



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: November 13, 2008
AGENDA DATE: November 20, 2008
PROJECT ADDRESS: 101 E. Victoria Street (MST2006-00758)

TO: Planning Commission

FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DJK*
 Kathleen Kennedy, Associate Planner *KAK*

I. SUBJECT

The purpose of the environmental hearing is to receive comments from the Planning Commission, interested agencies and the public on the adequacy and completeness of the Draft Initial Study for the 101 E. Victoria Street project.

II. PROJECT DESCRIPTION

The project consists of a proposal to demolish an existing two-story 11,900 square foot commercial office building and construct 17,603 square feet of commercial space comprised of 50 condominium office units on a parcel of approximately 19,725 square feet. The proposal consists of one-, two and three-story elements and would have a maximum height of 35 feet. The commercial condominium units would range in size from approximately 294 to 333 square feet each. The first floor would consist of 22 units and a common locker room, shower and restroom facility, the second floor would consist of 17 units and a common conference room and the third floor would consist of 11 units. A total of forty-five parking spaces would be provided in an underground garage, with eight reserved for the adjacent parcel located at 109 E. Victoria Street.

III. DISCUSSION

The proposed project was approved by the Planning Commission on July 10, 2008 and subsequently appealed to the City Council. At the time of the Planning Commission approval, Staff had determined that the project was exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15332 (In-fill Development Project). Staff has since discovered that a categorical exemption is not appropriate for this site. Under CEQA, a categorical exemption cannot be used for a project located on a site which is included on any list compiled pursuant to section 65962.5 of the Government Code (i.e. the "Cortese" list of active hazardous waste and substances sites). The project site is an active Leaking Underground Fuel Tank (LUFT) site, with ongoing soil and groundwater remediation activities. However, due to a mistaken understanding of the scope of the

Cortese list, Staff believed a categorical exemption was appropriate for this project. Following the appeal, Staff reviewed the scope of the Cortese list and discovered that LUFT sites are included on the Cortese list. Therefore, the preparation of an Initial Study is required. Because the project has been appealed, the City Council will consider actions to adopt the final environmental document and approve the project at the scheduled appeal hearing.

IV. REQUIRED APPLICATIONS

The proposed project requires the following discretionary applications:

1. Modification of the parking requirements to allow less than the number of required parking spaces (SBMC§28.90);
2. Tentative Subdivision Map to create a one-lot subdivision for 50 commercial condominium units (SBMC§27.07);
3. Development Plan approval to allow 5,703 square feet of additional non-residential development (SBMC§28.87.300); and
4. Preliminary and Final Economic Development Determination (SBMC28.87.300) for 2,703 square feet.

V. ENVIRONMENTAL REVIEW

A Draft Initial Study and a Draft Mitigated Negative Declaration have been prepared for this project and are available for review and comment. The Draft Initial Study examines environmental impacts which may be associated with this project. Potentially significant environmental effects identified in the Draft Initial Study which are anticipated as a result of the project include impacts related to air quality, hazards and water environment. The Draft Initial Study includes proposed mitigation measures to mitigate potentially significant impacts to a less than significant level.

The public review period begins on Monday, November 10, 2008. Comments on the Draft Initial Study must be submitted by Monday, December 1, 2008 at 4:30 p.m. Please send your comments to: City of Santa Barbara, Planning Division, Attn: Kathleen Kennedy, Associate Planner, P.O. Box 1990, Santa Barbara, CA 93102-1990, or send them electronically to kkennedy@SantaBarbaraCa.gov.

VI. RECOMMENDATION

Staff recommends that the Planning Commission hold an environmental hearing to receive public comments on the adequacy and completeness of the Draft Initial Study. No action will be taken at this hearing on the environmental document or the project. A City Council appeal hearing has been scheduled for December 23, 2008 to consider actions to adopt the final environmental document and approve the project.

Exhibit: Draft Initial Study and Draft Mitigated Negative Declaration available upon request or on the City's website at www.SantaBarbaraCa.gov/pc.