



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: November 22, 2011
AGENDA DATE: December 1, 2011
PROJECT ADDRESS: 1722 State Street (MST2011-00189)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Kelly Brodison, Assistant Planner

I. PROJECT DESCRIPTION

The project consists of the conversion of an existing two-story, 7,181 square foot bank building to a new medical office and surgery center, and the construction of a 5,233 square foot, two-story addition on a 28,875 square foot parcel in the El Pueblo Viejo District. The proposal includes a tentative subdivision map to create up to eight commercial condominiums. The parking lot will be reconfigured to provide 52 parking spaces, including two accessible spaces and associated landscape improvements.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create up to eight commercial condominium units (SBMC 27.07 and 27.13);
2. A Development Plan to allow the construction of 5,233 square feet of nonresidential development (SBMC §28.87.300);
3. A Conditional Use Permit to allow parking area for non-residential uses in a residential zone (SBMC §28.94.030.I); and
4. A Transfer of Existing Development Rights approval per SBMC§28.95.020 for receiving and sending sites to allow the transfer of development rights for 2,233 square feet of new non-residential floor area.

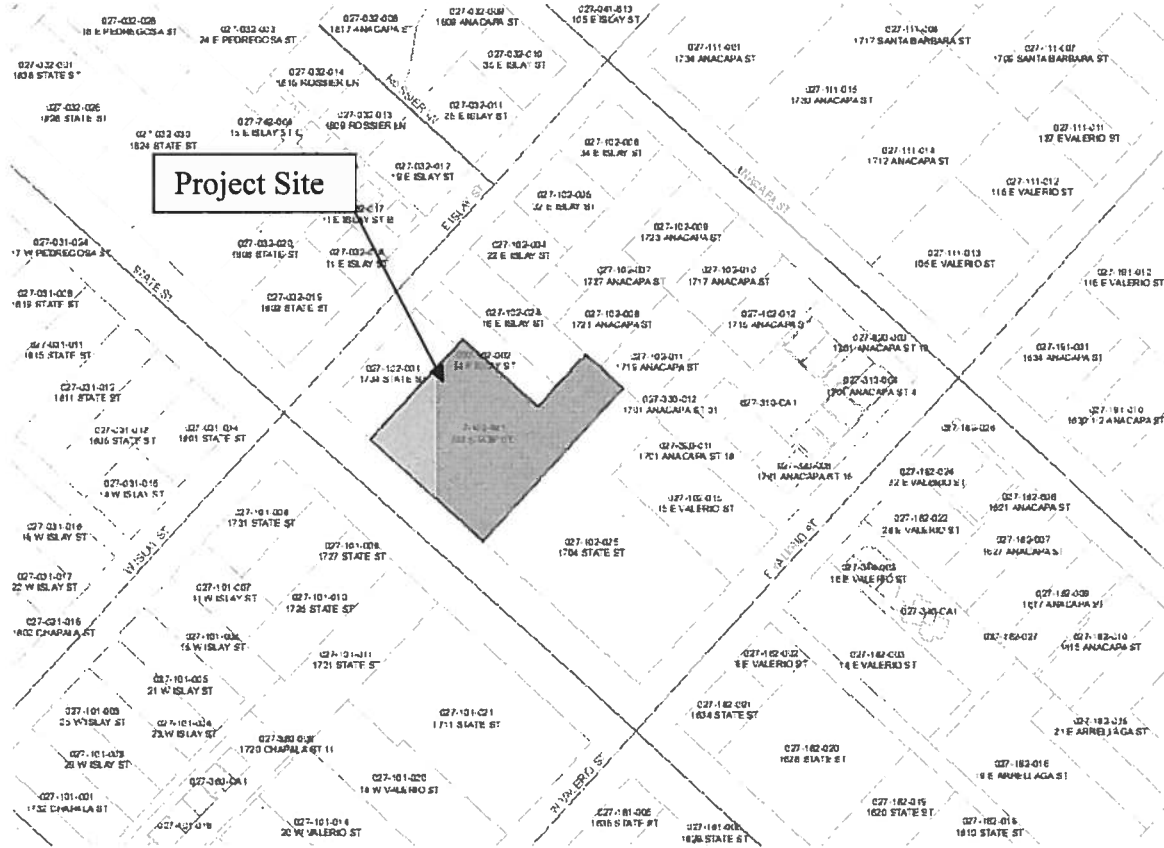
APPLICATION DEEMED COMPLETE: October 14, 2011

DATE ACTION REQUIRED PER MAP ACT: December 4, 2011

III. RECOMMENDATION

If approved as proposed, the project would conform 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 X of this report, and subject to the conditions of approval in Exhibit A.



1722 State Street Vicinity Map

IV. BACKGROUND

In 2007, the Planning Commission adopted a Mitigated Negative Declaration, and approved a proposal to demolish the existing 7,181 square foot commercial building and construct a new two-story, mixed use building consisting of 8,400 net square feet of commercial condominium space and 10 residential condominium units (totaling 23,606 square feet) above a 23,909 square foot subterranean garage. The proposed parking (55 spaces) was to be located in a subterranean garage. Grading consisted of 8,594 cubic yards cut and 255 cubic yards fill, resulting in 8,339 cubic yards of export. That project has been withdrawn and this revised reduced project is now being proposed. Also the prior approved project included a zone change that changed the R-1 (single family) portion of the property to the R-3 (multiple family) Zone.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Hochhauser & Blatter Architecture		
Property Owner:	1722 State Street Investors, LLC		
Site Information			
Parcel Number:	027-102-021	Lot Area:	29,541 sq.ft.
General Plan: General Commerce & Offices		Zoning:	C-2 & R-3
Existing Use: Commercial		Topography:	4-5% slope toward State Street
Adjacent Land Uses			
North – Residential/Commercial (C_-2, R-1 zones) East – Residential (R-1, E-1 zones) South – Commercial/Office (C-2, R-3 zones) West – State Street, Commercial (C-2 zone)			

B. PROJECT STATISTICS

	Existing	Proposed
Commercial Building		
1 st Floor	5,073 sf	1,904 sf
2 nd Floor	2,108 sf mezzanine	3,329 s.f.
	7,181 s.f. (e) building	5,233 s.f. addition
Total		12,414 sf

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance		Existing	Proposed	
C-2/R-3 Standard	Requirement/ Allowance		Existing	Proposed	
	C-2	R-3		C-2	R-3
Setbacks					
-Front	None	N/A	None	None	N/A
-Interior	None	6' 1 st & 2 nd fl.	None	46'	N/A
-Rear	10 feet	6' 1 st fl. 10' 2 nd & 3 rd fl.	10 feet	18'	Per (SBMC §28.90.001.H
Building Height	C-2 60' (4 stories)	R-3 45' (3 stories) and meet solar	24 feet (2 stories)	27'-2" (2 stories)	
Parking	1/250 sf 49.7 spaces		45 spaces	52 spaces	
Bicycle Parking	1 per 7 non-residential vehicle parking spaces = 7		None	7	
Lot Coverage					
-Building	N/A		5,290 sf	17.0%	7,500 sf 25.4%
-Paving/Driveway	N/A		22,630 sf	76.6%	17,831 60.4%
-Landscaping	N/A		1,631 sf	5.5%	4,210 sf 14.2%

With the approval of the Conditional Use Permit for the non-residential parking on the residentially zoned portion of the lot, the proposed project would meet the requirements of the C-2/R-3 Zones.

CONDITIONAL USE PERMIT

A portion of the proposed project's non-residential parking lot is proposed to be located within the R-3 zoned portion of the property. The zoning ordinance (SBMC § 28.94.030.I) allows a Conditional Use Permit to be approved to provide nonresidential parking areas in a residential zone provided that the findings can be made, most significantly that the parking would not negatively impact the surrounding neighborhood.

Several CUPs have been granted throughout the years for nonresidential parking in residential zones along this portion of State Street, because many of the commercially developed lots that front State Street are zoned R-1 in the rear. For example, CUPs were granted on two parcels (1824 State Street in 1986 and for 1802-1808 State Street in 1968), and more recently at 1700-1704 State Street (in 2009).

The R-3 zoned portion of the site is currently used as a parking lot for the nearby commercial building and minor physical changes consisting of restriping and adding landscaping are proposed. These physical changes are minor in nature and will not be a detriment to the neighborhood. The parking plan has been reviewed by Transportation Planning and adequate, off-street parking is being provided. Therefore, Staff finds that the proposed use of non-residential parking is compatible with the adjacent residential neighborhood

NON RESIDENTIAL GROWTH

There is an existing 7,181 square foot commercial building which was approved in 1961 and this proposal is for a 5,233 square foot addition to the existing building. Per SBMC §28.87.300, square footage from Small and Minor Addition categories can be combined and used together for a total of 3,000 square feet of non-residential additions. Projects that involve greater than 3,000 square feet are subject to the review and approval of the Planning Commission, and in approving a Development Plan, the Commission must find that the proposed development will not have an impact on affordable housing stock, water resources or traffic.

The remaining 2,233 square feet would be provided using the Transfer of Existing Development Rights (TEDR) process. A TEDR allows existing development rights for non-residential square footage to be transferred from one site to another. The proposed sending site is a Housing Authority project at 535 E. Montecito Street, which consisted of the demolition of approximately 50,602 square feet of commercial buildings, and the construction of 48 residential condominium units in the C-M Zone. Because the receiving site will be receiving 2,233 square feet of square footage, this would leave the sending site with a remainder of 48,369 square feet of non-residential square footage credits for future development. Development Plan and TEDR findings for this square footage are included in Section X below.

Measure E Category	Existing	Proposed Addition
Minor	0 sf	1,000 sf
Small	0 sf	2,000 sf
TEDR	0 sf	2.233 sf
Existing Building	7,181 sf	
Total Building		12,364 sf

B. GENERAL PLAN CONSISTENCY

Before a condominium project and a tentative subdivision map can be approved, they must be found consistent with the City’s General Plan. The project site is located in the Upper East neighborhood, south of Mission Street, where motels and offices are found. The Land Use Element states that, in “the neighborhood below approximately Valerio Street, apartment structures can be seen together with professional offices, churches and schools. This type of development results from a mixture of commercial offices, hospital office, and multiple dwelling zones...” Based on analysis of the General Plan goals and policies, staff finds the

proposed project to be consistent with the General Plan. Given the existing zoning designation and the historic use of the site as a commercial building, staff finds that development of the site with a surgery center is appropriate and consistent with the General Plan.

VII. ENVIRONMENTAL REVIEW

Staff has determined that the project qualifies for an exemption from further environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15303 (c), New Construction or Conversion of Small Structures. The project consists of converting the existing commercial building to a surgery center, and 5,233 square feet of addition. The finished building will be less than 10,000 square feet and the project is in an area where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

VIII. DESIGN REVIEW

This project was reviewed by the Historic Landmarks Commission (HLC) on two separate occasions (meeting minutes are attached as Exhibit D). On May 25, 2011, the HLC reviewed the conceptual design, and approved the overall direction for the proposal. The Commission stated that the strict classicism is the appropriate architectural style, and that some fenestration is needed on the north elevation. However, one Commissioner felt that the proposal was too monolithic and mausoleum-like, and that the proportions are not Palladian and not in keeping with the El Pueblo Viejo Guidelines.

The project returned to the HLC for a second conceptual review on November 9 2011. The HLC found that the project met complies with the Compatibility Analysis criteria, and forwarded the project to the Planning Commission. The Commission had generally positive comments regarding the overall project. The applicant was asked to continue working on the building and to modulate the style of the architecture to be more in keeping with the El Pueblo Viejo Guidelines when the project returns for Project Design Approval.

IX. DRAINAGE AND WATER QUALITY ANALYSIS

This project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume reduction) because it is a commercial project being reviewed by the Planning Commission. The proposed project will increase the amount of pervious area over the existing site with the addition of new landscaping and therefore will not increase peak runoff. Additionally, the project is designed to significantly reduce runoff to the City's storm drain system by installing two sections of underground infiltration chambers. These chambers will capture and treat (by infiltration) the runoff volume from a one-inch storm as well as reduce the peak flow and volume from the 25-year storm by 33% in accordance with the City of Santa Barbara Storm Water Management Program and the State NPDES General Permit for Storm Water Discharges.

Storm water quality requirements are met with underground infiltration chambers, landscaped areas serving as filter strips for the building roof drains, and trench drains fitted with filters to treat runoff prior to discharging into the public drainage system.

Thru curb drains will provide for positive drainage of runoff onto the existing public street gutters which does not infiltrate into the subsurface soils. These proposed thru-curb drains and

other pipe culverts will be sized to convey the peak flow from a 25-year storm. Finished grades will be designed to allow for overland release of peak flows resulting from the 100-year storm event to the public streets.

X. FINDINGS

The Planning Commission finds the following:

A. CONDITIONAL USE PERMIT (SBMC §28.94)

For non-residential parking in a residential zone (SBMC§28.94.030.H)

1. The use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan, because the proposal to upgrade the existing parking lot would provide updated amenities and would support the upgrade of the existing commercial building to a surgery center in an area that is well-suited to such a development as described in Section VI.B of the staff report;
2. Such use will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved because the commercial parking is proposed on a lot that has been used for parking since the 1960s;
3. The total area of the site and the setbacks of the parking from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided;
4. Adequate access and off-street parking is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time because the access and off-street parking is provided on site. The proposed project would not result in a need to change the access and will provide the required parking on site;
5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping, open space and other features is compatible with the character of the area. The proposed project including the parking lot were reviewed by the Historic Landmarks Commission and found to be compatible with the surrounding development in the neighborhood, as described in Section VIII. of the staff report.

B. DEVELOPMENT PLAN APPROVAL (SBMC §28.87.300)

1. The proposed development complies with all of the provisions of the Zoning Ordinance With the approval of the requested Conditional Use Permit, the project complies with the required setbacks for non-residential development in the R-3 Zone;

2. The proposed development is consistent with the principles of sound community planning because the property will continued to be maintained as a commercial building. The proposed project is surrounded by a mix of commercial and residential uses and conforms to the General Plan description of the neighborhood as described in Section VI of the Staff Report. This location for the proposed surgery center is consistent with the surrounding uses in the Upper East neighborhood and upper State Street.
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, because the project is compatible with the surrounding area's aesthetics and character and is consistent with other one and two story buildings in the immediate area, as described in Section VIII of the staff report. The HLC conceptually reviewed the project and found the architecture and site design to be appropriate with the surrounding neighborhood;
4. The proposed development will not have a significant unmitigated adverse impact upon the City and South Coast affordable housing stock, because the project consists of additions to an existing commercial building. No existing residential units are proposed to be eliminated as a part of this project and the proposed project would not have an increase employment,
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources because 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 because the project would not generate significant traffic to create an impact on the local streets and intersecons based on the City's thresholds of significance. Transportation Staff has reviewed the project and determined that the project would not result in significant project or cumulative impacts to any impacted intersection;
7. Resources will be available and traffic improvements will be in place at the time of project occupancy. The project site is adequately served by existing public streets and utilities. No traffic improvements are required as part of the project.

C. 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 as discussed in Section VI.B. of the Staff Report. The site is physically suitable for the proposed development, the project is consistent with the 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, because the proposal is for an addition to an existing commercial building in an urban environment.

D. TRANSFER OF EXISTING DEVELOPMENT RIGHTS (SBMC§28.95.060)

1. The proposed development plans for both the sending and receiving sites are consistent with the goals and objectives of the General Plan of the City of Santa Barbara and the Municipal Code because the multiple family development on the sending site received approval by the Planning Commission on August 21, 2008, and was determined to be consistent with the goal and objectives of the General Plan and the requirements of the Zoning Ordinance. With the approval of the Conditional Use Permit for the proposed parking on a residentially zoned lot, the required parking will be provided on site and the proposed addition to the existing commercial building complies with all of the requirements of the Municipal Code and the General Plan.
2. The proposed developments will not be detrimental to the site, neighborhood or surrounding areas. The sending site project was approved by the Planning Commission and the Architectural Board of Review, which found the project to be appropriate. The Historic Landmarks Commission has reviewed the proposed design for the additions at the receiving site and found them to be acceptable.
3. The floor area of proposed nonresidential development on the receiving site does not exceed the sum of the amount of Existing Development Rights transferred when added to the amount of Existing Development Rights on the receiving site, and does not exceed the maximum development allowed by the applicable zoning of the receiving site. The proposed total new floor area for the project (12,364 sq. ft.) does not exceed the sum of the transferred square footage (2,233 sq. ft.) and the Small and Minor Additions of Measure E square footage (3,000 sq. ft.), and does not exceed the zoning limitations.
4. Each of the proposed nonresidential developments on the respective sending site(s) and receiving site(s) will meet all standards for review as set forth in Section 28.87.300.E of the Municipal Code and all provisions of this Chapter, and will comply with any additional specific conditions for a transfer approval. The sending site received approval by the Planning Commission on August 21, 2008, and met all standards for review. With the approval of the Conditional Use Permit for commercial parking on a residentially zone lot, the receiving site shall comply with all standards for review in Section 28.87.300 and as stated in the findings C.1 through C.7 above.
5. Development remaining, or to be built, on a sending site is appropriate in size, scale, use, and configuration for the neighborhood and is beneficial to the community. The sending site was previously developed with over 50,000 net commercial square feet which was demolished to create a multi-family residential project and received approval by the Planning Commission on August 21, 2008, and has been constructed. The development was also

approved by the Architectural Board of Review which found it to appropriate in size, scale, use, and configuration for the neighborhood and is beneficial to the community. The proposed additions on the receiving site have been reviewed by the Historic Landmarks Commission and were found to be acceptable for the surrounding neighborhood.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter dated August 25, 2011
- D. HLC Minutes

PLANNING COMMISSION CONDITIONS OF APPROVAL

1722 STATE STREET "A TRACK"
TENTATIVE SUBDIVISION MAP, TRANSFER OF EXISTING DEVELOPMENT RIGHTS,
CONDITIONAL USE PERMIT, DEVELOPMENT PLAN
DECEMBER 1, 2011

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

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee.
3. Make application and obtain a Building Permit (BLD) to demolish any structures/improvements that would conflict with the Final Map. A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading. Owner and all contractors shall comply with conditions found in Subsection F "Construction Implementation Requirements" prior to and during any construction.
4. Make application and obtain a Public Works Permit (PBW) for all required public improvements and **complete** said improvements.
5. Make application and obtain Building Permit (BLD) for, and complete, the construction of all private improvements required to ensure the lot is ready for subdivision.
6. Make application and obtain City Council approval of the Final Map and Agreement(s) and record said documents.
7. Make application and obtain Building Permit (BLD) for, and complete, the construction of approved development.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** 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. **Approved Development.** The development of the Real Property approved by the Planning Commission Staff on December 1, 2011, is limited to the conversion of the existing 7,181 square foot two-story bank building to a new medical office and surgery center and the construction of an approximately 5,233 square feet two-story

addition and a Tentative Subdivision Map for up to eight (8) commercial condominiums and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, 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 Owner 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.
6. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, provides for 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. **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. Such Plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
 - c. **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.
 - d. **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.
- C. **Public Works Submittal For 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:
- 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. **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 prepares said agreement for the Owner's signature.
 - 3. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project concurrently with the Final Map.
 - 4. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall comply with the recommendations in the Preliminary Drainage Analysis prepared by Insite Civil, Inc., dated June 10, 2011, which demonstrates that the proposed development will comply with the City's Storm Water Management Plan. The analysis proposes that two sections of fabricated underground infiltration chambers (StormTech SC-310) will capture and treat (by infiltration) the runoff volume from a one-inch storm as well as reduce the peak flow and volume from the 25-year storm in accordance with the City of Santa Barbara Storm Water Management Program and the State NPDES General Permit for Storm Water Discharges. Thru

curb drains will provide for positive drainage of runoff which does not infiltrate into the subsurface soils onto the existing public street gutters. These proposed thru-curb drains and other pipe culverts will be sized to convey the peak flow from a 25-year storm. Finished grades will be designed to allow for overland release of peak flows resulting from the 100-year storm event to the public streets. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the 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 (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

5. **State Street Public Improvements.** The Owner shall submit a one sheet C-1 public improvement plan to the Public Works counter for construction of improvements along the property frontage on State Street. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include to City standards: *saw-cut and replace all damaged, cracked and/or uplifted sidewalk from joint to joint, saw-larger tree wells around five (e)trees size to be determined by the City Arborist, saw-cut and replace all damaged curb and gutter, crack seal to the centerline of the street along entire subject property frontage, slurry seal a minimum of 20 feet beyond the limits of all trenching, install new private fire-line, install 2 (N) A470 curb drain outlets with sizes to be determined by final hydrology report, supply and install one commercial City standard Dome Style 200 watt street light, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway (if any), supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.*
6. **Agreement to Secure Public Improvements.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.
7. **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.
8. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.

9. **Solid Waste Management Plan.** Owner shall submit a solid waste management plan that identifies feasible measures to address the construction and operation of the parking lot, bicycle station and office uses which may include, but are not limited to, the following:
 - a. Provision of space and/or bins for storage of recyclable materials within the project site. This information shall be shown on the building plans and installed as a part of the proposed project's improvements.
 - b. Development and implementation of a plan for collection of recyclable materials on a regular basis.
 - c. Development of Source Reduction Measures, indicating the method and amount of expected reduction.
 - d. Implementation of a program to purchase recycled materials used in association with the proposed project (paper, newsprint, etc.). This could include requesting suppliers to show recycled material content.
 - e. Implementation of a monitoring program (quarterly) to attain and maintain a 35-50% minimum participation in recycling efforts.
 - f. Implementation of a composting landscape waste reduction program.
 10. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the 2006 CA MUTCD. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.
- D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use 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 size or 15 gallon size trees (size to be determined by the HLC) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
 2. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal on the approved Tentative Subdivision Map, site plan and landscape plan shall be preserved,

- protected, and maintained, in accordance with the Tree Protection Plan, if required, and/or any related Conditions of Approval.
- b. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the HLC.
 - c. **Off-Site Oak Tree.** Construction equipment and materials shall not be parked or stored beneath the dripline of the off-site oak tree located adjacent to the eastern boundary of the project site. The canopy of the oak tree shall be protected from paint overspray, plaster and other construction-related materials. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
3. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
- a. **Landscaping Under Trees.** Landscaping under the tree(s) that is compatible with the preservation of the tree(s).
 - b. **Oak Tree Protection Measures.** The following provisions shall apply to the existing off site oak trees:
 - (1) A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
 - (2) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - (3) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Historic Landmarks Commission (HLC). No irrigation system shall be installed under the dripline of any oak tree.
4. **Existing Tree Preservation.** The existing trees shown on the approved plan to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
5. **Landscape Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to buffer the parking area from State Street.
6. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas, solar panels and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the HLC.
7. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for

recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

- E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits pulled pursuant to Condition A.5, or for public improvement permits pulled prior to recordation of the Final Map. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Voluntary Lot Merger Required.** The three parcels, Real Property known as APN 027-102-021 shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30
- b. **Public Improvement Plans.** Public Improvement Plans as identified in condition C.5 "State Street Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of the approved public improvement plans, submittal of securities and a Land Development Agreement, a Public Works permit shall be issued.
- c. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more 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.) in order to help reduce truck traffic on adjacent streets and roadways.

2. **Community Development Department.**

- a. **Interior Noise.** To comply with the City's 45dB CNEL interior noise standard, an interior noise analysis will be required for the portion of the structure fronting State Street, prior to issuance of building permits. The interior noise study will most likely require mechanical ventilation and/or air condition system and possibly sound-rated doors and windows.
- b. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved

by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

- c. **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.
- d. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of any street tree(s).
- e. **Archaeological Monitoring Contract.** Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by MacFarlane Archaeological Consultants, dated March 9, 2006 and the addendum dated April 30, 2006. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist's monitoring contract shall include the provisions identified in condition "Requirement for Archaeological Resources" below.

- f. **Requirement for Archaeological Resources.** The following information shall be printed on the site plan.

If archaeological resources (a trash pit or other significant historic feature) 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.

- g. **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 draft copy of the notice to the Planning Division for review and approval.
- h. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D "Design Review," and all elements/specifications shall be implemented on-site.
- i. **Driveway Improvements.** The proposed driveway shall be constructed to the standards provided in the Subdivision Design and Improvement Standards and as approved by the Public Works Director.
- j. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner

Date

Contractor

Date

License No.

Architect

Date

License No.

Engineer

Date

License No.

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

- 1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the

Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.

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, Contractor and each Subcontractor.
3. **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.
4. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
5. **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.
6. **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 Transportation Manager.
7. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating (GVWR) of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
8. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
9. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:30 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

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 said 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.

10. **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.
11. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.

- b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. 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.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. 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.
12. **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.
13. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
14. **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.
15. **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) (and Project Environmental Coordinator's (PEC)) name, contractor(s) (and PEC's) telephone number(s), construction 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. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
17. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
18. **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.

19. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- G. **Prior to Certificate of Occupancy.** Prior to recordation of the Map, the Owner of the Real Property shall complete the following:
 1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction 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 public improvement plans, including utility service undergrounding and installation of street trees and street lights, shall be completed.
3. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy Final Inspection, whichever is earlier.
4. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section B "Recorded Conditions Agreement" have been recorded.
5. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
6. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
7. **Evidence of Private Driveway Maintenance Agreement Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private driveway *Agreement for Shared Maintenance* required in Section F.2 "Requirements Prior to Permit Issuance" has been recorded.
8. **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.

H. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission / Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the

permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application or prior to recordation of the Map, whichever comes first.
4. **Site Maintenance.** The existing site/structure(s) shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.
5. **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 being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission action approving the Conditional Use Permit shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The development plan approved, per Santa Barbara Municipal Code §28.87.350, shall expire four (4) years from the date of approval unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. The Community Development Director grants an extension of the development plan approval upon finding that the applicant has demonstrated due diligence in implementing and completing the proposed project. The Community Development Director may grant one (1) one-year extension of the development plan approval.

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission 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.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.



RECEIVED
AUG 30 2011
CITY OF SANTA BARBARA
PLANNING DIVISION

August 25, 2011

122 E. ARRELAGA
SANTA BARBARA
CALIFORNIA 93101
805 962 2746

Allison DeBusk, Planning Supervisor
Kelly Brodison, Asst. Planner
City of Santa Barbara Planning Commission
City of Santa Barbara – Community Development Department
630 Garden Street
Santa Barbara, Ca. 93101

Re: DART SUBMITTAL
1722 State Street / APN #027-102-021

Dear Ms. DeBusk

Please find enclosed our DART submittal package proposing the development of medical offices and a surgery center, located at 1722 State Street. The current zoning is a mix of C-2 and R-3 zones.

Requested Entitlements

- **A Development Plan:** To allow 5,233 sf of non-residential uses (SBMC §28.87.300)
 1. 1,000 sf net from the Minor Addition category allocated to the property.
 2. 2,000 sf net from the Small Addition category.
 3. 2,233 sf net of transferred existing development rights credits (EDR's) - to be purchased from Bermant Homes, Inc. Purchase contract included as part of this application.

- **A Tentative Parcel Map for a one-lot subdivision:** to create to create 8 commercial condominium spaces totaling 12,414 nsf / 14,110 gsf (SBMC Chapter 27.07)

- **A Conditional Use Permit:** to allow parking area for non-residential uses in a residential zone (SBMC §28.94.030.I)

EXHIBIT C

- **A Transfer of Existing Development Rights:** of 2,233 square feet of non-residential floor area to the project site (SBMC § 28.95)

City Board/Agency Review

The project appeared before Historic Landmarks Commission Concept review - on May 25, 2011. The project was reviewed favorably, and received overwhelmingly positive comments.

Project identification

1722 State Street, Santa Barbara, CA. 93101	
Assessors Parcel Number	027-102-021
Parcel Area	29,541 sf / 0.68 acres

Uses	Existing/Renovated	Proposed New Const.
Zoning	C-2 / R-3	C-2 / R-3
Commercial	7,181 sf	5,233 sf

Existing Building / Project Use

The existing 7,181 nsf, two-story building is currently leased for use as a martial arts / fitness center. There are also two ATM machines owned by Bank of America located on site at the western boundary facing State Street.

Proposed Development Statistics

	Gross SF	Net SF
Existing Building (E) (to be renovated)	7,500 sf	7,181 sf
New Building Addition	6,961 sf	5,233 sf
Total Proposed Project	14,110 sf	12,414 sf
F.A.R.		.42
Allowed by Zoning		
Existing Building		7,181 sf
Measure E – minor addition		1,000 sf

Measure E – small addition		2,000 sf
Transferred EDR		2,233 sf
		12,414 sf

Project Description - Use

The proposed project includes the adaptive reuse of an existing two story building and the further addition of 5,233 sf at the rear. The new structure will be two stories. The building would be subdivided into up to eight commercial condos for use as medical offices and associated surgery services. Suites will be connected by internal covered walkways.

All required vehicular parking would be located on grade, including two handicapped parking spaces. A small portion of the site is currently zoned R-3, so a conditional use is being requested such that parking for the medical office / surgery center can occur on a residentially zoned parcel (see site plan for detail).

Outside of a request to commercial parking on a portion of the site that is zoned R-3, no modifications are being requested as part of the application.

Parking Provided On-Site

Proposed Uses	Parking Req.
Commercial (Medical Office) - 12,414 sf	49.7
Total parking required by code – 49.7 less 10%	45
Total Parking provided (incl. 5 accessible spaces)	52

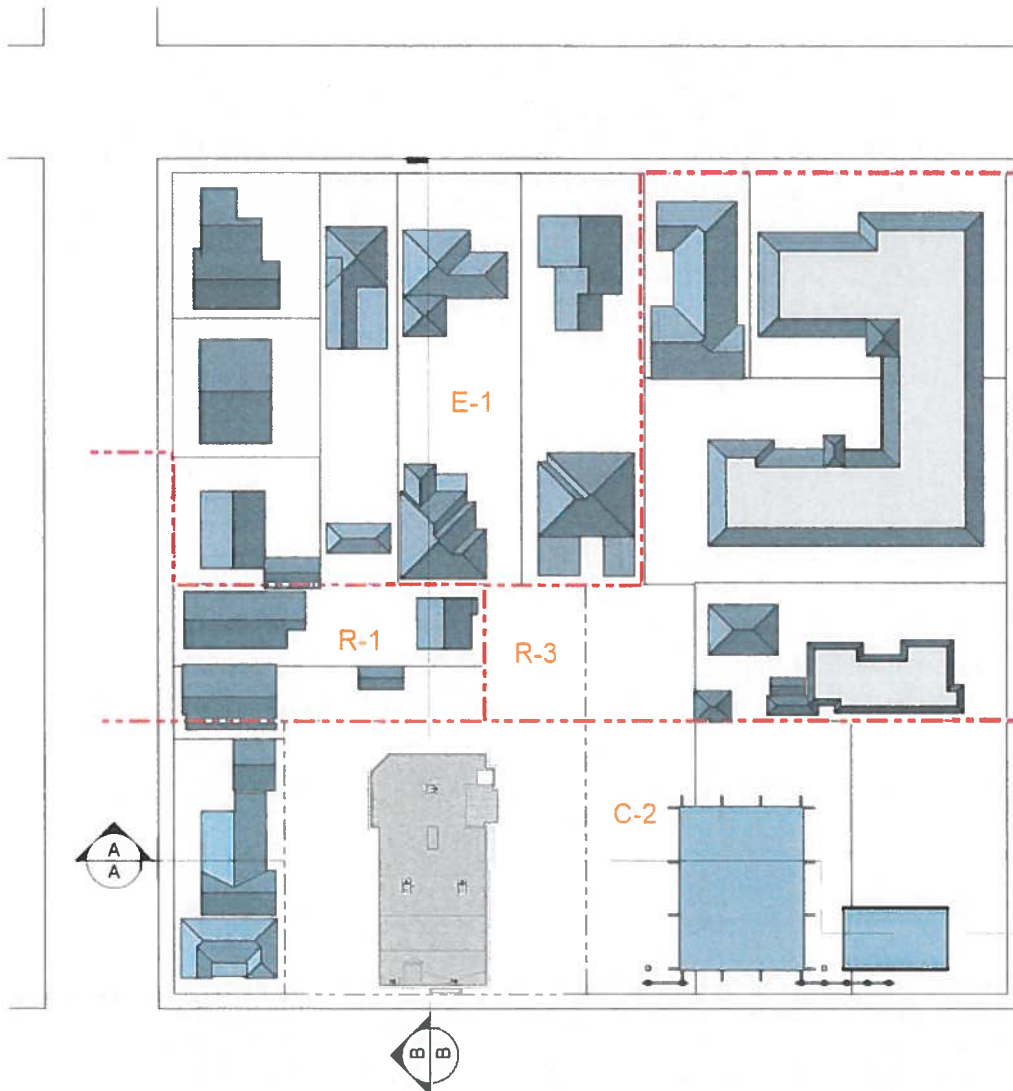
Traffic Study

A traffic study by ATE has been provided as part of this application that substantiates both estimated parking requirements and proposed traffic impact of the proposed project.

The existing use (as an athletic club) generates a total of 78 A.M. and P.M. peak hour trips. The proposed use as a surgery and center and medical office will generate 60 peak hour trips, resulting in a reduced

peak hour trip generation (-18 trips). Total trips per day would be reduced by nine.

An alternate trip generation was generated as if the entire building was designed as medical offices. In this scenario, a total of 80 peak hour trips would be generated per day, resulting in 2 more trips in during AM peak hours. It would result in a net increase of 158 average daily trips.



Surrounding Zoning / Uses

Surrounding uses are reflected in the exhibit above. To the north of the project are one-story commercial offices. Single family residences are located to the east and northeast. Multi-family residential is located to the southwest, and two-story commercial buildings (currently an artificial kidney center) are located directly to the south of the project site.

Set-backs

The proposed project will maintain existing front and side yard setbacks. The side yard set-back to the north is 48'-0". The side yard set-back to the south is 50'-6". Because of the site articulation, there are two rear yard set-backs. The closest, including the new addition at the rear of the project is 18'-2". The furthest rear yard set-back is 93'-2" feet.

Architectural Design

The façade facing State Street will rehabilitate an existing 1960's building and incorporate classical Mediterranean design elements, consistent with design guidelines for the Pueblo Viejo Historic District. Massing will be rearticulated but building envelope as viewed from State Street will remain largely the same. A new classical entry arch will highlight the building entrance. Finishes will include white stucco walls with traditional cornice and base, heavy timber roof eaves and accents, colorful tile accents and color choices consistent with those permitted by Historic Landmarks.

Landscaping will be distributed throughout the project using a Mediterranean/Native xeriscape palette. A preliminary planting plan will be included as part of the DART submittal. Landscaping proposed as part of this project has been increased by 258% as compared to existing.

Vehicular circulation will enter from the southwest corner of site, wrap around the building in a one-way direction and exiting at the northern end of the property facing State St.

Acoustical Analysis

An updated report prepared by Dudek and Associates has been included as part of this submittal. It has determined that noise levels fall

below City mandated thresholds and that no additional mitigation would be required.

ENVIRONMENTAL CONCERNS

Lighting.

The proposed project will include exterior lighting for security measures at the building and parking areas. Lighting will be shielded and will not encroach onto adjacent parcels.

Geotechnical Study. A geotechnical study has been developed for the site, specific to the proposed project parameters. Please see enclosed report from Pacific Materials Laboratory.

Archaeological Phase I. The project site is located in several archaeological resource sensitivity zones: Prehistoric Sites and Watercourses, American Period (1870-1900), and Early Twentieth Century (1900-1920). A second addendum has been provided by the archaeological consultant, including a specific evaluation of the soils bore samples removed from the site. This further evaluation, in the consultant's opinion, has lowered the potential of any yet undiscovered archaeological resources to low (*McFarlane, April 30, 2006.*) Copy of this report is included as part of the application.

The Historic Landmarks Commission reviewed the Phase 1 Archaeology Report and agreed with its conclusions and recommendation that archaeological monitoring shall required during initial ground disturbing activities and that additional mitigation measures be implemented as outlined below:

1. The applicant shall submit a contract with a qualified archaeologist from the most current City list for monitoring during initial ground disturbing activities including but not limited to grading, excavation, trenching, vegetation or paving and ground clearance. The contract shall include paragraphs 3-5 of the MEA (2002:45) guidelines.
2. At such time as portions of the existing structure and pavements are removed, the parcel shall be intensively surveyed using 5-meter parallel transects by the archaeologist contracted by the client. This pedestrian survey shall constitute a formal resurvey of the project area. Results of this resurvey shall be reported to the City of Santa Barbara Environmental Analyst. The archaeologist shall remain present to monitor initial grading or other soil disturbance within the parcel. Any historical trash outs, should they

occur, will be located within the initial 2-3 feet of soil. Buried sites, artifacts or other remains have been documents in Santa Barbara County at depths in excess of three feet.

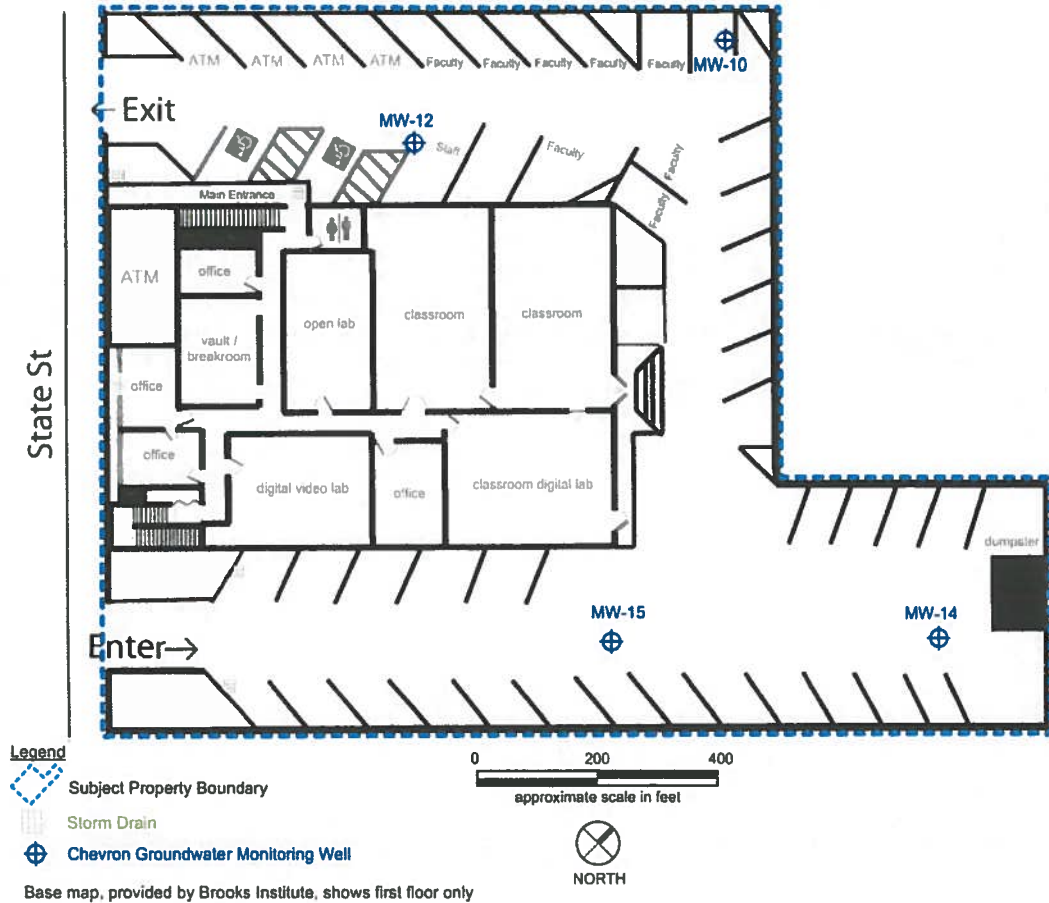
3. In the event that a trash pit or other potentially significant historic feature is discovered during monitoring, all work in the immediate area of the find shall be halted, the remains recorded in the field by a qualified archaeologist, and procedures set forth in the Cultural Resources Section of the Master Environmental Assessment (MEA) be implemented to evaluate the importance of those resources. These

Recreational Trails and Creek Impacts. There are no existing or proposed designated recreational trails or easements traversing the site. The property is not adjacent or near a creek or other water course.

Tree Survey. A tree survey has been performed by Speiwak Consulting Arborists. Please see enclosed report. There is an existing oak tree located on the property to the direct north of the site. The arborist's report determined that a number of the limbs extending onto the 1722 State property will need to be trimmed in order to facilitate the proposed project installation. The report also notes that this tree will suffer no ill effects as a result of this trimming and should continue to grow vigorously on the adjacent property it is located on.

No trees in the front yard set-back or public right of way are proposed for removal.

Phase I Environmental Analysis. A Phase I Analysis has been performed as part of this project application. Rincon Consultants has determined that there are no existing contaminants, fuel storage facilities, or other dangerous substances located on site. Further information on existing monitoring wells has been provided as follows below.



Monitoring Wells on site.

Four monitoring wells (located on site to evaluate VOC contaminants in the groundwater emitted from the Chevron gas station located at State Street and Islay) are currently located on site. They are proposed to remain in the same location for the short-term. As of April 14, 2011, Holguin Fahan, environmental engineers for Chevron, submitted a site closure summary to the County of Santa Barbara LUFTS program to close the monitoring associated with the Chevron station. VOC's in the groundwater continue to trend downward and are now below state and federal EPA safety thresholds. Some contaminants are now absent altogether and have not been sampled within monitoring wells for many

months. Per Holguin Fahan, official closure by the County Fire Department takes up to six months. Once the closure has been approved by the Fire Department, the monitoring wells from the 1722 State Street site will be removed.

A health risk assessment was performed for a previous mixed use application at this site by the Fire Dept. LUFTS program. At that time they determined that contaminated ground water would not impact the health or safety of commercial and residential receptors on site.

A copy of the site closure report is included with this application.

The Applicant was asked to secure confirmation from the Fire Dept. that contaminated ground water and monitoring wells on site would not contribute to health risk for on-site users/residents, and would not result in additional vapor barrier requirements as part of the proposed project.

To quote the Fire Department's findings:

"1,2-Dichloroethane (EDC) has been detected in the ground water at the subject site (1800 State Street gas station) at a concentrations up to 387 micrograms per liter, which exceed the threshold for drinking water toxicity. The San Francisco Bay Regional Water Quality Control Board has published Environmental Screening Levels (ESL's) for evaluating the potential health risk from soil, ground water and soil vapor contamination in their November 2007 document titled "Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater". The ESL for EDC vapor emissions from groundwater to indoor air is 204 micrograms per liter. Because the maximum EDC concentration in groundwater beneath the project site (38 micrograms/liter) is below the threshold of 204 micrograms/liter, no additional investigation of soil vapor is required at the subject site, and no vapor mitigation measures would be required." (N. West, Santa Barbara County Fire Department – 11. 2007).

Since that date, Holguin Fahan, environmental engineers for Chevron and the gas station at 1800 State Street (the original source of ground water contamination), have submitted a site closure summary report (April 11, 2011 – see enclosed). In that report, EDC at monitoring wells 10, 12, 14, and 15 (those located below the subject site, 1722 State Street), was measured at a maximum count of 3 micrograms/liter, demonstrating a continual and significant reduction in total micrograms per liter (see Table 2, *Site Closure Summary Report for Chevron, April 11, 2011*, for respective well analysis). Total EDC counts are now well below Regional Water Quality Control Standards, and continue to require no vapor barrier or additional mitigation on site pursuant to development.

Per Mark Fahan, Vice President of Holguin, Fahan & Associates in an

email sent 4.14.2011 (copied included with this response), the processing time for LUFTS review and certification of a site closure report typically takes about six months. The applicant anticipates receiving copy of said certification in fall of 2011.

Anticipated Generation of Hazardous Materials

The surgery and medical office will generate certain bio-hazardous materials and sharps materials as part of their operations. These biohazards will be collected by a vendor/contractor licensed to dispose of this particular type of waste, per State Health Code Standards. The proposed project will not use or dispose of any other hazardous materials. Medications will be audited and disposed of by authorized vendor. None of the above noted waste products will be disposed of into the City's general waste and recycling stream.

Parcel Map / CC & R

A tentative parcel map is anticipated as part of this application. As part of the subdivision map review and development of the final subdivision agreement, private CC & R's will be developed for all commonly shared features, including but not limited to shared sewer laterals, driveway maintenance, and a long term plan for handling of solid waste and recycling.

Trash and Recycling.

The weekly generation of trash on site will be 2.21 cubic yards. Pursuant to a review of the site plan by Tito Escarcega of Marborg Industries, six 64 gallon receptacles would be necessary to service the proposed project – three for trash, three for recycling. Trash will be staged in a screened enclosure per City of Santa Barbara standards. Medical waste will be disposed of by third party vendor to be retained by tenants of the building and will follow State and Federal guidelines for safe disposal of medical hazardous waste.

Water Meters

There is currently one water meter servicing the site. Two commercial water meters are proposed - one at each floor of the project, and one irrigation meter is proposed to address site landscaping and common area demands. Sub-metering will be installed as necessary. Meter sizing will be determined at the time engineering documents are prepared.

Fire Hydrant. The closest existing fire hydrant is located at the corner of Islay and State Street. As part of the project's engineering the project applicant will confirm that fire and sprinkler service will be sufficient to service the proposed project.

Automatic Fire Sprinklers. Per Fire Department standards, an automatic fire sprinkler system is required to be installed in all new buildings having floor areas in excess of 5,000 sf. In this particular project, fire sprinklers will be included in all buildings, including attic spaces, and will be design for the specific occupancy they are servicing. Fire sprinklers will be provided under separate permit as a deferred submittal.

Fire Alarm System. A commercial fire alarm system is required for this project. The alarm system must notify all occupants in the case of a fire. The final system as designed will include automatic smoke detection in all commercial condominium spaces. A note will be included on the plans stating that a fire alarm fire system will be provided under a separate permit.

Soils Report. A soils report has been included as part of this submittal package.

Hydrology Report. A hydrology report has been submitted by Insite Civil Engineers as part of this application.

DEMOLITION AND CONSTRUCTION TIMING

Please see demolition and construction narrative submitted by McGillivray Construction and included as part of this package.

CONCLUSION

We believe this proposal is ideally suited for this site. As an infill mixed use project, the property presents significant opportunities to address many of the City's goals and policies for provision of pedestrian scale commercial, sustainable design, and will respond to current market demand for quality medical and surgery facilities in the downtown area. The proposed use is compatible with surrounding uses, many of which are medical in nature.

We very much look forward to a discussion with City staff and a conceptual review with the Planning Commission to explore the merits of this proposal.

Sincerely,



Jan R. Hochhauser, A.I.A.
Principal Architect



HISTORIC LANDMARK COMMISSION
CASE SUMMARY

MST2011-00189

C-ADDITION

1722 STATE ST

Page: 1

Project Description:

Proposal to convert an existing two-story, 7,200 square foot bank building to a new surgery center and construct a 5,721 square foot, two-story addition. The existing 52 parking spaces will remain and new landscaping will be added to this 28,875 square foot parcel. The project requires Planning Commission review for a Conditional Use Permit, a Development Plan, a Transfer of Existing Development Rights and a Tentative Subdivision Map for up to eight commercial condominiums. The previously-approved mixed-use project is proposed to be withdrawn.

Activities:

11/9/2011 **HLC-Concept Review (Continued)**

(Second Concept Review. Project requires Environmental Assessment, Compatibility Criteria Analysis, and Planning Commission review.)

DRAFT:

Motion: Continued to the Planning Commission with the finding that the Compatibility Analysis criteria have been met as stated in Subsection 22.22.14.B and 22.68.045.B of the City of Santa Barbara Municipal Code and return to the Full board with the following comments:

- 1) The Commission had generally positive comments to the architecture.*
- 2) The proposed set backs are supported.*
- 3) The architecture is to be modulated to be more in keeping with the Guidelines.*

Action: Shallenberger/Murray, 3/2/1. Motion carried. (Suding stepped down. Sharp abstained, Drury absent)

11/1/2011 **HLC-Correspondence/Contact**

Email to Jan Hocchauser 11-1-11:

Hi Jan,

Even though you feel the project is on track, I still felt like I should send this Compatibility Criteria Analysis.

Thanks,

SG

Susan Gantz, Planning Technician II

Activities:

*City of Santa Barbara
Community Development Department - Planning Division
Design Review & Historic Preservation
630 Garden Street
Santa Barbara, CA 93101
(805) 564-5470, ext. 3311
sgantz@santabarbaraca.gov*

11/1/2011 **HLC-Resubmittal Received**

Outstanding fees were paid.

5/25/2011 **HLC-Concept Review (New) - PH**

(Project requires Environmental Assessment, Compatibility Criteria Analysis, and Planning Commission review.)

(4:19)

Present: Jan Hochhauser and Jay Blatter, Architects; and Howard Gross and Edward Steinfeld, Owner Representatives

Receipt of a letter from Steve Welton, neighbor, was acknowledged.

Public comment opened at 4:28 p.m.

Kellam de Forest, local resident, commented on the monolithic design.

Public comment closed at 4:29 p.m.

Motion: Continued indefinitely with the following comments:

- 1. The proposal is appreciated. The majority accepts the direction of the proposal.*
- 2. Strict classicism is the appropriate architectural style.*
- 3. Some fenestration is needed on the north elevation.*
- 4. One Commissioner felt that the proposal was too monolithic and mausoleum-like, and that the proportions are not Palladian and not in keeping with the El Pueblo Viejo Guidelines.*
- 5. Begin considering lighting, placement of fire backflow preventers, transformers, emergency generators, etc. They will all need to be screened.*

Action: Drury/Boucher, 7/1/0. (La Voie opposed: finds the design inconsistent with the EPV Guidelines.)

Motion carried.

5/25/2011 **HLC-Notice Prepared-PC/SHO Req**

Activities:**5/10/2011*****HLC-Correspondence/Contact***

Email from Case Planner Allison DeBusk to Susan Gantz 5/9/11:

Looks like they're OK to go to conceptual review.

Allison De Busk

Email from Steve Foley to Case Planner Allison DeBusk on 5/9/11:

Hi Allison,

I spoke to Jan Hochhauser and reviewed his revised proposal. He has made two changes to the parking that appears to provide me with enough information to feel comfortable with the parking layout. He proposed to change the angle of two of the compact spaces in the R-3 zone to 90 degrees so that exit maneuvers do not require vehicles to back up to reach the circulation aisle. Also, he said that he could provide an additional foot of bay width space in the 45 degree angled parking area for a total of 46 feet per my request. Though this is greater than the minimum shown in the existing Parking Standards, I explained that we have received feedback from users of lots with angles less than 60 degrees that they are problematic. Based on our research and future recommended Parking Standard changes, the 46 foot bay width should be adequate for this lot arrangement.

These were my main concerns in the pre-plan check comments. Other issues identified are not considered as project halters.

Let me know if you have any questions,

Steve

5/6/2011***HLC-FYI/Research***

Routed to Steve Foley in Transportation to review maneuverability per Allison's plan check comments/corrections. Steve glanced at the site plan when I routed it to him and preliminarily thought that there might not be enough information on the plan to make a determination on the parking. If it is definite that he cannot do the plan check and revised plans are required, Case Planner Allison DeBusk does not want it to proceed to the one-time HLC Concept Review and wants it halted. Also, Allison had a number of not insignificant prelim plan check corrections.

4/27/2011***HLC-Posting Sign Issued******HLC-Mailed Notice Prepared***

Hearing date unknown but draft notice prepared and in HLC Mailed Notice Directory. Plans have been routed to DYK for prelim zoning plan check. Susan to coordinate with assigned planner on meeting date so notice can be mailed.