staff has advised the applicant about Planning Commission discussions regarding over-parking projects in the Central Business District where the extra spaces may result in additional traffic, and that the Planning Commission may eliminate the additional spaces at the public hearing.

C. RESIDENTIAL CONDOMINIUM DEVELOPMENT

The project would be consistent with the general City requirements and physical standards for new condominium development, per SBMC §27.13.050 and §27.13.060, respectively. The project would provide the required covered parking, 300 cubic feet of private storage space and laundry facilities for each unit. Each unit would have its own utility meters, and all utilities are

proposed to be underground. Each unit would also meet the requirements for private outdoor living space.

D. MEASURE E

The project includes the construction of approximately 4,135 square feet of commercial space, which requires the approval of a Development Plan. Pursuant to the provisions of SBMC §28.87.300, the project site is provided with 2,000 square feet of Measure E nonresidential square footage from the Small Addition category and 1,000 square feet from the Minor Addition category for a total of 3,000 square feet. The project would receive a demolition credit of 3,300 square feet for the existing commercial building that is proposed to be removed as part of the project. Therefore this proposal would require approximately 835 Measure E nonresidential square footage (4,135 SF proposed square feet – 3,300 SF demolished = 835 SF).

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed by the ABR on two separate occasions (meeting minutes are attached as Exhibit D). On April 30, 2007, the ABR stated that the Board was pleased with the structure and liked the Meridian Studio style approach to the massing, the 45 degree angles and large window typology. The applicant was directed to remove the wrought iron fence proposed on Cota Street and to study the floor to floor heights in order to lower the building if possible. The ABR also indicated that the south elevation lacked detail and design and should be cohesive in architecture with the rest of the building. On May 29, 2007, the applicant returned to the ABR for a second concept review. The Board found the south elevation nicely articulated and appreciated the overall height reduction of the proposed building, as well as the increased setback on Cota Street. The ABR asked that the rooftop condenser units be screened from the public and adjacent units and to look for other solutions to articulate the southwest corner of the building on Anacapa Street.

B. UNIT SIZE

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 table below shows whether the proposed units would comply with this guideline.

Unit Number	Proposed Unit Size (net square feet)	85% of Lot Area	Complies with 85% Guideline
Unit 1	1,474 sq. ft.	1,564 sq. ft.	complies
Unit 2	1,909 sq. ft.	1,972 sq. ft.	complies
Unit 3	1,896 sq. ft.	1,972 sq. ft.	complies
Unit 4	1,905 sq. ft.	1,972 sq. ft.	complies
Unit 5	1,845 sq. ft.	1,972 sq. ft.	complies
Unit 6	940 sq. ft.	1,564 sq. ft.	complies
Unit 7	2,449 sq. ft.	2,380 sq. ft.	exceeds

Unit 7 would exceed the 85% lot area limitation guideline by 69 square feet. Staff believes that 69 square feet does not represent a significant amount above the guideline and that the unit can be found to substantially comply with the 85% lot area guideline applied by the Planning Commission. However, if so inclined, the Planning Commission could require that the applicant reduce the size of unit 7 to comply with the 85% guideline.

C. COMPLIANCE WITH THE GENERAL PLAN

Before a condominium project and a tentative map can be approved, they must be found consistent with the City's General Plan. The project site is located in the Lower State neighborhood, which is an area of mixed commercial and industrial uses.

Land Use Element: The General Plan designation for this property is Office and Major Public & Institutional; residential uses are also allowed in areas so designated. As such, the residential portion of the mixed-use development would be subject to the density requirements of the R-3/R-4 (Multiple Family Residential) Zone, which allows 12 dwelling units to the acre. The Land Use Element of the General Plan recognizes, however, that in zones where variable density standards apply, development may exceed the limit of twelve units per acre. With the application of variable density standards (discussed above, in the Zoning Ordinance Consistency section of this report), the proposed condominium development would result in a density of approximately 18.98 dwelling units per acre. Therefore, project would be consistent with the General Plan in this regard.

Housing Element: The City Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. This proposal would satisfy that goal through the mix of unit types proposed.

A goal of the Housing Element is to assist in the production of new housing opportunities, through the public and private sector, which vary sufficiently in type and affordability to meet the needs of all economic and social groups. Additionally, Santa Barbara has very little vacant or available land for new infill residential development, and, therefore, the City has supported build-out of housing units in the City's urban areas where individual projects are deemed appropriate and compatible. The provision of one, two and three-bedroom units, ranging from 940 to 2,449 square feet in size, would provide some variability in the additional housing stock being provided by this project.

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.

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 Architectural Board of Review (ABR) considers the Urban Design Guidelines in reviewing development proposals. As discussed above, the ABR was supportive of the mass, bulk, and scale of the proposal, and while some project details still need studying as part of subsequent design review, they are supportive of the development of this project in this neighborhood.

The surrounding neighborhood is comprised of a mix of office, residential, commercial, and industrial buildings, which range from one to five stories in height. Adjacent to the project site on the west is Anacapa Street and a self-service car wash, a two-story automobile repair shop with associated office to the south, a three-story commercial/office/residential building (Anacota Building) to the north, and a proposed three-story building (110 E Cota Street) to the east. The maximum height of the proposed structure would be approximately 42 feet, which is comparable with other three-story and four structures in the surrounding neighborhood. Additionally, the building can be considered compatible with the architectural style of surrounding buildings. Thus, the project can be found consistent with the type and massing of surrounding development in the neighborhood.

Circulation Element: The Circulation Element contains goals and policies that promote housing in and adjacent to the downtown to facilitate the use of alternative modes of transportation and to reduce the use of the automobile. For example, Circulation Element Implementation Strategy 13.1.1 encourages “the development of projects that combine and locate residential uses near areas of employment and services.” This project provides housing as well as commercial space in the downtown and is, therefore, consistent with this goal.

D. ENVIRONMENTAL REVIEW

Cultural Resources – Archaeological: The project site is located within four sensitivity zones for archaeological resources. A Phase I Archaeological Resource Survey was prepared by MacFarlane Archaeological Consultants in June 2007. The study concluded that due to extreme disturbance of subsurface soil, no further archaeological investigation is warranted. However, given the possibility that random artifacts or trash pits could be discovered in the small 5 to 10% area of the parcel that remains intact, the report recommends that the project be conditioned with the City standard discovery condition of approval. A condition of approval has been included to satisfy this recommendation.

Hazardous Materials: According to a letter dated May 10, 2005, from the Santa Barbara County Fire Department, site investigation and soil remediation associated with the former Blacksmith Machine Shop at the project site was deemed complete (Exhibit E). The letter also indicated that no further action was required. The letter further advised that changes in present or proposed use of the site could require further site characterization and mitigation activity. In a subsequent letter dated August 1, 2007, to the applicant, the Fire Department directs that if soil contamination is discovered during grading operations, such work is to be halted immediately and the Fire Department notified within 24 hours (Exhibit F). A condition of approval requiring Fire Department notification in the event that contamination is discovered has been included.

The Guidelines of the California Environmental Quality Act (CEQA) include a number of types of projects that are generally exempt from environmental review. Staff and the Environmental Analyst have determined that the project qualifies for an exemption per CEQA

Section 15332 which provides for in-fill development projects in urban areas where it is determined that there will be no significant effects as identified by the following criteria:

1. ***The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation regulations.***

The General Plan designation for this area is Office and Major Public & Institutional. As discussed above, there are several General Plan policies as well as zoning regulations that apply to the project. Planning Staff's conclusion is that the project is consistent with the General Plan Land Use Designation, Zoning designation, and applicable policies and regulations.

2. ***The proposed development occurs within city limits on a project of no more than five acres substantially surrounded by urban uses***

The combined lot size of the entire project is 16,065 square feet (0.37 acre). The area is urban and developed with a mix of commercial, office, and industrial uses, and the site is surrounded by urban uses in all directions.

3. ***The project site has no value as habitat for endangered, rare or threatened species.***

The site has been previously disturbed and has no value as habitat for endangered, rare or threatened species.

4. ***Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.***

a. *Traffic*

Transportation planning staff conducted a trip generation analysis of the proposed project based on data found in the Institute of Transportation Engineers (ITE) and Trip Generation and Parking Generation manuals. It is estimated that the proposed project would approximately generate an additional 8 AM peak hour trips, 9 PM peak hour trips, and 79 average daily trips over the existing development.

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

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

The City's practice is to follow five trips in any direction to or from a site to determine compliance with the cumulative threshold. Once less than five trips are determined to be headed in any one direction, distribution (or "following") of these trips ceases

because Staff cannot state with statistical certainty where these trips would be headed on a daily basis. When the vehicle trips generated by this project are distributed to the adjacent street network, it is not expected to exceed the City's standard threshold that would result in traffic impacts to the nearby intersections. Thus, the Transportation Division anticipates that this project would not generate project-specific or cumulative traffic impacts.

b. *Noise*

According to the City's Master Environmental Assessment (MEA), the project site is located in an area of noise levels between 60-65 dBA (decibels). The required private outdoor living spaces for the residential units must not be exposed to noise levels in excess of 60 dBA. The acoustical analysis prepared for the project identifies traffic and the car wash use on Anacapa Street as the primary noise contributors (Exhibit G). The deck area for unit 1, located on the west side of the proposed building, would be impacted by noise due to street traffic and the self service car wash. A 5'-6" parapet wall, intended to shield the roof deck from excessive noise, would reduce noise levels to approximately 48 dBA. In addition, the roof decks for units 2-7 would only be impacted by traffic noise on Cota Street and are farther away from the noise source and protected by the side wall barriers. The acoustical analysis determined that these units would have noise exposure levels below 45 dBA. Therefore, potential exterior noise impacts to the proposed development are expected to be less than significant.

c. *Air Quality*

The City of Santa Barbara uses the Santa Barbara County Air Pollution Control District's (APCD) thresholds of significance for air quality impacts. Based on the APCD's Land Use Screening Table, a project of seven residential units and 4,135 square feet of commercial space would not result in significant air quality impacts. Due to the fact that the project is much smaller than those indicated on the table, it is expected there would be less than significant air quality impacts from mobile source emissions.

The project will involve demolition, grading, paving and landscaping activities which could result in short term dust related impacts; however, the applicant would be required to incorporate standard dust control mitigation measures during grading and construction activities. These measures would be included as conditions of approval and are expected to reduce potential air quality impacts to less than significant impacts.

d. *Water Quality*

The project is subject to the City's Storm Water Management Plan. The proposed project would not be expected to cause significant impacts to water quality. Site runoff would be captured in landscaped areas, as well as directed to catch basins located in the parking lot. Runoff from roof decks would be directed through roof drains into internal downspouts and below grade drainage lines out to the street.

5. ***The site can be adequately served by all required utilities and public services.***

All utilities are existing and available at the site and can be extended to the development. The proposed project would result in an insignificant increase in demand for public services, including police, fire protection, electrical power, natural gas and water distribution and treatment.

VII. 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 is consistent with policies of the City's General Plan including the Land Use Element, Housing Element, Conservation Element, Noise Element and Circulation Element. 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 will provide infill residential development in the downtown 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 residential project proposed in an area where 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. Adequate park facilities exist nearby, and the

project would not adversely impact other community resources, such as water, sewer, police, fire, and schools. The design has been reviewed by the City's design review board, 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 C-M, Commercial Manufacturing Zone designation.

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

The project site is located in the Land Use Element's Lower State Neighborhood and has a General Plan Designation of Major Public & Institutional and Offices and a Zoning Designation of C-M, Commercial Manufacturing. The Lower State Neighborhood is characterized as an area containing commercial and industrial uses. The project is a mixed-use proposal and represents an infill development on the subject site. It would allow for additional residential units and commercial spaces in the Downtown area, and is consistent with the existing mix of uses in the surrounding neighborhood. 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 ABR 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 three and four-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 seven 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 2.26 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.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated December 4, 2007
- D. ABR Minutes
- E. Acoustical Analysis Report dated November 10, 2007
- F. Letter from County of Santa Barbara Fire Department, dated May 10, 2005
- G. Letter from County of Santa Barbara Fire Department, dated August 1, 2007

PLANNING COMMISSION CONDITIONS OF APPROVAL

528 ANACAPA STREET

TENTATIVE SUBDIVISION MAP, DEVELOPMENT PLAN APPROVAL

MAY 8, 2008

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

- B. **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 watercourses, conduits and any access road, as appropriate.
 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 Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the (ABR). The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the (ABR), the owner is responsible for its immediate replacement.
 4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new (Building Permit) is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
 5. **Approved Development.** The development of the Real Property approved by the Planning Commission on May 8, 2008 is limited to approximately 17,839 square

feet of building area, including seven dwelling units and seven commercial condominiums totaling 4,135 net square feet and the improvements shown on 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 units.
 - 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. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - e. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
7. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.

- C. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:
1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - a. All street purposes at the intersection of Anacapa and Cota Streets in order to establish a minimum of four-foot wide public right-of-way clearance at the back of access ramp.
 3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 4. **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. If the private covenants required pursuant to Section A.** above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
 5. **Drainage Calculations** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
 6. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.

7. **Anacapa Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Anacapa Street. As determined by the Public Works Department, the improvements shall include the following: *commercial style sidewalk for entire property frontage, supply and install a minimum of two new street trees with minimum thirty six-inch (36") box-size and species designated by the City Arborist, tree wells and tree grates, driveway apron modified to meet Title 24 requirements, new curb and gutters where damaged, new dual-directional access ramp at intersection of Cota and Anacapa Streets crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of twenty-feet (20') beyond the limits of all trenching, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations for installation of Alhambra A470 curb drain outlets, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control per 2006 MUTCD w/CA supplements, storm drain stenciling at upstream existing drop inlets, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.*
8. **Cota Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Cota Street. As determined by the Public Works Department, the improvements shall include the following: *six-foot (6') wide sidewalk and four-foot (4') wide parkway for the entire property frontage,, remove existing Eucalyptus tree and supply and install a minimum of two new street trees with minimum thirty six-inch (36") box size and speices designated by the City Arborist, driveway apron modified to meet Title 24 requirements, new curb and gutters where damaged, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of twenty-feet (20') beyond the limit of all trenching, connection to City water and sewer mains, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control per 2006 MUTCD w/CA supplements, public drainage improvements with supporting drainage calculations for installation of drainage improvements to provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.*
9. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
10. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).

11. **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.
- E. **Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.
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 minimum (24-inch box sized) tree(s) of an appropriate species or like species.
 2. **Tree Protection Measures.** The landscape plan (and grading plan) shall include the following tree protection measure:
 - a. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
 3. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 4. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided along the driveway from the sidewalk using a different paving material.
 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.
 9. **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.
 10. **Permeable Paving.** Incorporate a permeable paving system for the walkways and the parking areas that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Transportation Manager.
- F. **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 Improvements on Building Plans and Concurrent Issuance of Public Works Permits.** Upon acceptance of the approved public improvement plans, Public Works permits shall be issued concurrently with the Building permit.

G. **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:

2. **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.
3. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
4. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of street trees with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground.
5. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work (within the dripline of all street trees during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
11. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
12. **Photo-voltaics Required.** Owner shall design the project to include highly efficient, aesthetically well-integrated photo-voltaics, consistent with the City Solar Design Guidelines, to meet at least 50 percent of the project's electrical needs.
15. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Archaeologist, the Architect, the Arborist, the Landscape Architect, the Contractor and each subcontractor.
16. **Soil Contamination.** As required by the County Fire Department, in the event that soil contamination is discovered during grading activities, work shall be halted immediately and the Fire Prevention Division shall be notified within 24 hours.

H. **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 Architectural Board of Review, outlined in Section E above.
2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner Archaeologist, Architect, Arborist, Landscape Architect, Contractor and each Subcontractor.
3. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

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

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

5. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall passive water quality methods, such as bioswales, catch basins, or

storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B.4, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

- 6. **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. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including, at a minimum, an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings, or combustible roof eaves lines unless sprinkler coverage is provided.
- 12. **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.
- 13. **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.
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I. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Sandstone Curb Recycling.** If any existing sandstone curb in the public right-of-way is removed and not reused, it shall be salvaged and carefully transported to the City Corporation Annex Yard.
3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
5. **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.
6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
7. **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.

8. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits *without extensions* may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.

9. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur on-site, using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

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

10. **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.
11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
12. **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.
13. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
16. **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) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height.
17. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and any related Conditions of Approval.
18. **Tree Protection.** Notes on the grading plan that specify the following:
 - a. No grading shall occur within three feet of the driplines of the existing tree(s).
 - b. A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the tree(s) which are required to be protected.
 - c. All excavation within the dripline of the tree(s) shall be done with hand tools.
 - d. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - e. No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
 - f. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 - g. All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
19. **Existing Tree Preservation.** The existing tree(s) shown on the approved Site Plan to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.

20. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
21. **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.
23. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

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

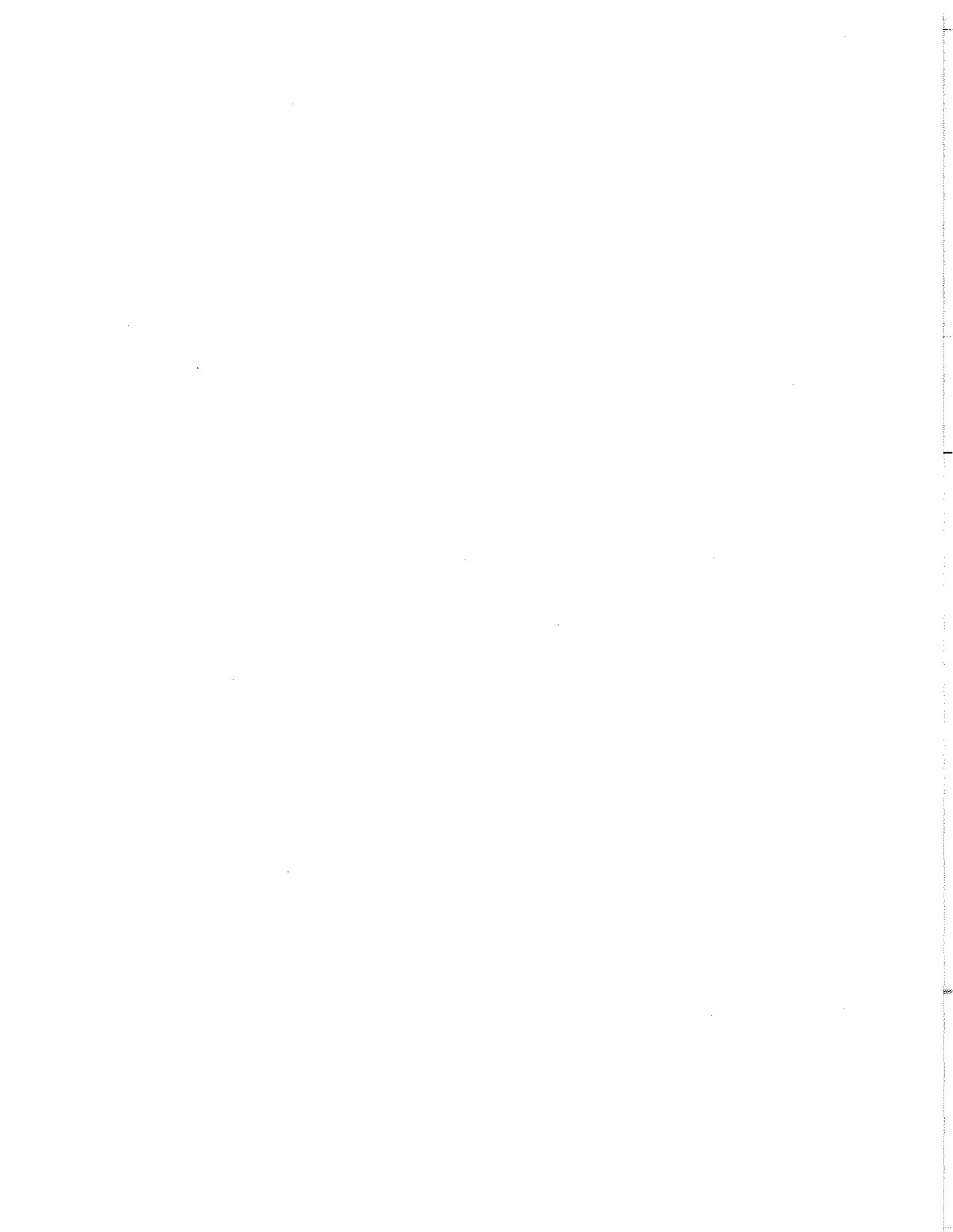
2. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.
3. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise 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 Architectural Board of Review (ABR).
4. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.
5. **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.
6. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.

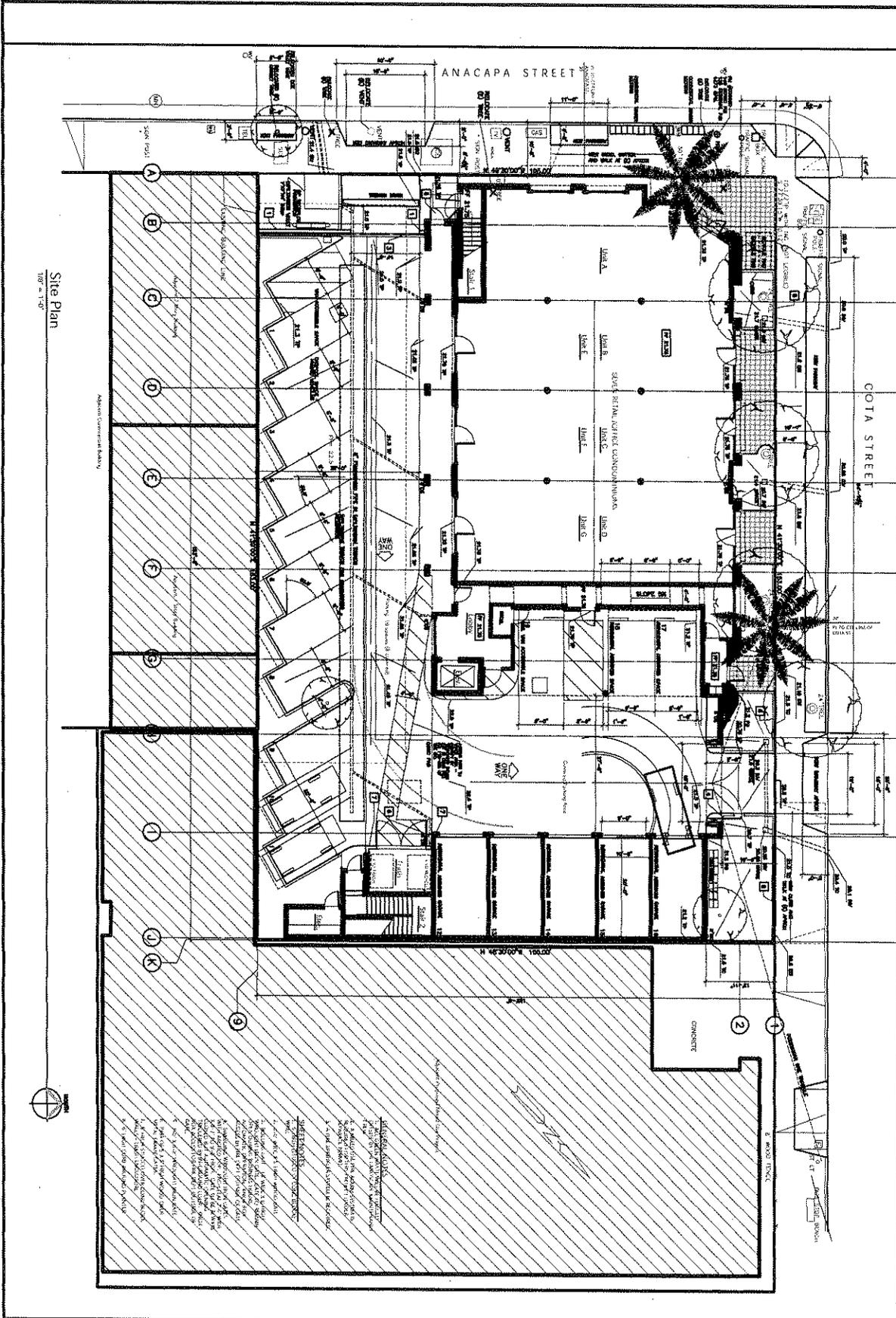
K. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party 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.





Site Plan
1/8" = 1'-0"



1. All dimensions are in feet and inches, unless otherwise noted.
 2. All dimensions are to the centerline of the building, unless otherwise noted.
 3. All dimensions are to the centerline of the lot, unless otherwise noted.
 4. All dimensions are to the centerline of the street, unless otherwise noted.
 5. All dimensions are to the centerline of the sidewalk, unless otherwise noted.
 6. All dimensions are to the centerline of the driveway, unless otherwise noted.
 7. All dimensions are to the centerline of the parking area, unless otherwise noted.
 8. All dimensions are to the centerline of the walkway, unless otherwise noted.
 9. All dimensions are to the centerline of the ramp, unless otherwise noted.
 10. All dimensions are to the centerline of the stairs, unless otherwise noted.
 11. All dimensions are to the centerline of the elevator, unless otherwise noted.
 12. All dimensions are to the centerline of the door, unless otherwise noted.
 13. All dimensions are to the centerline of the window, unless otherwise noted.
 14. All dimensions are to the centerline of the roof, unless otherwise noted.
 15. All dimensions are to the centerline of the foundation, unless otherwise noted.
 16. All dimensions are to the centerline of the wall, unless otherwise noted.
 17. All dimensions are to the centerline of the floor, unless otherwise noted.
 18. All dimensions are to the centerline of the ceiling, unless otherwise noted.
 19. All dimensions are to the centerline of the column, unless otherwise noted.
 20. All dimensions are to the centerline of the beam, unless otherwise noted.

A1.01

Edwards - Pitman
Architects AIA
120 East de la Guerra / Santa Barbara, California 93101 / Phone 966-1200

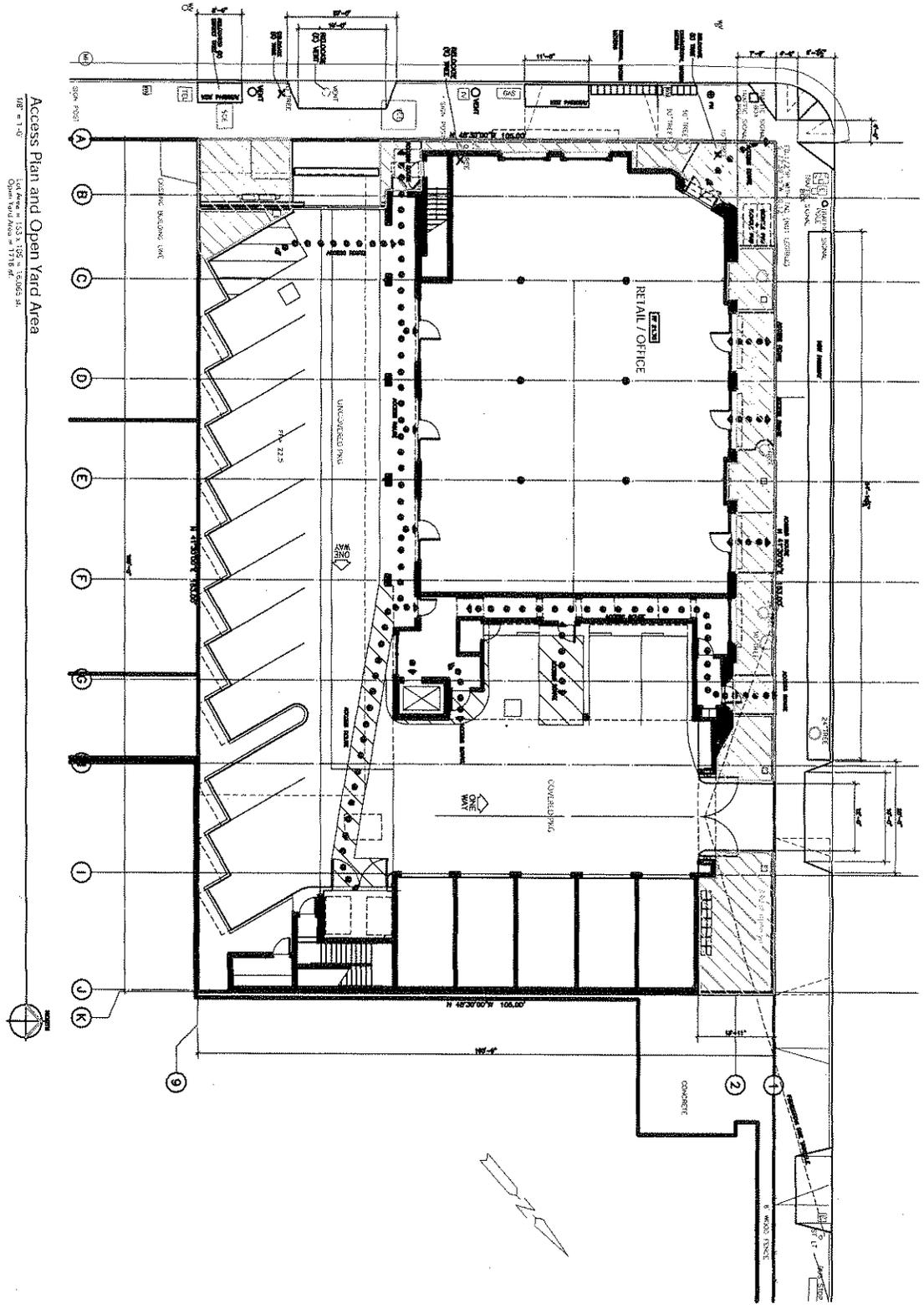
Proposed Mixed Use Building
528 Anacapa Street
Santa Barbara, CA



Site Plan
 Job: _____
 Drawn By: _____
 Checked By: _____
 Date: _____
 Contributor to verify all dimensions on job

Sheet
A1.01

ANACAPA STREET



Access Plan and Open Yard Area
 Scale: 1/8" = 1'-0"
 Lot Area = 153,195 sq. ft. (3.665 ac.)
 Open Yard Area = 1718 sq. ft.

A1.02

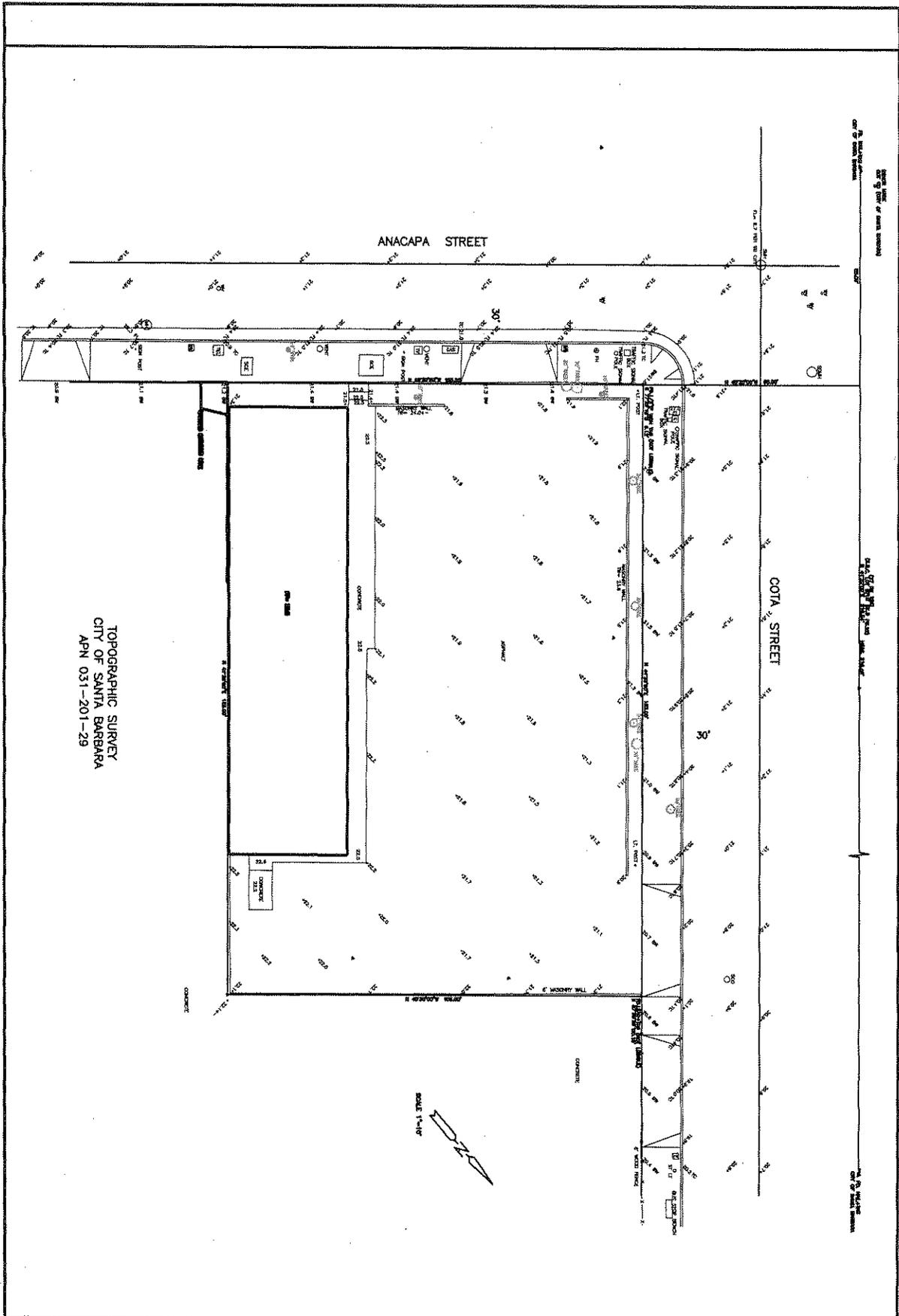
Edwards - Pitman
 Architects AIA
 120 East de la Guerra / Santa Barbara, California 93101 / Phone 966-1200

Proposed Mixed Use Building
 528 Anacapa Street
 Santa Barbara, CA



Access Plan
 Job No. _____ Date _____
 Drawn By _____
 Checked By _____
 Consultant to verify all dimensions on job

Sheet
 A1.02
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TOPOGRAPHIC SURVEY
CITY OF SANTA BARBARA
APN 031-201-29



A1.03

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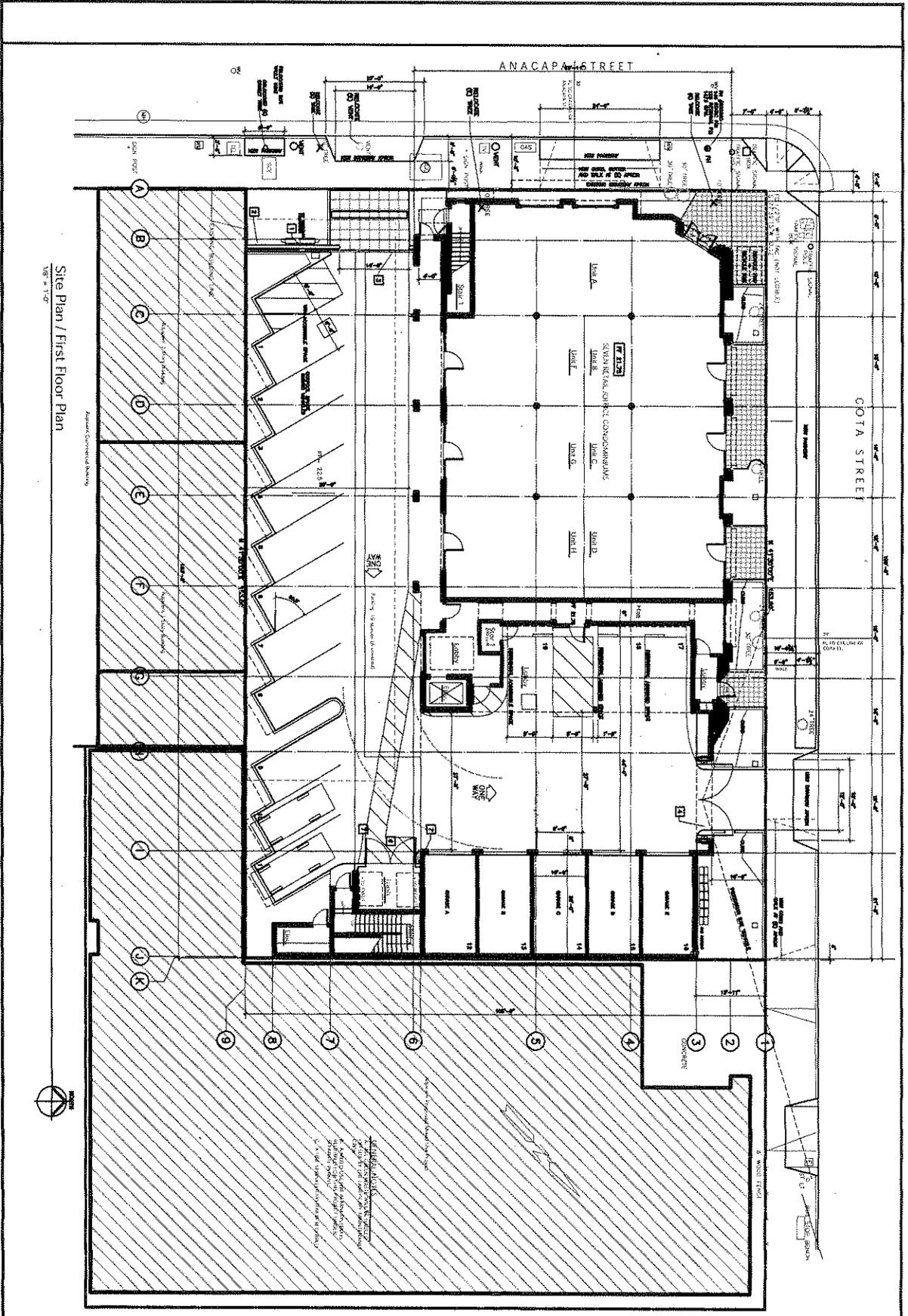
Proposed Mixed Use Building
528 Anacapa Street
Santa Barbara, CA



Site Survey
 Date: _____
 Drawn by: _____
 Checked by: _____
 Contractor to verify all dimensions on job

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120 East de la Guerra / Santa Barbara, California 93101 / Phone 966-1200



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

12.01

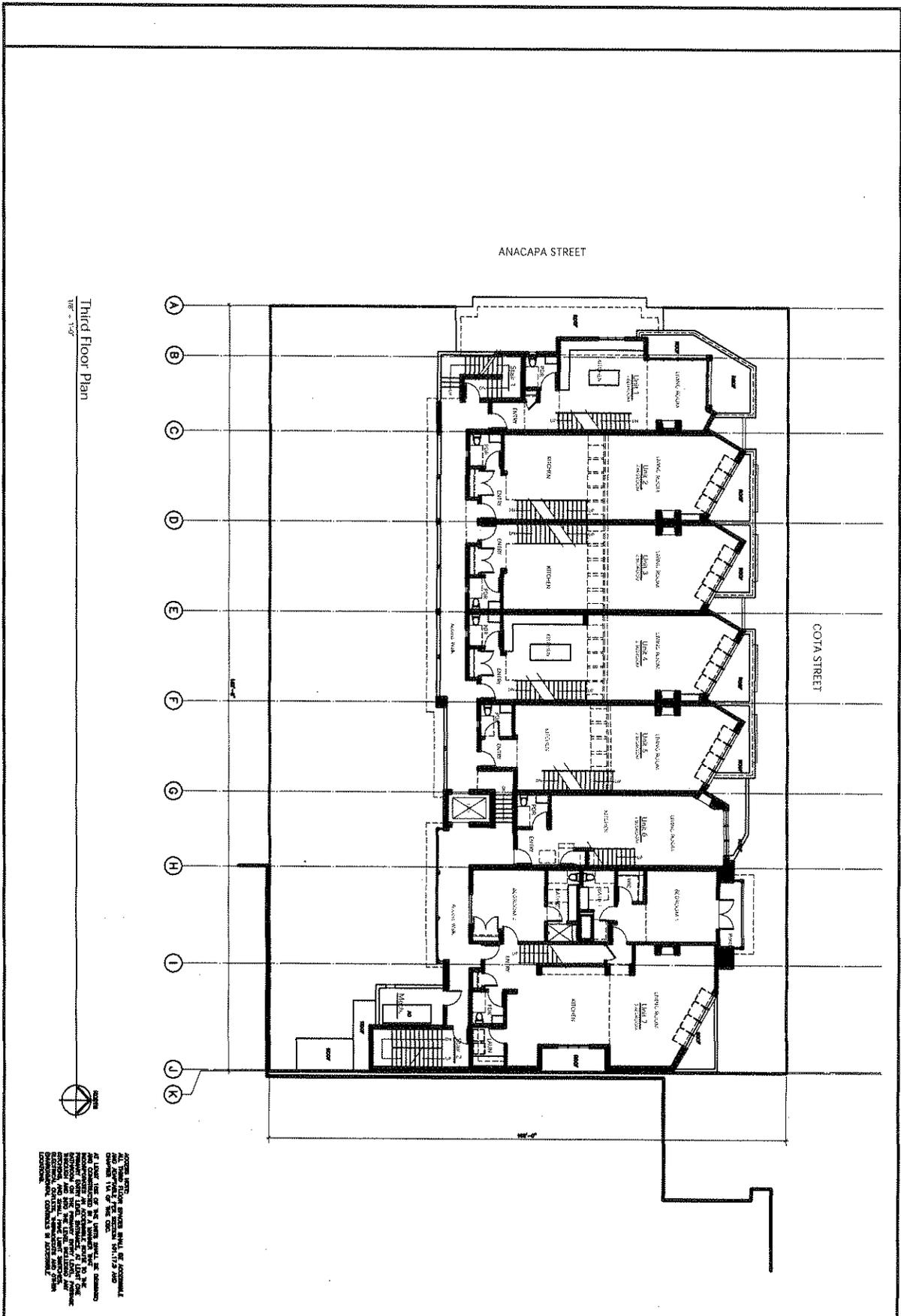
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 Architects AIA
 120 East de la Guerra / Santa Barbara, California 93101 / Phone 966-1200

Proposed Mixed Use Building
 528 Anacapa Street
 Santa Barbara, CA



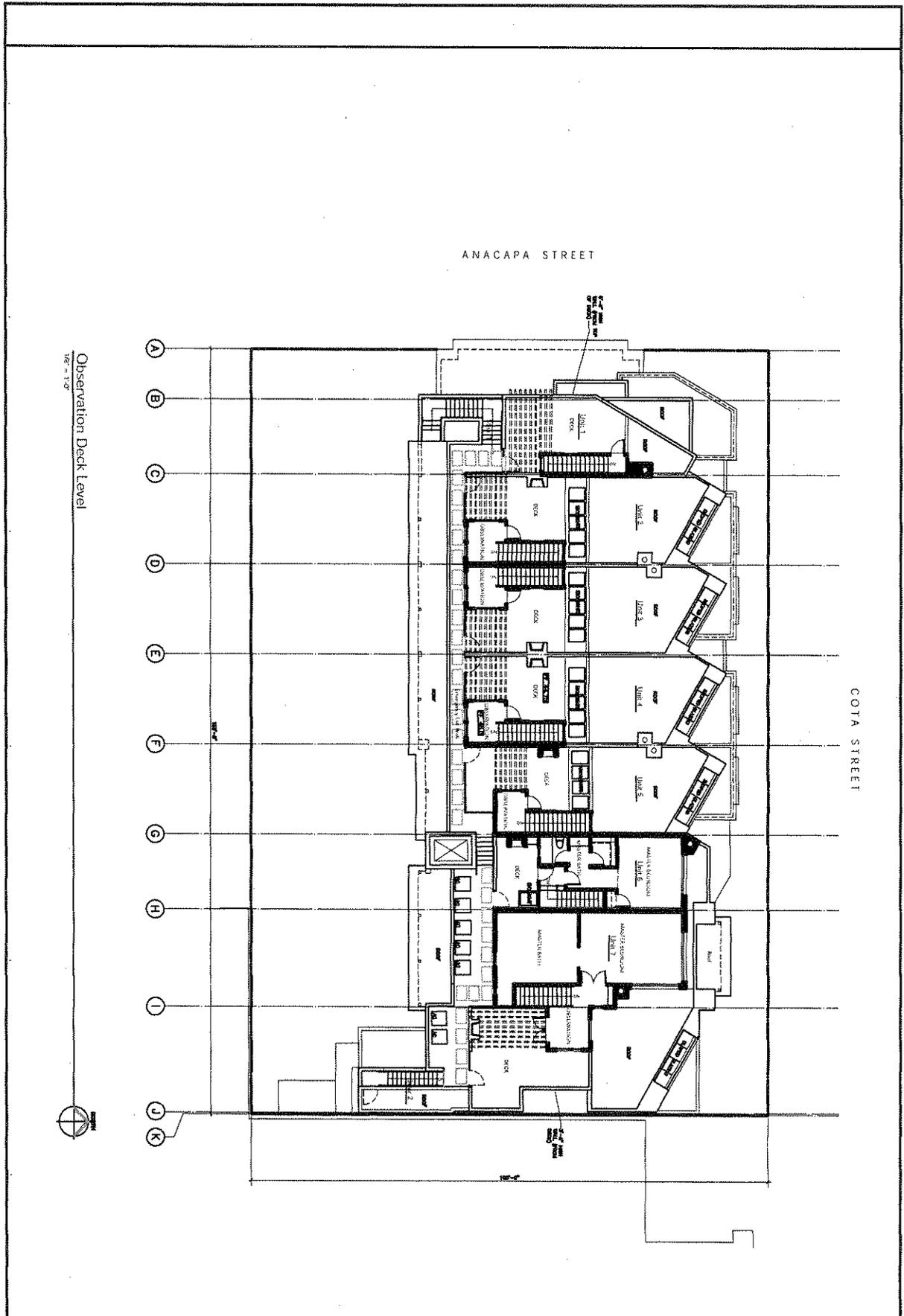
First Floor Plan
 Job: _____
 Drawn By: _____
 Checked By: _____
 Date: _____
 Contractor to verify all dimensions on job.

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

NOTES:
 1. ALL DIMENSIONS SHALL BE AS SHOWN.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.
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 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.



Observation Deck Level
1/8" = 1'-0"

ANACAPA STREET

COTA STREET

A
B
C
D
E
F
G
H
I
J
K



A2.04

Edwards - Pitman
Architects AIA

Proposed Mixed Use Building
528 Anacapa Street
Santa Barbara, CA

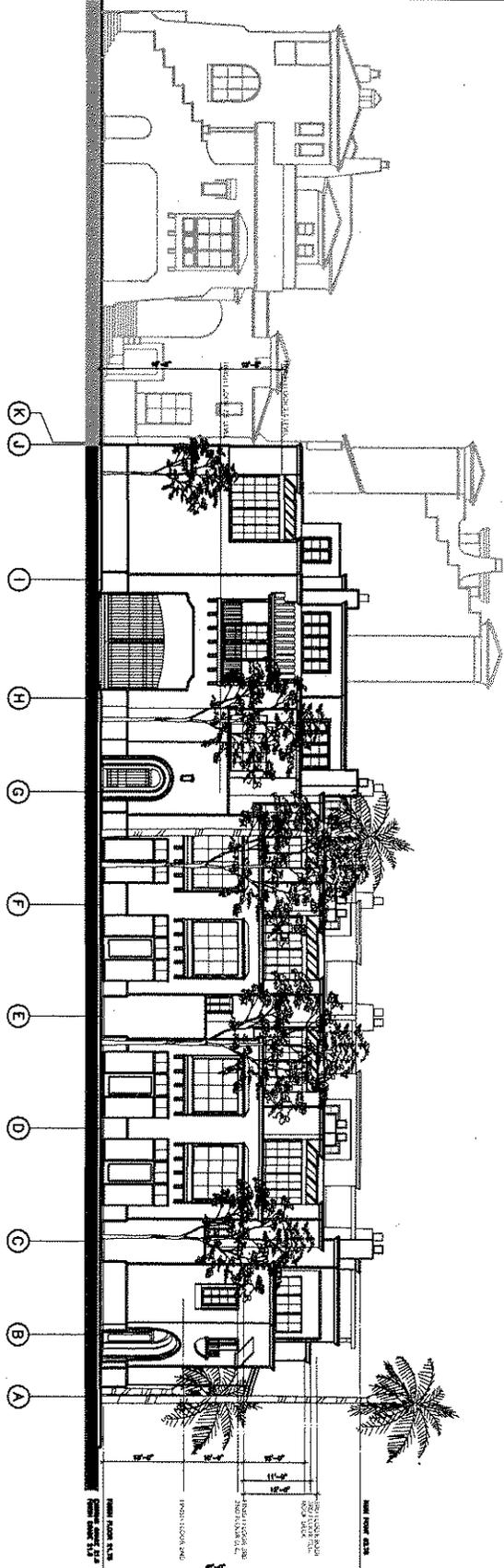
120 East de la Guerra / Santa Barbara, California 93101 / Phone 966-1200



Observation Deck Level
 Job No. _____ Date: 06/11/08
 Drawn by _____ Rev. _____
 Checked by _____
 Contributor to verify all dimensions on job.

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of

Cota Street Elevation
1/8" = 1'-0"



**Edwards - Pitman
 Architects AIA**

Proposed Mixed Use Building
528 Anacapa Street
 Santa Barbara, CA

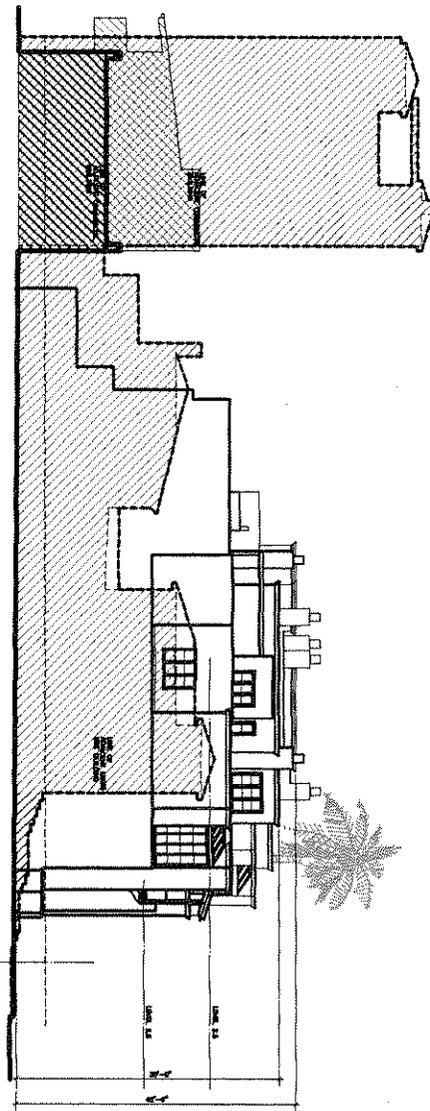


Cota Street Elevation
 Job: _____ Date: July 10, 2010
 Drawn By: _____ Rev: _____
 Checked By: _____ Scale: _____
Copyright to verify all dimensions on job

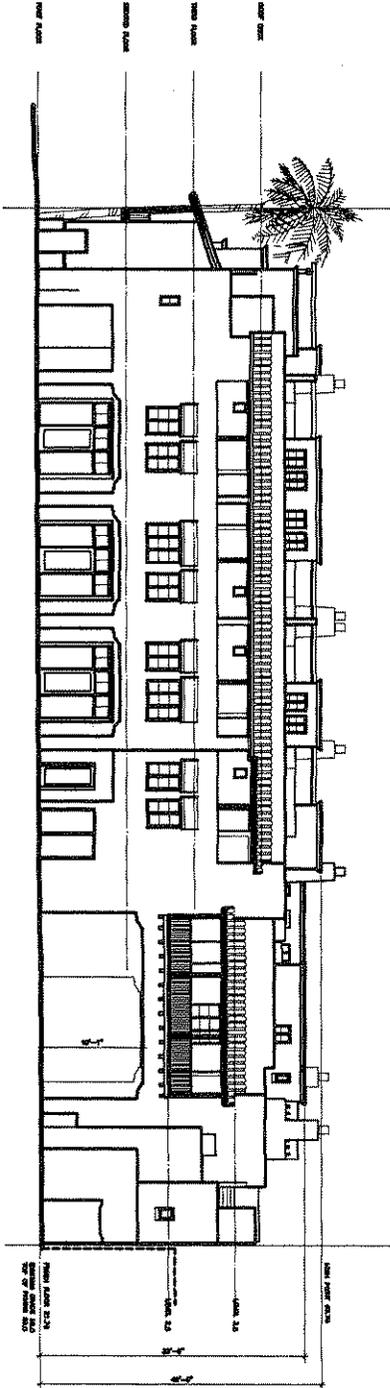
Sheet
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 of

A3.02

120 East de la Guerra / Santa Barbara, California 93101 / Phone 966-1200



East Elevation
1/8" = 1'-0"



South Elevation
1/8" = 1'-0"

A3.03

Edwards - Pitman
Architects - AIA

Proposed Mixed Use Building
528 Anacapa Street
Santa Barbara, CA

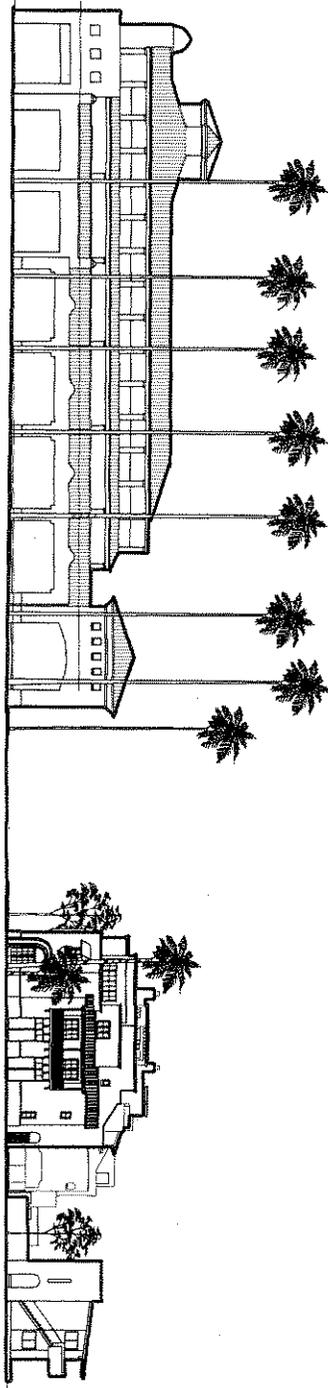
120 East de la Guerra / Santa Barbara, California 93101 / Phone 956-1200



Elevations	
Job	Drawn By
Checked By	Contractor to verify all dimensions on job

Sheet
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of

View along Anacapa Street
1/8" = 1'-0"



10/14

Edwards - Pitman
Architects AIA

120 East de la Guerra / Santa Barbara, California 93101 / Phone 965-1200

Proposed Mixed Use Building
528 Anacapa Street
Santa Barbara, CA



Anacapa Street Elevation
Job: _____
Drawn by: _____
Checked by: _____
Date: _____
Circulator to verify all dimensions on job

Sheet

A4.01

of

Edwards-Pitman
Architects

Richard W. Redmond Associate

December 4, 2007

City of Santa Barbara
Planning Commission
630 Garden Street
Post Office Box 1990
Santa Barbara CA 93102-1990

RECEIVED

DEC 04 2007

CITY OF SANTA BARBARA
PLANNING DIVISION

Re: 528 Anacapa Street
MST 2006-00748
APN #031-201-029

Subject: Revised Applicant Letter

Honorable Commissioners:

James Doub and the Tom P. Ziegler Trust are proposing to construct a new mixed use building at 528 Anacapa Street (the southeast corner of the intersection of Cota and Anacapa Streets). The proposed building shall consist of:

1. One story of retail/office space.
2. Seven upper level condominiums.

We are seeking Planning Commission approval for development of seven (7) office/retail condominiums and seven (7) residential condominiums at 528 Anacapa Street.

The proposed project was previously reviewed by the Pre-Application Review Team and the letter dated February 9, 2007 along with our response has been included with this submittal. This project was reviewed twice by the ABR. The last review was on May 29, 2007.

This is an appropriate location for a mixed-use project. It is close to all downtown amenities yet isolated from the noise and activity of State Street. It is an opportunity to provide live/work space within the central business district with

EXHIBIT C

access to available public transportation yet designed to accommodate all of the owners' (business and residential) parking needs on site. Adjacent uses include an existing mixed-use building (the Anacota Building) opposite the project on Cota Street and an approved proposed mixed use project on the vacant lot directly to the east. To the south is an existing two-story automobile repair shop with associated offices. Across Anacapa Street to the west is a self service car wash.

We are not requesting any variances or modifications to existing zoning requirements and additionally have kept the total height of the building under 45 feet. Our goal is to provide simple, reasonably-sized residential units in Santa Barbara with the high-quality of design expected in the downtown area.

For this site, the significant issues as we understand them are:

1. Sound control for the residential units.
2. Possible seismic design issues.

Project Description

- A. Existing: A 3,300 *net square feet* commercial building (former Webber Bakery) currently used as a thrift store and a rug sales store. The existing building sits on the south property line with an existing 22-space parking lot fronting Anacapa and Cota Streets. Access to the parking lot is from both Cota and Santa Barbara Streets. This building is to be demolished.
- B. Proposed: A 17,839 *net square feet* mixed use building (all square footages are net).
 1. Ground floor. Seven office/retail condominiums with access from the rear parking lot and Cota Street.
 2. Upper floors. Seven residential condominiums – one three bedroom, four two bedrooms and two one-bedroom units. Access to all units is from the third floor by elevator from a first floor lobby. Unit configuration is as follows:
 - a. Unit 1 (unit at the corner of Anacapa and Cota Streets) - 1,474 square feet one-bedroom unit. One bedroom and one bath on the second floor. Living spaces on the third floor. Access to a rooftop deck from the third floor.

- b. Units 2, 3, 4 and 5 - 1,845 to 1,909 square feet two bedroom units. Two bedrooms and two baths on the second floor. Living spaces on the third floor. Access to rooftop decks from third floor.
 - c. Unit 6 - 940 square foot, one bedroom unit. Living spaces on floor 2.5 and one bedroom and bath on floor 3.5. Access to a deck from the bedroom / bath on floor 3.5.
 - d. Unit 7 - 2,449 square feet, three bedroom unit. Living spaces, two bedrooms and two and ½ baths are located on the 2.5 level. Master bedroom and bath along with rooftop deck on the 3.5 level.
- C. Required Parking (CBD). One space for each unit and two spaces for the commercial space (80% zone of benefit). One accessible parking space is required for the commercial use and one accessible space is required for the residential use (assigned spaces). Total required spaces: 11.
- D. Proposed Parking Spaces. Eleven spaces including one accessible van space will be provided in an open parking lot along the south side of the property (to the rear of the proposed building). Access to the lot is one-way off of Anacapa Street. Eight spaces will be provided under the building along the east side of the site. Seven of these spaces will be assigned to the individual units and one will be the remaining accessible space. Five of these parking spaces will be in individual garages along the east side of the covered lot. Seven of the 11 spaces in the open lot will be assigned to the retail/office condominium owners. Exit from the lot is to Cota Street. Parking lot is secured with an operable gate (24/7) on Cota Street and nighttime/weekend gate at Anacapa Street.
- E. Site. 16,065 square feet or 1/3 on an acre on the southeast corner of Cota and Anacapa Streets. To the north across Cota Street is the mixed use Anacota Building. To the west across Anacapa Street is a self-serve car wash. On the opposite corner is the old Bekins Building which has been converted to offices. To the east, on the old bus storage lot, is a proposed mixed use project of three offices (1,800 square feet) and five residential units (10,400 square feet). Units vary from 1,800 to 2,400 square feet. Across from these units is the Cota Street commuter

parking lot. This site and all surrounding areas are zoned CM and located in the Central Business District.

- F. Existing site vegetation. Currently mature palms and miscellaneous trees line Cota Street and a portion of Anacapa Street. We will preserve all of the 24" to 30" trees. We are proposing to relocate two 10" trees from the existing locations along Anacapa Street to locations onsite. We are also moving one street tree on Anacapa Street south into a new planter (approximately 11 feet to the south).
- G. Grading. Grading will be limited to overexcavation and recompaction as recommended by the soils engineer. Cut and fill will be limited to footing or foundation work and should balance. We have been notified that this site is in an area of conditional liquefaction which may impact foundation design and excavation.
- H. Site Drainage. Site is flat (average 2% slope). See Storm Water Control Strategies.
- I. Miscellaneous.
 - 1. Exterior lighting will be limited to the following:
 - a. Decorative light fixtures at both sides of the entry at the corner of Anacapa and Cota Streets. Mounting height at 8'-0".
 - b. Recessed downlights above the first floor windows and doors (commercial/retail space) along Cota and Anacapa Streets.
 - c. Recessed downlights in the garage area.
 - d. Recessed downlight above the lobby entry from Cota Street.
 - e. Low level landscape lighting along Cota Street.
 - f. Recessed downlights above the rear doors (commercial / retail space) along the parking lot elevation.
 - g. One parking lot light standard in the parking light island. Height at 12'-0". Light to be shielded.
 - h. One shielded wall mounted fixture at the electrical room at the southeast corner of the site.
 - 2. The proposed project will not create smoke or odors. All interior and exterior fireplaces will be gas, not wood burning.
 - 3. The only noise produced by this project should be from the air conditioning compressors located on the third and fourth floors at

December 4, 2007
City of Santa Barbara
Planning Commission
Page Five

- the south side of the building. These units will be energy conserving and low noise.
4. Geotechnical reports have not been done for this site at this time.
 5. An archaeological report has been submitted to HLC for processing.
 6. There are no existing or proposed recreational trails on this site. The property is neither near a creek nor any other water course.
- J. Construction Activity. Schedule of construction activity has been included with the PRT response letter enclosed.
- K. Hazardous Materials.
1. We have included a Fire Department letter dated May 10, 2005 confirming the completion of the site investigation and remediation for 528 Anacapa Street.
 2. We have also included a Phase I Environmental Site Assessment and Asbestos Inspection Report for 528 Anacapa Street dated September 13, 2004 and prepared by TRAK Environmental Group.

Yours truly,



Richard Redmond, AIA

ARCHITECTURAL BOARD OF REVIEW
MINUTES

Monday, April 30, 2007 **David Gebhard Public Meeting Room: 630 Garden Street** **3:07 P.M.**

BOARD MEMBERS: MARK WIENKE, Chair, Present
 CHRISTOPHER MANSON-HING, Vice-Chair, Present
 CLAY AURELL, Present (arrived at 4:12 p.m.)
 JIM BLAKELEY, Absent
 GARY MOSEL, Present
 RANDY MUDGE, Present
 DAWN SHERRY, Present (arrived at 3:19 p.m.)
 PAUL ZINK, Present

CITY COUNCIL LIAISON: GRANT HOUSE, Absent
PLANNING COMMISSION LIAISON: BRUCE BARTLETT, Absent

STAFF: JAIME LIMÓN, Design Review Supervisor, Absent
 BETTIE WIESS, City Planner, Present (from 3:21 p.m. until 3:48 p.m.)
 TONY BOUGHMAN, Planning Technician, Present
GLORIA SHAFER, Commission Secretary, Present

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

3. 528 ANACAPA ST C-M Zone

Assessor's Parcel Number: 031-201-029
Application Number: MST2006-00748
Owner: A Walk In the Park, LLC
Applicant: Jim Doub
Architect: Richard Redmond

(Proposal to demolish an existing 3,500 square foot retail/commercial building and construct a new approximately 20,000 square foot mixed-use building on a 65,065 square foot parcel. The proposed four-story building would consist of approximately 5,000 square feet of first floor retail/commercial space and seven residential condominiums on the upper floors totaling approximately 15,000 square feet. The proposal includes rooftop decks for each residential unit.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVALS OF A TENTATIVE SUBDIVISION MAP AND A DEVELOPMENT PLAN.)

(5:11)

Present: Richard Redmond, Architect; Jim Doub, Applicant.

Public comment opened at 5:13 p.m. Kellum De Forest, and Robert Maxim expressed concern with building height and setbacks:

Larry Eberstain submitted written comments.

Public comment closed at 5:21 p.m.

Straw Votes: How many Board members prefer more corner emphasis? 5/1

Straw Vote: How many Board members prefer omitting the wrought iron fence?
6/0

Motion: Continued indefinitely to the Full Board with the following
comments:

- 1) Generally the Board is pleased with the four-story structure as presented and likes the overall approach of the design using a Meridian Studios style approach to the massing, with 45 degree angles, on the setback third level, and the large window typology.
- 2) The Board is in favor of keeping the existing trees on Cota Street.
- 3) The building corner at Anacapa and Cota Streets needs more emphasis. Study the use of commercial space doorways, and other types of articulation on the second level.
- 4) The Board is not in favor of the high wrought iron fence on Cota Street.
- 5) The south elevation lacks detail and design. The south elevation is important and should have cohesiveness in its architecture to the rest of the building. One suggestion is to set back and off-set some facades on the south elevation.
- 6) The east elevation should respond more to the neighboring courtyard.
- 7) At the northeast corner, set back the parking off the sidewalk and street substantially to reduce the number of cars parking in that area.
- 8) The Anacapa Street second level balcony is a nice design feature. Some Board members suggest using more two piece tile roofing in various locations.
- 9) Study the floor to floor heights for any possibility of lowering the height.
- 10) Provide considerable landscaping and skyline trees at the southeast corner of the property.

Action: Manson-Hing/Mosel, 6/0/0. Motion carried. (Sherry stepped down. Blakeley absent.)

ARCHITECTURAL BOARD OF REVIEW
MINUTES

Monday, May 29, 2007 **David Gebhard Public Meeting Room: 630 Garden Street** **3:19 P.M.**

BOARD MEMBERS:
MARK WIENKE, Chair, Present
CHRISTOPHER MANSON-HING, Vice-Chair, Present
CLAY AURELL, Present (arrived at 4:13 p.m., left at 6:30 p.m.)
JIM BLAKELEY, Present
GARY MOSEL, Present
RANDY MUDGE, Absent
DAWN SHERRY, Present (arrived at 3:52 p.m.)
PAUL ZINK, Present

CITY COUNCIL LIAISON: GRANT HOUSE, Absent

PLANNING COMMISSION LIAISON: BRUCE BARTLETT, Absent

STAFF: JAIME LIMÓN, Design Review Supervisor, Absent
 TONY BOUGHMAN, Planning Technician, Present
 Heather Baker, Project Planner, Present (from 6:13 p.m. until 7:45 p.m.)

GLORIA SHAFER, Commission Secretary, Present

CONCEPT REVIEW - CONTINUED ITEM

1. 528 ANACAPA ST C-M Zone

Assessor's Parcel Number: 031-201-029
Application Number: MST2006-00748
Owner: A Walk In the Park, LLC
Applicant: Jim Doub
Architect: Richard Redmond

(Proposal to demolish an existing 3,500 square foot retail/commercial building and construct a new approximately 20,000 square foot mixed-use building on a 65,065 square foot parcel. The proposed four-story building would consist of approximately 5,000 square feet of first-floor retail/commercial space and seven residential condominiums on the upper floors totaling approximately 15,000 square feet. The proposal includes rooftop decks for each residential unit.)

(Second Concept Review.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVALS OF A TENTATIVE SUBDIVISION MAP AND A DEVELOPMENT PLAN.)

(3:42)

Present: Richard Redmond, Architect.

Public comment opened at 3:50 p.m. As no one wished to speak, public comment was closed.

Motion: **Continued indefinitely to the Planning Commission and return**

to the Full Board with the following comments:

- 1) Return on Consent Calendar for review of a Landscape Plan.
 - 2) The Board appreciates the new front corner entry.
 - 3) Carried forward comment #1 and #2 and #10 from the minutes of *April 30, 2007:
 - *1. Generally the Board is pleased with the four-story structure as presented and likes the overall approach of the design using a Meridian Studios style approach to the massing, with 45 degree angles, on the setback third level, and the large window typology.
 - *2. The Board is in favor of keeping the existing trees on Cota Street.
 - *10. Provide considerable landscaping and skyline trees at the southeast corner of the property.
 - 4) The new revised south elevation is nicely articulated.
 - 5) The overall height reduction is appreciated.
 - 6) The Board appreciates the increased building setback on Cota Street.
 - 7) The Board is appreciative of the mixed parapet styles.
 - 8) Verify that rooftop condenser units will be screened from the public and adjacent units.
 - 9) Study the southwest corner of the building at Anacapa Street for other solutions to further articulate that corner.
 - 10) Examine with the Fire Department the stairway at the east elevation property line for opportunities to reduce the scale and mass.
 - 11) One Board member is concerned with the large 45 degree atrium/skylight window and requests that applicant provide a detailed section.
 - 12) Some Board members are concerned with the fourth story bedroom of Unit 1, and how it relates to the stairs.
- Sherry/Mosel, 6/0/1. Motion carried. (Aurell abstained. Mudge

Action:
absent.)

Acoustical Analysis Report

**Mixed Use Project
528 Anacapa Street
Santa Barbara, CA
V.A. Project No. 4275-001
November 10, 2007**

RECEIVED
NOV 13 2007

CITY OF SANTA BARBARA
PLANNING DEPARTMENT

**Prepared for
Edward Pittman Architects**

By

Hooshang Khosrovani, Ph.D., P.E., Associate Principal

**Veneklasen Associates, Inc.
1711 Sixteenth Street
Santa Monica, California 90404**

EXHIBIT E

EXECUTIVE SUMMARY

An acoustical analysis report has been completed for a proposed mixed use project located at 528 Anacapa St., Santa Barbara, California. The purpose of this study is to document the noise environment and determine the necessary mitigation procedures for compliance with the relevant codes and standards. The structures must comply with the California Noise Insulation Standard (Title 24) as well as the City of Santa Barbara General Plan requirements.

Noise levels at the exterior and interior areas of the project due to present and future traffic conditions and other noise sources with potential impact on the project, have been estimated and compared to the relevant standards.

The results of the analysis have shown that the resulting noise levels at the exterior of the structures as well as the interior spaces will be in compliance with all relevant codes and standards. The required mitigations are provided in the report.

1. Introduction & Project Description

The proposed mixed use project is a four story structure with residential units located at the second, third and fourth floors with commercial units at the first floor area. Parking for both residential and commercial units is provided on the south and east portions of the site. The site is shown in Figure 1. This parcel of land is bound by Anacapa St. on the west and Cota St. on the north.

The major source of noise at and around this site is the traffic Anacapa St. and to a lesser extent due to Cota St, traffic. A self service car wash facility is located across the site on Anacapa St. This establishment affects the noise levels at the west property line of the site.

The Average Daily Traffic (ADT) for Anacapa St. at is estimated at 11,400 at the present time. Based on the growth rate of 6.7 % (as reported by SBCAG for this general area) this ADT count will be about 12,160 by year 2030. The traffic on the streets primarily consists of car traffic with some medium size trucks. The speed range from 25 MPH to about 30 MPH. These traffic mix and speed were verified by site surveys and observations.

2. The Noise Criteria – Applicable Standards

The project must comply with California Noise Insulation Standards (Title 24) and UBC requirements. These standards require a maximum interior noise level of CNEL/Ldn 45 due to exterior noise sources. These requirements are also consistent with the City of Santa Barbara land use requirements. The City of Santa Barbara standard for exterior habitable land use is Ldn 60. However the levels must not exceed Ldn 70 in any case. The Ldn metric is a weighted average of hourly noise levels with increased values applied to nighttime periods.

The common floor ceiling assemblies and party walls within the structure must also comply with minimum noise impact and noise transmission requirements (IIC and STC ratings). The minimum ratings for these requirements are 50.

3. Noise Measurements

The existing noise levels at the west and north property lines of the site are primarily controlled by local traffic on Anacapa and Cota streets. The future noise levels will also be controlled by the traffic on these streets. In addition to the traffic, the operation of the car wash on Anacapa St also impacts the west property line of the site. . The noise sources associated with the car wash affect the west property line only. The car wash operations occur during daytime periods starting from 8:00 am to about 6:00pm. The car wash was operating during the survey.

A long term noise survey was performed at one location at the site. A Larson Davis model 820 noise monitor was used for this purpose. The monitor was calibrated prior to the start and at the conclusion of the survey. The long term survey was conducted at a point (shown as L in Figure1) on the west property line of the site and is shown on Figure 1. Hourly noise levels, maximum and minimum noise levels and various statistical levels were measured and recorded for a 24 hour period. The hourly noise levels are used to calculate the Ldn value. Long term noise measurement had also been performed on the north property line of the site. As mentioned above the car wash was operating during the survey, therefore the results include both the traffic and car wash equipment noise. The Ldn on the north property line is similarly calculated from the measured hourly noise levels The Ldn values at other locations of the site may be estimated by using the results of these surveys in

conjunction with short term noise measurements and traffic noise calculations; Federal Highway Administration traffic noise modeling program (FHWA program) is used for this purpose.

The long term measurements started at 11:00am on Thursday February 22, 2007 and were completed 24 hours later at 11:00 on Friday. The daytime temperature was 55 degree F and the humidity was %50. The air was calm during the survey period.

Short-term noise measurements (15 minute duration) were also performed at the site (shown as S1 to S3 in Figure 1) to determine the actual existing levels. Short term measurements were also performed at location L. Traffic noise is estimated using the Federal Highway Administration Traffic Noise Model with California vehicle noise emission parameters. This model uses traffic input data of volume, average speed and daily distribution.

The results of the long term survey are included in the Appendix. The results of short term measurements are included in Table 1...

4. Analysis

4.1 Exterior Noise Level Estimates

The Federal Highway Administration (FHWA) noise modeling program was used for estimating the noise levels due to traffic on the streets. The traffic volumes were obtained from the traffic studies for this area. The existing Average Daily Traffic (ADT) is 11,400 and will grow to 12200 by the year 2030. The rate of growth as reported by SBCAG is %6.7 for this area. The speed and traffic mix were obtained by actual field observations. The results of these calculations were in agreement with actual short term measurements (see note 2 in Table 1).

The noise environment at the site will be altered after completion of the project. This is due the attenuation and shielding effect of the proposed structures. The estimated Ldn values at all property lines, after completion of the project and for future traffic conditions (year 2030) are included in Table 2.

The proposed development must comply with the noise requirements as stated in the Noise Element which is part of the City of Santa Barbara General Plan. The requirements state that the interior noise levels must not exceed an Ldn value of 45 and exterior locations designated as private habitable areas must not exceed an Ldn of 60. These levels will be used as the basic acoustic design criteria for the project.

The exterior living spaces for all units are provided as roof decks. The deck area of unit 1 is on the west side this unit of the roof and is impacted by noise from traffic on Cota St. A 5'-6" feet high parapet wall is planned for the perimeter of this space. A noise reduction calculation was performed for a point in the middle of this area and at five feet above the floor deck. The noise reduction at this point; which is the difference in noise levels

with the parapet wall and the case where there is direct line of sight to the street traffic; is about 19 decibels.

Larger noise reductions are expected for decks of other units 2 to 7 which are only impacted by Cota St. traffic. These decks are farther away from the noise source and are additionally protected by the side wall barriers.

This noise reduction analysis showed that the noise levels in all deck areas will be well below Ldn 60 and consequently in compliance with the General Plan requirements. The results are summarized in Table 3.

4.2 Interior Noise Levels Estimates

As mentioned above the interior noise levels for residential units must be below Ldn 45. The estimated exterior noise levels as shown in Table 2 were used for calculating the interior noise levels. The analysis showed that if the doors and window afford a STC rating of 23 the interior noise levels will be below Ldn 45 level. It must be noted that most quality non-rated products yield STC rating of 23. Typical noise calculation sheets for the units exposed to Anacapa St. noise, which experience the highest noise levels, are included in the Appendix.

Additionally the common floor ceiling assemblies and party walls between residential units must afford IIC and STC ratings of 50. Typical construction details for these construction which comply with these requirements are included in the Appendix

4.3 Exterior Levels Due to HVAC Equipment

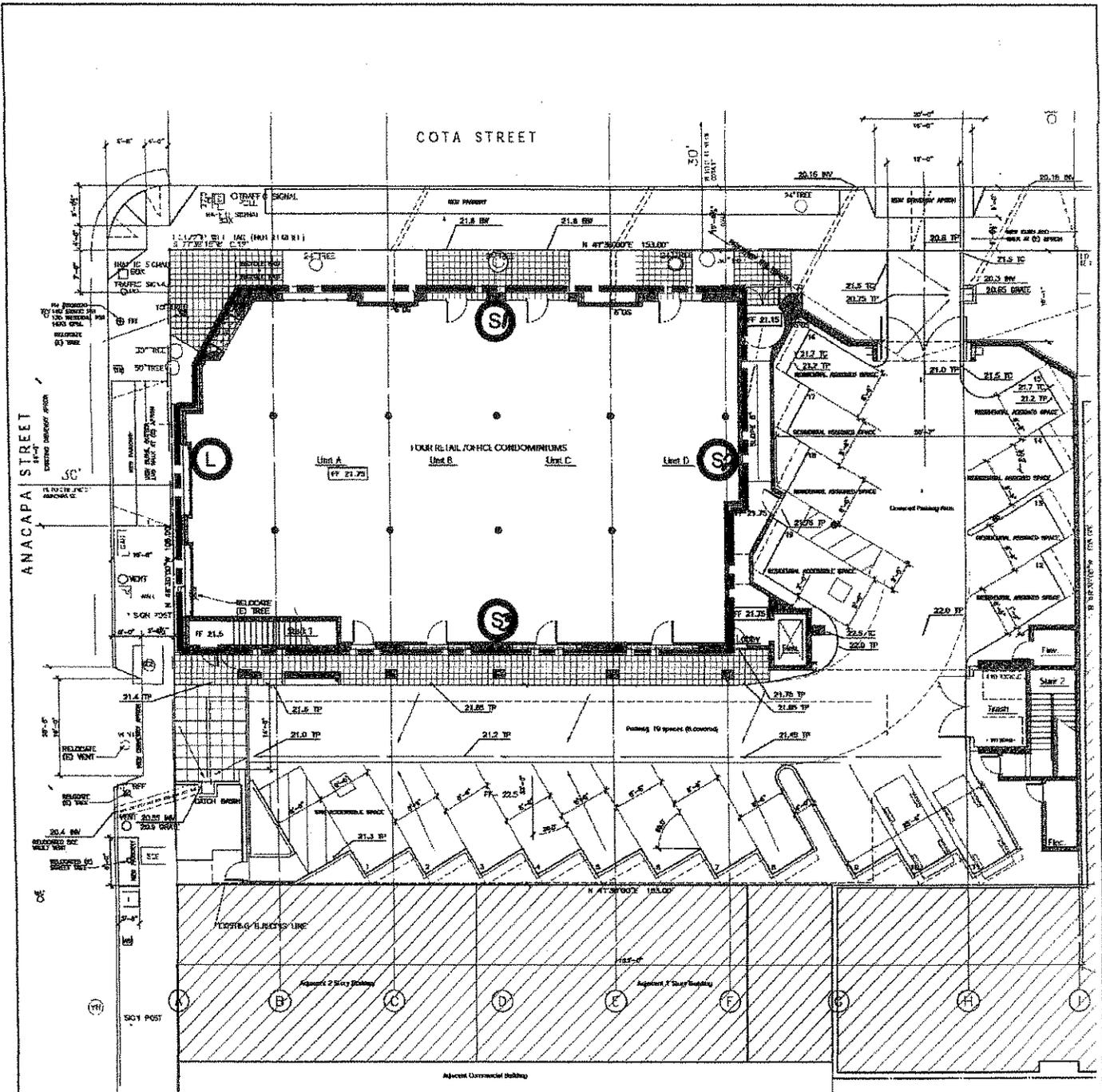
The HVAC equipment serving this project will be located on the roof. Each unit in the project will be served by a dedicated heating and cooling system which will be controlled individually by tenants. These roof-mounted units will be located on housekeeping pads within walled off areas of the roofs. The height of the parapet walls extend above the equipment height.

The HVAC equipment which will be installed for this project are split system air-conditioners. The acoustic power emissions from these units vary depending on the size of the system and range from 76 to 80 dBA re 10^{-12} watt. This data (the maximum expected level of 80) were used for calculating the noise levels due to this equipment.

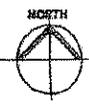
The noise levels due to this equipment must comply with the City of Santa Barbara Noise Ordinance Standard. These standards specify a maximum exterior noise level Ldn 60 at property lines of the site.

As mentioned above this equipment will be located on the roof and in walled off mechanical areas. The estimated exterior sound pressure level due to operations of this equipment at any location on the property line will be below Ldn 50. This level has been obtained by using the aforementioned noise emission data for three units and also assuming that this equipment is operational during a full 24 hour period; which is not usually the case and therefore is a conservative scenario. The sound attenuation due to parapet walls around the units and distance to the property lines were considered in these estimates.

This analysis shows that the operation of this equipment will be in compliance with the City of Santa Barbara noise standards for exterior locations.



Site Plan / First Floor Plan



528 Anacapa St. - Project Noise Measurement Locations

Table 1

Results of Short Term Measurements at the Project Site

Location	Measured Noise Level, dBA(Notel)
L	66.0(note 2)
S1	59.0
S3	58.0
S2	58.0

Notes:

1. These are short term measured levels at the site.
2. The measured level of 66.0 dBA was due to traffic only. This measurement was conducted when the car wash equipment was not operating. The calculated noise level due to traffic is 65.5 dBA which is in close agreement with the measured levels of 66.0 dBA. This analysis corroborates estimation of noise levels due to traffic using the FHWA noise modeling program.

Table 2

**Estimated Ldn levels at the
Property Lines of the Site
(After completion of the project, year 2030)**

Property Line Location	Estimated Ldn
L	66.7(note 1)
S1	60.4
S3	55.8
S2	55.6

Notes:

1. This level is due to both the traffic and car wash. The estimated level due to traffic is Ldn 63.0 and the noise due to car wash equipment is Ldn 64.3 at this location.

Table 3
Estimated Ldn Levels at the Exterior
Roof Top Decks

Deck Location	Estimated Ldn (Note)
Unit 1	47.7
Units 2 to 6	Below Ldn 45
Unit 7	41.4

Note:

These Ldn values are due to traffic; for unit 1 the level also includes the impact of car wash. The actual conditions in the general area may affect these conditions. However future levels are expected to remain well below the Ldn 60 level.

Appendix

**Long Term Noise Survey
Data Log**

Unit: 4

HOURLY DATA
528 ANACAPA
WEST PROPERTY LINE

Date	Day	Hour	Leq	Lmin	Lmax	L(1)	L(10)	L(25)	L(50)	L(90)	L(99)	
08-06-07	Monday	1	--	--	--	--	--	--	--	--	--	
		2	--	--	--	--	--	--	--	--	--	--
		3	--	--	--	--	--	--	--	--	--	--
		4	--	--	--	--	--	--	--	--	--	--
		5	--	--	--	--	--	--	--	--	--	--
		6	--	--	--	--	--	--	--	--	--	--
		7	--	--	--	--	--	--	--	--	--	--
		8	--	--	--	--	--	--	--	--	--	--
		9	--	--	--	--	--	--	--	--	--	--
		10	--	--	--	--	--	--	--	--	--	--
		11	--	--	--	--	--	--	--	--	--	--
		12	--	--	--	--	--	--	--	--	--	--
		13	--	--	--	--	--	--	--	--	--	--
		14	--	--	--	--	--	--	--	--	--	--
		15	--	--	--	--	--	--	--	--	--	--
		16	66.6	52.9	84.2	73.8	68.8	67.2	65.4	62.0	58.1	58.1
		17	66.1	55.5	85.9	71.9	68.4	66.9	65.3	62.2	58.4	58.4
		18	67.0	56.9	82.9	72.8	68.9	67.7	66.3	63.2	60.4	60.4
		19	68.9	53.0	97.4	77.8	68.8	66.6	64.7	61.3	58.0	58.0
		20	65.0	49.2	85.9	71.6	66.9	65.4	63.6	59.7	52.9	52.9
		21	63.7	47.4	89.0	69.2	66.5	64.8	62.2	55.2	50.1	50.1
		22	62.8	47.2	81.3	71.0	65.3	63.4	61.1	53.1	49.1	49.1
		23	60.9	46.3	80.2	68.8	64.4	62.0	58.5	49.4	47.4	47.4
		24	57.4	43.1	75.5	66.6	61.4	58.1	51.9	47.0	45.0	45.0
08-07-07	Tuesday	1	53.5	42.6	78.1	64.5	56.8	51.3	47.0	44.6	43.4	
		2	54.9	41.8	75.6	66.0	58.2	50.9	46.9	44.4	43.0	43.0
		3	49.8	40.7	69.6	60.9	51.9	46.8	44.8	42.6	41.3	41.3
		4	49.1	40.9	68.5	60.7	51.1	47.7	45.2	42.6	41.3	41.3
		5	56.3	41.3	80.4	69.3	59.3	55.0	46.6	43.5	42.2	42.2
		6	58.5	44.4	85.0	69.3	60.2	54.7	50.1	47.6	45.5	45.5
		7	62.1	48.4	79.1	72.9	65.1	61.9	57.8	50.8	49.2	49.2
		8	64.7	49.9	79.5	72.5	67.7	65.5	63.3	57.7	53.4	53.4
		9	65.5	53.4	80.6	71.8	68.1	66.4	64.2	60.4	56.7	56.7
		10	65.7	52.6	80.7	72.7	68.2	66.3	64.4	60.6	56.4	56.4
		11	65.9	52.4	83.4	73.1	68.2	66.6	64.8	60.7	56.1	56.1
		12	65.5	52.7	80.5	71.9	67.9	66.4	64.5	61.1	57.2	57.2
		13	66.0	51.7	86.3	73.4	68.2	66.5	64.8	61.3	56.8	56.8
		14	66.2	52.3	81.1	73.0	68.5	66.9	65.3	61.6	57.5	57.5
		15	66.3	54.1	84.7	73.9	68.6	66.9	65.1	61.4	57.8	57.8
		16	--	--	--	--	--	--	--	--	--	--
		17	--	--	--	--	--	--	--	--	--	--
		18	--	--	--	--	--	--	--	--	--	--
		19	--	--	--	--	--	--	--	--	--	--
		20	--	--	--	--	--	--	--	--	--	--
		21	--	--	--	--	--	--	--	--	--	--
		22	--	--	--	--	--	--	--	--	--	--
		23	--	--	--	--	--	--	--	--	--	--
		24	--	--	--	--	--	--	--	--	--	--

CNEL 67.2 LDN 66.7

CNEL 67.2 LDN 66.7

**Typical Calculation Sheets
For Interior Noise**

COMPUTER NOISE REDUCTION CALCULATION -

ABSORPTION COEFFICIENTS

#	CODE	DESCRIPTION	AREA	63	125	250	500	1K	2K	4K	8K
1	17	CARPET WITH PAD	144.	.05	.10	.20	.55	.75	.80	.80	.80
2	21	1/2" OR 5/8" GYPBO	2632.	.35	.25	.15	.08	.04	.04	.04	.04

PATH SOUND TRANSMISSION LOSS (DB)

PATH	CODE	DESCRIPTION	AREA	63	125	250	500	1K	2K	4K	8K
1	88	OW:1/8, PILE:STC23;86-102	20.	14	18	19	22	23	23	25	29
2	351	7/8S15BP1WM2X4WF160CI.5G	100.	22	26	42	44	46	50	55	65

EXTERIOR SOUND PRESSURE LEVELS (DB RE 20 UPA)

63	125	250	500	1K	2K	4K	8K	
65.	65.	65.	64.	63.	60.	55.	49.	DBA= 67.4

ROOM CONSTANTS (SQ.FT) (VOLUME = 1400.)

63	125	250	500	1K	2K	4K	8K
1395.	888.	500.	324.	233.	244.	252.	276.

THIS IS THE S.P.L. FOR EACH PATH

PATH	LOCATION	63	125	250	500	1K	2K	4K	8K	DBA
1		39.	37.	38.	36.	35.	32.	25.	15.	39.
2		38.	36.	22.	21.	19.	12.	2.	-14.	25.

 *
 * THIS IS THE TOTAL INTERIOR S.P.L. *
 * *
 * 63 125 250 500 1K 2K 4K 8K *
 * *
 * 41.1 39.1 38.1 36.0 35.4 32.2 25.0 14.6 DBA = 39.6 *
 * *
 * NC-34 LOUDNESS LEVEL = 2.1210 SONES *
 * *

PAUL S. VENEKLASEN & ASSOCIATES

COMPUTER NOISE REDUCTION CALCULATION -

ABSORPTION COEFFICIENTS

#	CODE	DESCRIPTION	AREA	63	125	250	500	1K	2K	4K	8K
1	17	CARPET WITH PAD	1400.	.05	.10	.20	.55	.75	.80	.80	.80
2	21	1/2" OR 5/8" GYPBO	2632.	.35	.25	.15	.08	.04	.04	.04	.04

PATH SOUND TRANSMISSION LOSS (DB)

PATH	CODE	DESCRIPTION	AREA	63	125	250	500	1K	2K	4K	8K
1	88	OW:1/8,PILE:STC23;86-102	144.	14	18	19	22	23	23	25	29
2	6	1/4" PLATE GLASS	80.	18	23	25	31	34	30	34	38
3	351	7/8S15BP1WM2X4WF160CI.5G	200.	22	26	42	44	46	50	55	65

EXTERIOR SOUND PRESSURE LEVELS (DB RE 20 UPA)

63	125	250	500	1K	2K	4K	8K	
65.	65.	65.	64.	63.	60.	55.	49.	DBA= 67.4

ROOM CONSTANTS (SQ.FT) (VOLUME = 112000.)

63	125	250	500	1K	2K	4K	8K
1314.	1011.	843.	1391.	1889.	2527.	4132.	38535.

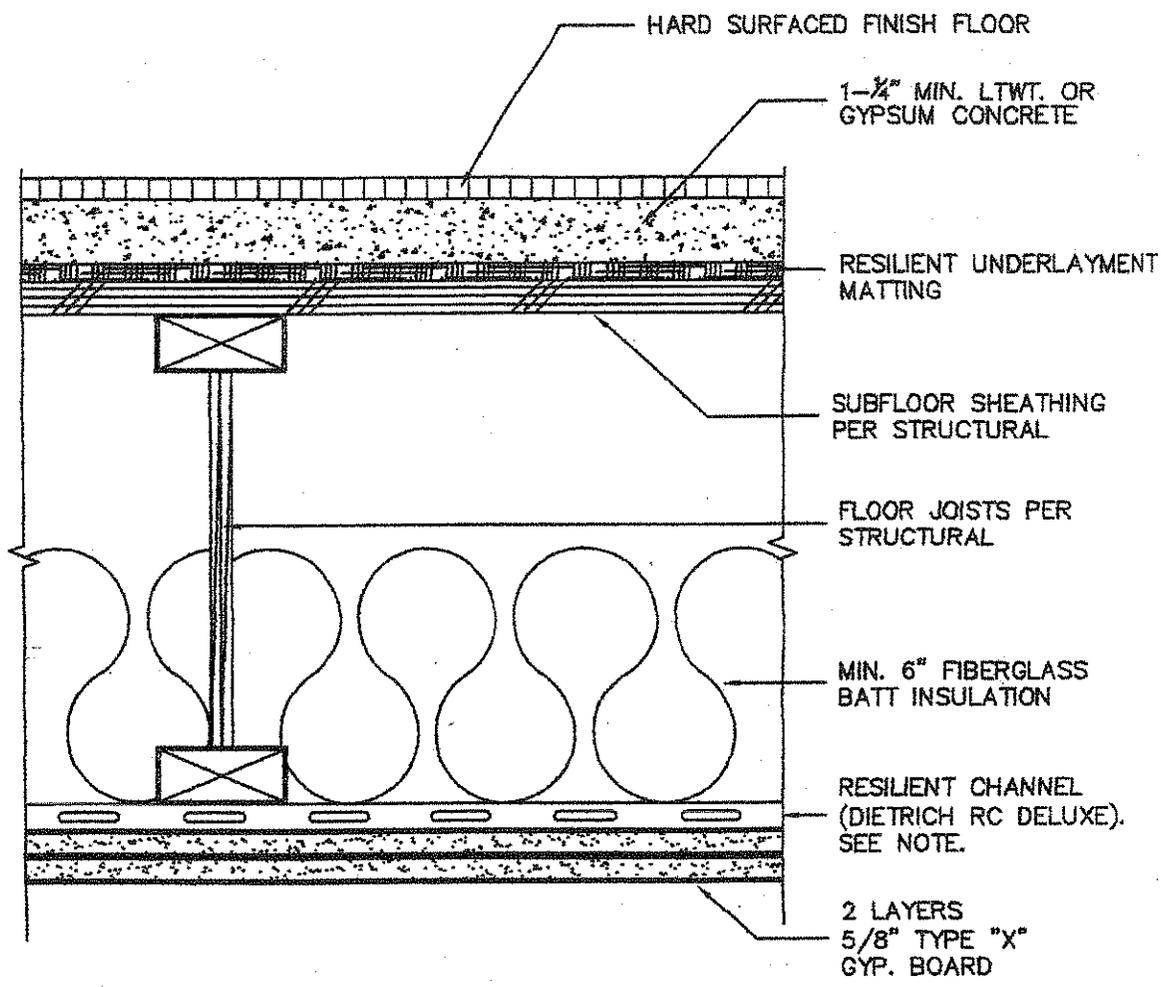
THIS IS THE S.P.L. FOR EACH PATH

PATH	LOCATION	63	125	250	500	1K	2K	4K	8K	DBA
1		47.	45.	44.	38.	35.	31.	21.	2.	41.
2		41.	37.	36.	27.	21.	21.	10.	-10.	31.
3		41.	38.	23.	18.	13.	5.	-7.	-33.	24.

```
*****
*
*           THIS IS THE TOTAL INTERIOR S.P.L.
*
*      63    125    250    500    1K    2K    4K    8K
*
*      49.0  46.0  44.9  38.5  35.0  31.0  21.7  2.0  DBA = 41.5
*
*      NC-35           LOUDNESS LEVEL = 2.6850 SONES
*
*****
```

PAUL S. VENEKLASSEN & ASSOCIATES

**Typical Party Wall and
Floor-Ceiling Assemblies**



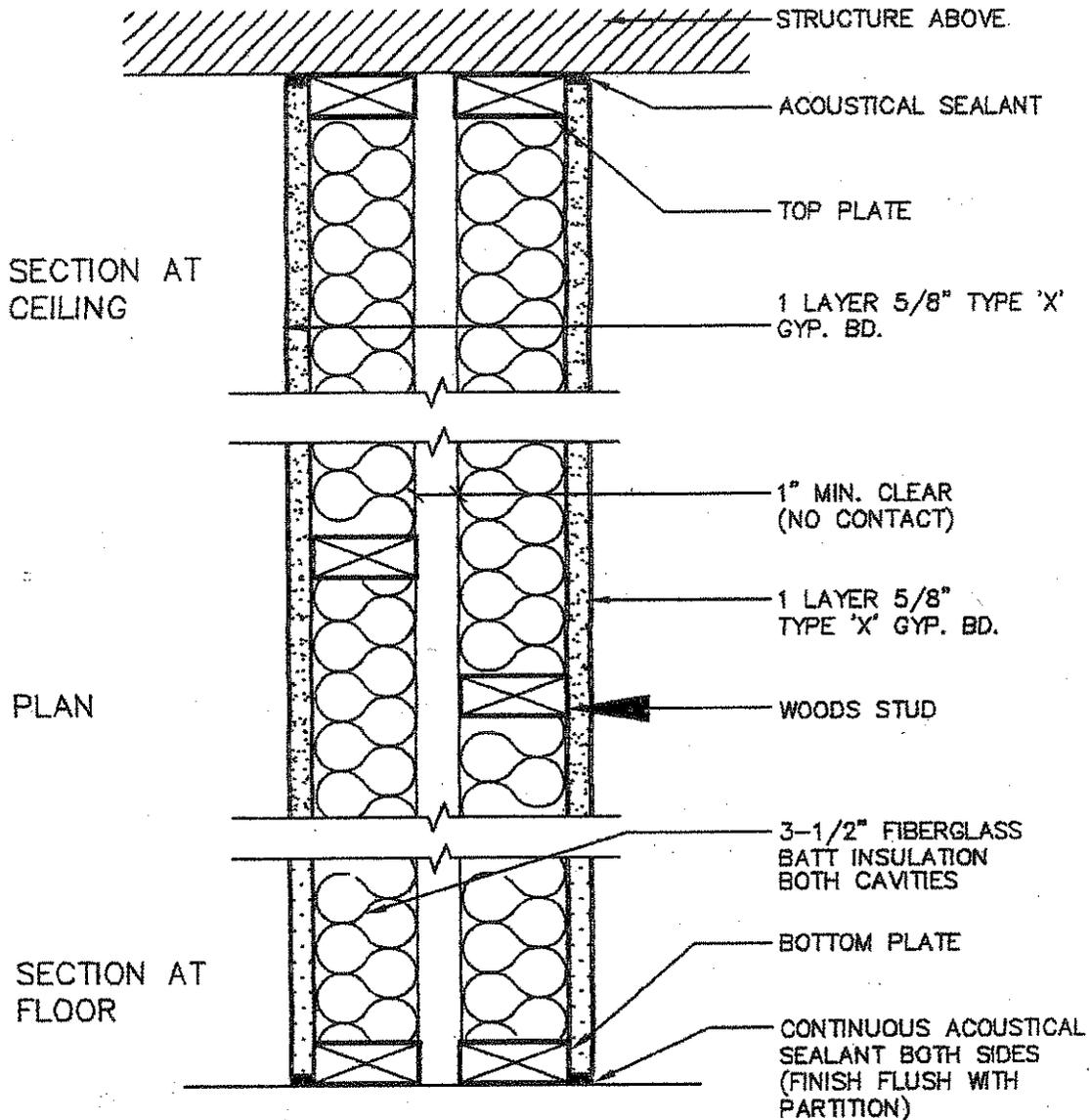
NOTES:

1. INSTALL MIN. 1/4" THICK PERIMETER ISOLATION MATERIAL AT PERIMETER OF CONCRETE POUR. SEE F-8G.
2. TAPE JOINT BETWEEN PERIMETER ISOLATION AND UNDERLAYMENT AND ALL UNDERLAYMENT SEAMS PER MANUFACTURER'S INSTRUCTIONS.
3. RESILIENT CHANNEL SHOULD BE "RC-DELUXE," 25 GA., BY DIETRICH. NO KNOWN EXCEPTIONS.
4. RESILIENT CHANNEL AND CEILING GYPSUM BOARD SHOULD BE HELD CLEAR OF WALL STRUCTURE, AND THE GAP CAULKED WITH ACOUSTICAL SEALANT. SEE F-8G.



DEMISING FLOOR/CEILING SYSTEM

VA VENEKLASEN ASSOCIATES
 CONSULTANTS IN ACOUSTICS
 1711 ROCKWELL STREET, SAVER HURON, OH. 44004 (PH) 440-1753



NOTES

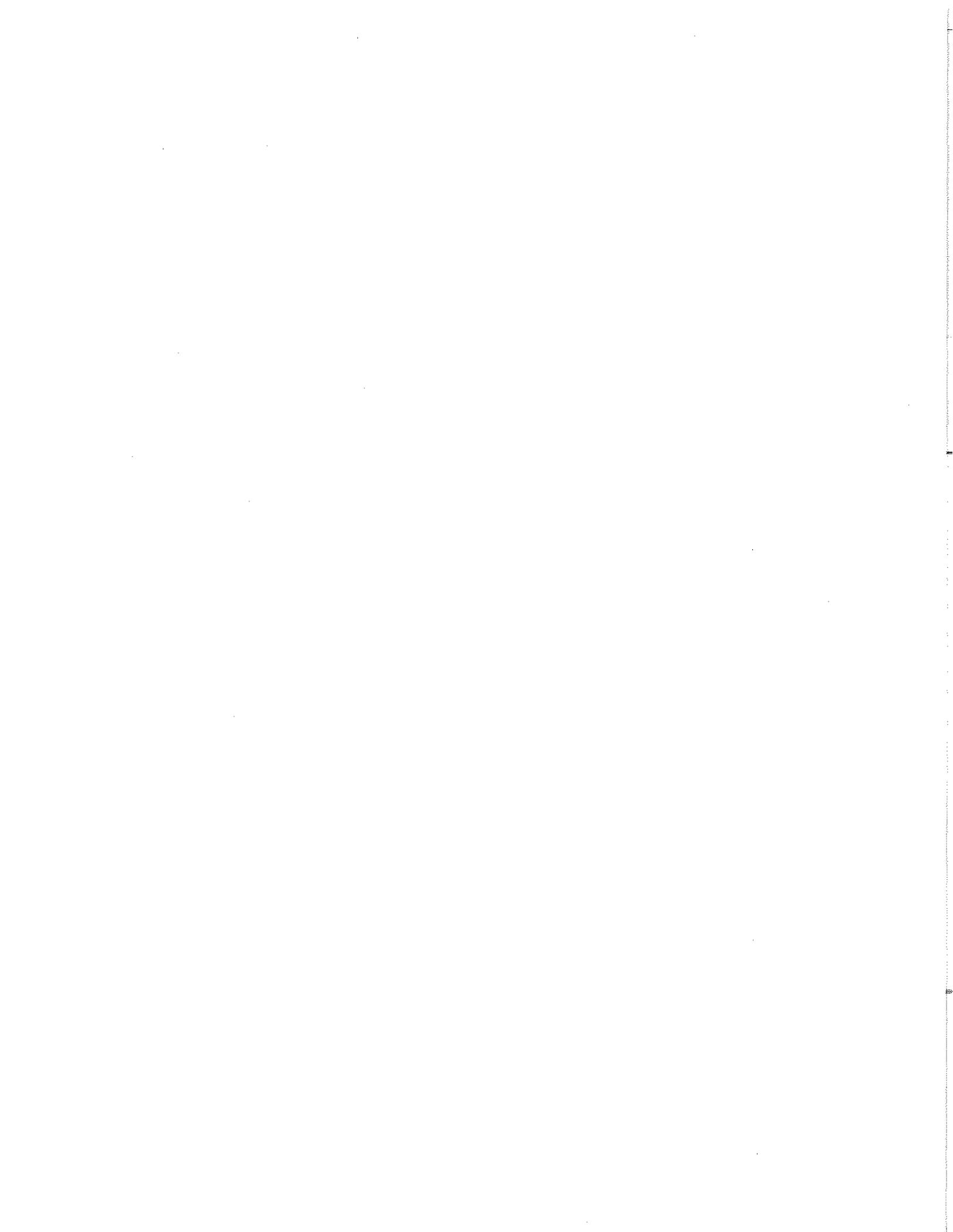
1. NO MECHANICAL TIES BETWEEN OPPOSITE SIDE OF PARTITION.
2. KEYHOLES FOR CONDUIT SHALL BE CUT IN WOOD STUDS IN SIDE SERVED.
3. WHERE SHEAR PANEL OCCURS, INSTALL TO STUDS UNDER GYP. BOARD AS REQUIRED BY STRUCTURAL. DO NOT INSTALL BETWEEN STUD ROWS.
4. TAPE OUTER JOINTS OF GYPSUM BOARD ONLY.
5. AT MULTIPLE LAYERS OF GYPSUM BOARD, STAGGER JOINTS. JOINTS AT STUDS ONLY. DO NOT GLUE LAYERS TOGETHER.



PARTITION DETAIL - TYPE P-5



VENEKLASSEN ASSOCIATES
CONSULTANTS IN ACOUSTICS
1711 SOUTHWEST STREET, SANTA MONICA, CA 90404 (310) 480-1725





Fire Department

"Serving the community since 1926"

44 1/2 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX (805) 681-5563

John M. Scherrei
Fire Chief

MAY 10 2005

Mr. Leon Olson
Laguna Vieja, LLC
220 Eucalyptus Hill Drive
Santa Barbara, CA 93108

RECEIVED
AUG 29 2007

CITY OF SANTA BARBARA
PLANNING DIVISION

Dear Mr. Olson:

Subject: Former Blacksmith Machine Shop
528 Anacapa Street, Santa Barbara, California
SMU Site # 527

This letter confirms the completion of the site investigation and remediation at the above subject site. With the provision that the information provided to Santa Barbara County Fire Department, Fire Prevention Division (FPD) is accurate and representative of existing conditions, it is our position that no further action is required at this time for the following former site features:

- Lead, copper, arsenic, and TPH contaminated soil in the parking lot
- Lead, copper, arsenic, and TPH contaminated soil inside the building in the vehicle bay
- Lead contaminated soil inside the building the office

Please be advised that this letter does not relieve you of any liability under the California Health and Safety Code or Water Code for past, present, or future conditions at the site. Nor does it relieve you of the responsibility to clean up existing, additional, or previously unidentified conditions at the site, which cause or threaten to cause pollution or nuisance or otherwise pose a threat to water quality or public health.

Changes in the present or proposed use of the site may require further site characterization and mitigation activity. It is the property owner's responsibility to notify this agency of any changes in report content, future contamination findings, or site usage.

Additionally, you may receive a final invoice. This billing would be for the specialist's time in processing the site closure paperwork. Due to our accounting process, it may take a few months before you receive your final invoice.

If you have any questions regarding this matter you may contact me at 805-686-8169.

Sincerely,

Kate Sulka
Hazardous Materials Supervisor

EMR cc: 52708 (in file)

cc: Mr. Brad Neyman, Irak Environmental Group

EXHIBIT F

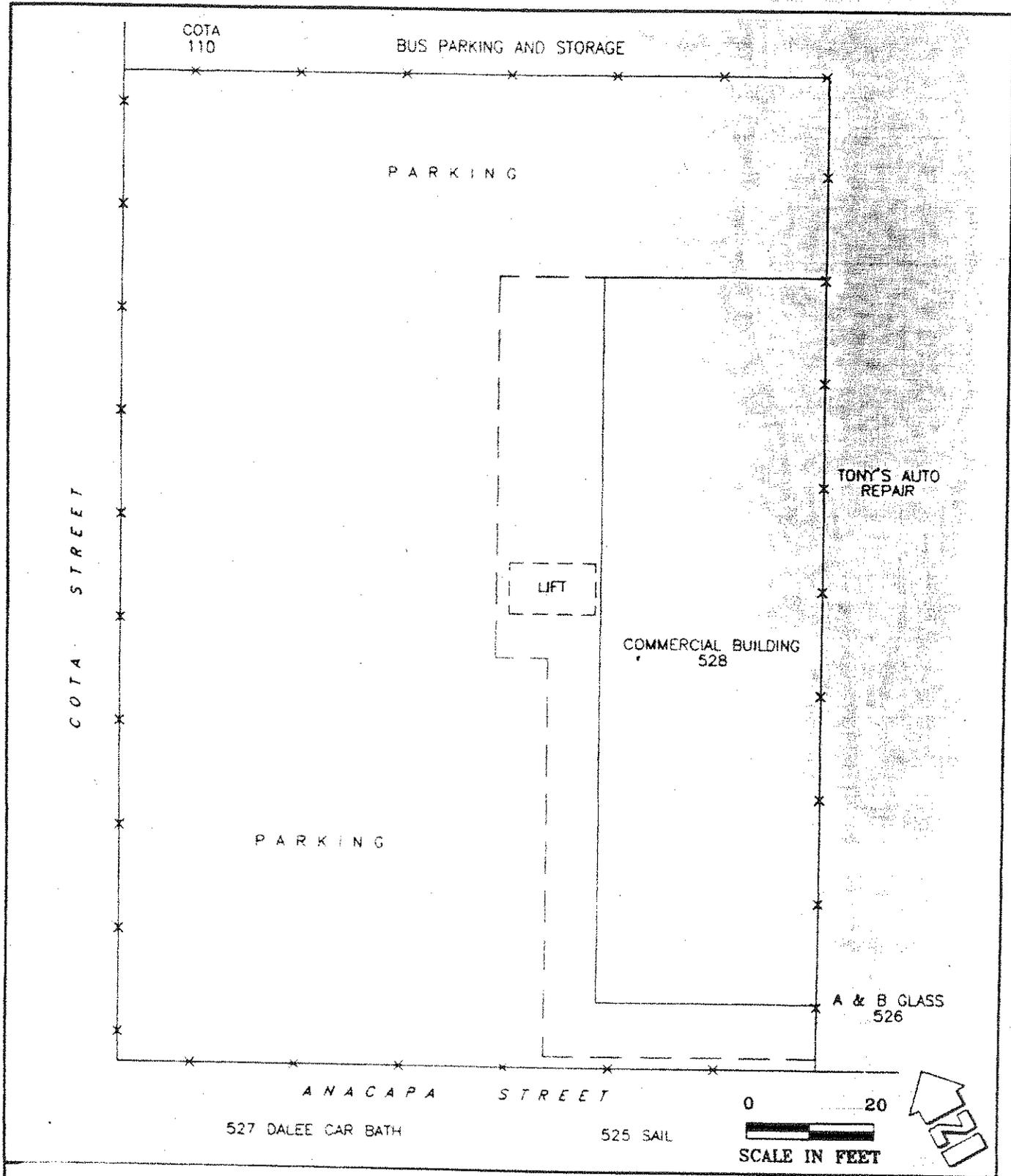
DESCRIPTION OF IMPROVEMENTS

The subject property improvements consist of a single-story commercial building originally constructed as a bakery and four garage spaces in 1968. The improvement is average quality, Class "C", concrete block construction and is in average condition. A full inspection of the property was not made since the client requested only the land value at this time. The structure is on a concrete slab and has a built-up roof. The store portion of the building is air-conditioned. Information about the improvements was based on the Street File for the property at the City Building Department. At the time of inspection, the property was vacant. The buyers plan to lease the property on a short-term basis and have contacted Scott Glenn at The Radius Group to handle the leasing of the property. This is a well-known professional agent in the local community.

It is assumed the property and ground water are not affected by environmental hazards. Refer to the Addenda for descriptive photographs of the subject property from the exterior, street scenes, adjacent properties and comparable land sales data.

CONSTRUCTION DETAILS

TYPE OF BUILDING:	Commercial (Bakery)
QUALITY:	Average
CONDITION	Average
CLASS:	"C"
YEAR BUILT:	1968 (36 Years)
EFFECTIVE AGE:	20 Years
ESTIMATED REMAINING LIFE:	35 Years
ESTIMATED ECONOMIC LIFE:	5 Years (or upon issuance of permits for new project)
FOUNDATION:	Concrete (assumed reinforced)
SUBFLOOR:	Concrete slab
FLOORS:	No interior inspection was made
STORIES:	One
EXTERIOR WALLS:	Concrete block
INTERIOR PARTITIONS:	Wood studs & finished drywall, taped, textured and painted
ROOF:	Built-up



SITE PLAN

COMMERCIAL BUILDING
 528 ANACAPA STREET
 SANTA BARBARA, CA

FIGURE

2

528 Anacapa Street



24 E COTA ST

27 E COTA ST

810 ANACAPA ST

627 ANACAPA ST

426 ANACAPA ST

628 ANACAPA ST

528 ANACAPA ST

818 ANACAPA ST

502 VERA CRUZ LN

510 ANACAPA ST

426 ANACAPA ST

111 E HALEY ST

E HALEY ST

528 SANTA BARBARA ST



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
County Fire Warden

August 1, 2007

Mr. Richard Redmond
Edwards & Pitman Architects
120 E. De La Guerra Street
Santa Barbara, CA 93101

RECEIVED
AUG 29 2007

CITY OF SANTA BARBARA
PLANNING DIVISION

Dear Mr. Redmond:

Subject: Former Blacksmith/Machine Shop
528 Anacapa Street, Santa Barbara, California
Former SMU Site #527

The Santa Barbara County Fire Department, Fire Prevention Division (FPD), Site Mitigation Unit (SMU) Program provides regulatory oversight for the investigation and remediation of contaminated sites in Santa Barbara County. The above referenced site was enrolled in the SMU Program, which resulted in the cleanup of arsenic, lead, copper, and Total Petroleum Hydrocarbon (TPH) contamination in soil at the site. This work was completed in 2005 and a standard FPD closure letter was issued for the site.

Because there is a possibility that areas of the site that were not investigated may also have contaminated soil above applicable cleanup levels, FPD issues closure letters that direct the property owners to notify FPD should changes in land use or property redevelopment occur. FPD understands that redevelopment is planned for this site. FPD requires that if soil contamination is discovered during grading operations, then work shall immediately be halted and FPD notified within 24 hours.

If you have any questions regarding the aforementioned, please call me at (805) 686-8176. Written correspondence regarding this matter should be sent to FPD at 195 West Highway 246, Suite 102, Buellton, CA 93427 or via facsimile at (805) 686-8183.

Sincerely,

Thomas M. Rejzek
Registered Geologist #6461
Certified Hydrogeologist #601
SMU/LUFT Program

08_05 527

Serving: The Cities of Buellton and Goleta, and the Communities of Casmalia, Cuyama, Gaviota, Hope Ranch, Los Alamos, Los Olivos, Mission Canyon, Mission Hills, Orcutt, Santa Maria, Santa Ynez, Sisquoc, Vandenberg Village.

