



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** November 3, 2011  
**AGENDA DATE:** November 10, 2011  
**PROJECT ADDRESS:** 601 E. Micheltorena Street (MST2003-00827)  
 Cottage Hospital Workforce Housing Project ("Bella Riviera")  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DJK*  
 Allison De Busk, Project Planner *AD*

### **I. PURPOSE**

The purpose of this hearing is to provide the Planning Commission with a six-month update on the status and effectiveness of construction related mitigations and monitoring for the Cottage Workforce Housing Project located at 601 E. Micheltorena Street. This is required per the project's conditions of approval (Condition H.40). The first construction update was provided to the Planning Commission in November 2010; the second update was provided in June 2011. This is the third construction update. No formal action on the project will be taken during this discussion item.

### **II. PROJECT DESCRIPTION / BACKGROUND**

The project consists of the demolition of the former St. Francis Hospital complex and construction of 115 residential condominiums and 265 parking spaces. The project was approved by the Planning Commission on September 21, 2006, and by the City Council on appeal on December 19, 2006. The Final Maps for the project were approved by City Council in September 2010.

An Environmental Impact Report (EIR) was prepared to analyze this project, and the mitigation measures identified therein were incorporated into the project's conditions of approval.

The anticipated project schedule, including completed tasks, is as follows:

- Site Preparation (asbestos removal, sound wall construction, tree relocation/removal, installation of construction trailer, etc) – March through May 2010
- Demolition – May through December 2010
- Construction – started January 2011; anticipated to last for approximately 24 months (through December 2012)



Vicinity Map – 601 E. Micheltorena Street

### **III. CONDITION COMPLIANCE**

There are several general categories of conditions/mitigation measures, which are discussed below.

#### **A. NEIGHBORHOOD MEETINGS**

Pursuant to Condition of Approval F.3, the Applicant has held five informational meetings with the neighborhood in order to keep interested parties and surrounding neighbors abreast of the construction phases and schedule. The most recent meeting was held on October 20, 2011 and was attended by two individuals, as well as the project team. The meeting provided an overview of construction activities to date, a summary of upcoming construction activity and a review of environmental monitoring. Those neighbors in attendance did comment positively on Cottage's website that provides up to date construction activity information.

#### **B. TREE PROTECTION**

The project includes the protection and/or relocation of a significant number of trees. Tree relocation and/or protection occurred throughout the project site prior to demolition. On July 11, 2011, the ABR reviewed and approved an updated landscape plan that included review of the new tree dispositions on the tree protection plan, review of the new tree relocation plan and revised site landscape plans, and review of mitigation requirements for removed trees. On August 15, 2011, the ABR reviewed and approved additional minor changes to the landscape

plan. Since that ABR review, staff has approved removal and replacement of a Chinese evergreen elm because it conflicts with a required "V" ditch.

#### **C. SOUND WALL**

A sound wall previously surrounded the majority of the site. On September 20, 2011, staff approved removal of a portion of the sound wall along the Villa Riviera parking lot to accommodate installation of a SCE transformer and other off-site improvements. Some additional fencing was required to ensure that adequate noise attenuation would still be provided.

#### **D. ARCHAEOLOGICAL MONITORING**

Archaeological monitoring is required during all ground disturbing activities at the site, which means that regular monitoring took place throughout demolition and site grading. At this point, almost all of the site has been disturbed and monitored, and further monitoring will only occur as needed. Archaeological Monitoring Reports dated November 2011 and June 2011 were submitted to document the monitoring during demolition and construction grading. No significant historic resource deposits or Native American materials have been identified.

### **IV. ISSUES AND CONCERNS**

As construction at the site has progressed over the last six months, staff has identified the following recurring issues based on complaints received from the neighbors and/or observed by the PEC: truck operations-related and dust.

The Project Environmental Coordinator (PEC) received 19 neighborhood complaints for the period May 1, 2011 – October 15, 2011. The neighborhood complaints consist of two noise-related, six dust-related, six truck operations-related, and five miscellaneous. This averages to approximately 3-4 complaints per month.

Since the last construction update, the PEC has issued 17 infractions, consisting of 13 verbal warnings (for a total of 52 verbal warnings over the approximately 18-month construction period) and 4 violations (for a total of 5 violations). Truck operations, in particular, trucks queuing on city streets, delivery trucks arriving early to the project site, and trucks not following the approved haul route, have resulted in the majority of the warnings (10 of 13) and all of the violations (4 of 4) issued over the last six month.

Refer to the attached PEC summary of complaints and issues for additional information (Exhibit A).

#### **Penalties for Violations**

The contractor's contract includes a \$1,000.00 fine for each violation of the noise and trucking hours of operation. No monetary penalties have been issued to the contractor or subcontractors because the violations have not been for noise or trucking hours of operation. There are no specified penalties for violations of other conditions, although it would typically require additional monitoring by the PEC and potentially additional meetings with the contractor, which could result in increased costs to the applicant.

In this case, following each violation, the PEC and contractor worked on implementing new procedures to improve compliance. Those new procedures may continue to evolve as deemed necessary.

## V. CONCLUSION

The anticipated construction timeframe for the development is long, and, as identified in the EIR, the project has had and will continue to have significant impacts on neighbors related to construction noise, and construction-related impacts associated with dust will be potentially significant but mitigable. Construction traffic was determined to be an adverse, but less than significant impact.

Due to the large number of subcontractors currently working on-site, truck operations have been an ongoing issue. The PEC has worked with the contractor to develop procedures/measures to deal with the issue. Preliminarily, these measures seem to have had some success in reducing truck operations infractions. This will continue to be monitored closely by the PEC to determine if additional or revised measures are needed to ensure compliance with required mitigation measures and conditions of approval.

Exhibit:

- A. PEC Summary for Bella Riviera – Neighborhood Issues and Concerns (May 2011 to October 2011)

## **Bella Riviera Workforce Homes Project**

### **Neighborhood Issues and Concerns (May 2011 to October 2011)**

The PEC has received 19 complaints (2 noise-related, 6 dust-related, 6 truck operations-related, and 5 miscellaneous-related) during the period May 1, 2011 – October 15, 2011. Seventeen (17) verbal warnings/infractions (14 truck operations-related, 1 construction hour-related, and 2 dust-related) have been issued, which resulted in four (4) violations being issued to the contractor by the PEC since the last Planning Commission construction update. This averages to approximately three complaints per month, two infractions per month, and less than one violation per month.

It is important to note that the verbal warnings/infractions issued over the last six months did not originate from complaints, but were infractions observed and reported by the PEC. Furthermore, the violations issued were all associated with truck operations and not the result of any one particular subcontractor being a repeat offender, but the cumulative effect of all subcontractors working onsite.

As construction activity has moved from the grading phase to the actual development phase of the project, the number of subcontractors working onsite has significantly increased. This has resulted in a considerable increase in the number of delivery trucks coming and going from the project site. This in turn has resulted in several truck operations and traffic control issues/conflicts around the perimeter of the site. In particular, trucks queuing on city streets, delivery trucks arriving early to the project site, and trucks not following the approved haul route.

In a continuing effort to address this ongoing issue with truck operations, particularly as each new subcontractor commences work at the project site, a number of new procedures/measures have been implemented over the last six months to improve truck operations compliance and reduce traffic conflicts around the site.

Specific measures implemented include the following:

- Follow-up weekly contractor and subcontractor meetings to review project conditions of approval and compliance.
- Revised haul route maps prepared and distributed to subcontractors and trucking companies. Purpose of revised maps is to further clarify the haul route and truck operation restrictions.
- New truck delivery request form provided to each subcontractor.
- New master delivery schedule maintained by contractor.

- Hand held traffic (stop/slow) paddles located at each entrance gate. The paddles are to be used by subcontractors to improve traffic control around the site during delivery of materials.
- Purchase of six (6) two-way radios distributed to employees onsite to assist in monitoring and coordinating truck activity around the perimeter of the site.

## Noise

Two (2) noise complaints were received over the last six months (see table below). The complaints were associated with the two large concrete pours for the Villa Two podium deck that occurred on September 9<sup>th</sup> and October 4<sup>th</sup>. Construction crews were required to remain onsite after 5:00 p.m. following each of the two large concrete pours to ensure the concrete cured properly, which required the use of a "whirlybird concrete finisher" which has a motor, similar to a lawnmower engine that is used to pull moisture up to the surface as part of the final preparation of the concrete. No infractions were warranted or issued for the concrete work occurring after hours. This activity was approved by City staff pursuant to a request by the contractor to allow limited concrete operations to occur outside the normal permitted hours of operation for the four required large concrete pours.

### Noise-related Complaints

Date	Name	Concern
9/9/11	Resident	Noise generated after hours
10/4/11	Jack Bianchi	Noise generated after hours

One (1) verbal warning for a noise-related infraction was issued over the last six months for unpermitted construction work occurring outside the permitted hours for construction activities (see table below).

### Noise-related Infractions

Date	Action	Infraction
7/27/11	Verbal Warning	<b>Condition H-10: Construction Hours.</b> Subcontractor using a pettibone type lift with back-up alarm operating well past 5 p.m.

## Dust

Six (6) dust-related complaints were received over the last six months (see table below). This averages to one dust complaint per month. On-site dust control has been very good over the last six months. The primary dust issue has been associated with offsite utility improvement work going on around the perimeter

of the site, which occurs outside the soundwall. Offsite utility work is for the most part complete.

### Dust-related Complaints

Date	Name	Concern
5/3/11	Cheryl Fontana	Dust assoc. w/ offsite utility improvements
5/16/11	Shirley Campbell	Dust migrating overall soundwall
6/1/11	Stephen Fountain	Dust from stockpiled soils
7/27/11	Shirley Campbell	Dust migrating over soundwall
9/6/11	Bob Siebel	Dust in underground condo parking garage
9/29/11	Resident	Dust associated with street sweeper

Two (2) verbal warnings were issued over the last six months for dust-related infractions (see table below).

### Dust-related Infractions

Date	Action	Infraction
6/1/11	Verbal Warning	<b><u>Condition H-17: Water Access Areas.</u></b> Contractor not watering vehicle access roads frequently to reduce visible dust.
9/14/11	Verbal Warning	<b><u>Condition H-33: Erosion Control.</u></b> Rumble plates not installed at all access gates.

### Truck Operations

Six (6) truck operation-related complaints were received over the last six months (see table below). This averages to one truck operation complaint per month. The primary issue has been trucks queuing on City streets and the occasional truck not following the approved haul route. As noted above, the primary condition compliance issue has been trucks queuing on city streets, delivery trucks arriving early to the project site, and an occasional truck not following the approved haul route.

### Truck Operations-related Complaints

Date	Name	Concern
5/4/11	Charlie Dewild	Distribution of truck trips to adjacent streets
6/21/11	Gary Hoffman	Truck queuing on Arrellaga Street
7/6/11	Gary Hoffman	Opposed to waiver of operating hours for large concrete pours
7/7/11	Cliff Magnes	Truck not following approved haul route
7/14/11	Resident	Truck parked on Olive St., left trailer
8/2/11	Cliff Magnes	Truck not following approved haul route

Fourteen (14) truck operation-related infractions were issued over the last six months, which resulted in four (4) violations being issued (see table below).

**Truck Operations-related Infractions**

<b>Date</b>	<b>Action</b>	<b>Infraction</b>
<b>Condition H-5: Truck Operations</b>		
5/16/11	<b>Violation Issued</b>	<b>Condition H-5: Truck Operations.</b> Fourth infraction of truck operations project conditions, resulted in issuance of a violation. Specific infraction: truck queuing on Arrellaga Street and operating prior to 9:00 a.m.
6/3/11	Verbal Warning	<b>Condition H-5: Truck Operations.</b> Cement truck and boom truck operating past 4:00 p.m.
6/14/11	Verbal Warning	<b>Condition H-5: Truck Operations.</b> Truck queuing on Micheltorena Street.
6/21/11	Verbal Warning	<b>Condition H-5: Truck Operations.</b> Delivery truck at site prior to 9:00 a.m.
6/23/11	<b>Violation Issued</b>	<b>Condition H-5: Truck Operations.</b> Fourth infraction of truck operations project conditions, resulted in issuance of a violation. Specific infraction: truck queuing on Micheltorena Street.
7/20/11	Verbal Warning	<b>Condition H-5: Truck Operations.</b> Truck queuing on Garden Street and operating prior to 9:00 a.m.
8/1/11	Verbal Warning	<b>Condition H-5: Truck Operations.</b> Truck queuing on Garden Street and operating prior to 9:00 a.m.
8/1/11	Verbal Warning	<b>Condition H-5: Truck Operations.</b> Truck delivering equipment prior to 9:00 a.m.
8/2/11	<b>Violation Issued</b>	<b>Condition H-5: Truck Operations.</b> Fourth infraction of truck operation project conditions, resulted in issuance of a violation. Specific infraction: truck queuing on Garden Street and operating prior to 9:00 a.m.
8/25/11	Verbal Warning	<b>Condition H-5: Truck Operations.</b> Truck delivering concrete prior to 8:00 a.m.
9/15/11	Verbal Warning	<b>Condition H-5: Truck Operations.</b> Trucks queuing on City streets.



<b>Date</b>	<b>Action</b>	<b>Infraction</b>
9/16/11	Verbal Warning	<b><u>Condition H-5: Truck Operations.</u></b> Trucks queuing on City streets.
<b>Condition H-6: Haul Route</b>		
8/2/11	<b>Violation Issued</b>	<b><u>Condition H-6: Haul Route.</u></b> Fourth infraction of approved haul route, resulted in issuance of a violation. Specific infraction: Delivery truck not following approved haul route.
9/15/11	Verbal Warning	<b><u>Condition H-6: Haul Route.</u></b> Bottom dump type trucks not following approved haul route.

### **Miscellaneous**

Five (5) miscellaneous-related complaints were received over the last six months (see table below). As the project progressed from heavy equipment oriented construction activity to more labor intensive activities at the project site, an increase number of construction workers were observed and/or reported parking in the neighborhood. Early morning parking monitoring was implemented and has been effective in minimizing construction workers parking in the neighborhood.

### **Miscellaneous Operation-related Complaints**

<b>Date</b>	<b>Name</b>	<b>Concern</b>
7/8/11	Gary Hoffman	Arrellaga Street not closed
8/3/11	Cesar Trujillo	Const. workers parked on Micheltorena St.
8/11/11	Gary Hoffman	Const. workers parked on Arrellaga St.
8/22/11	Charlie Dewild	Gravel/debris dropped on Micheltorena St.
9/2/11	Stephen Fountain	Stockpiled soil not being watered

