



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

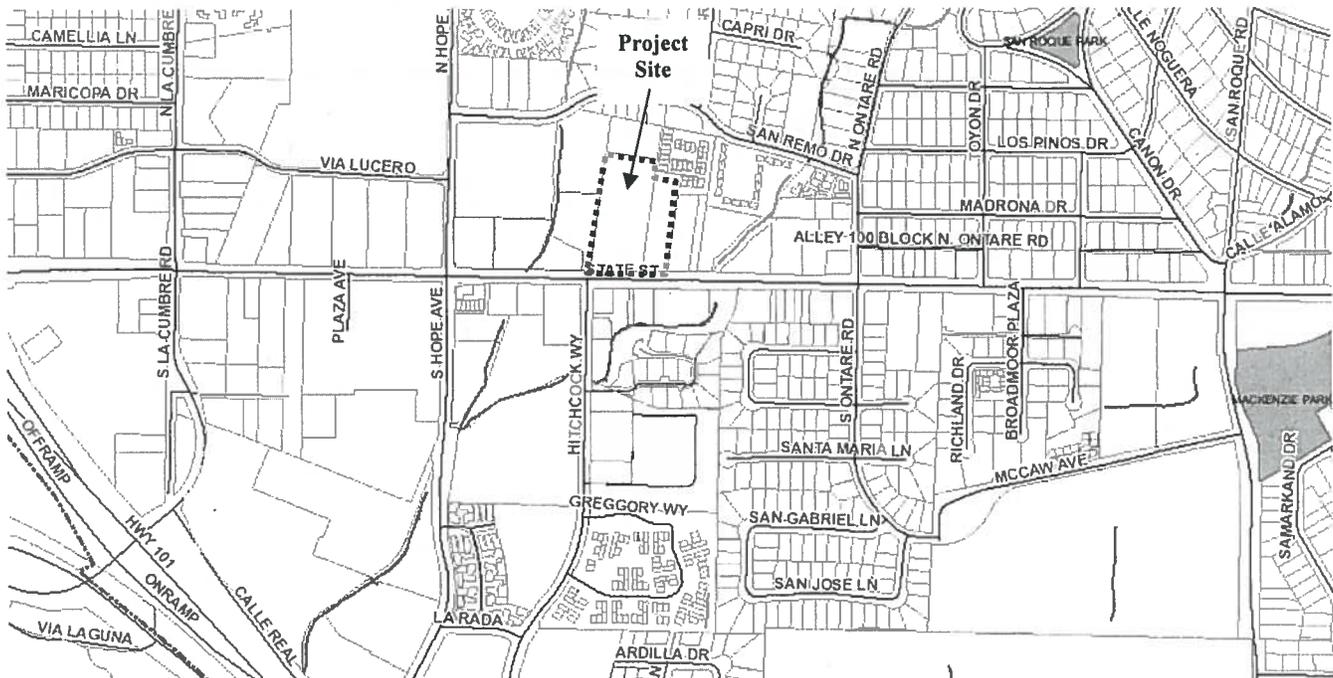
**REPORT DATE:** December 13, 2012  
**AGENDA DATE:** December 20, 2012  
**PROJECT ADDRESS:** 3714-3744 State Street (MST2012-00443)  
 Sandman Inn Redevelopment - Revised  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner  
 Allison De Busk, Project Planner

*DJK*  
*AD*

### I. PROJECT DESCRIPTION

Concept Review of a revised development proposal for the approved Sandman Inn Redevelopment Project. The previously approved project includes demolition of existing site development (hotel, restaurant and commercial) and construction of 14,612 square feet of office/commercial space and 73 residential condominiums.

The current conceptual proposal includes demolition of existing site development and construction of 5,274 square feet of office space and 72 residential condominiums. Refer to Project Statistics for a complete breakdown of the Approved Project and proposed conceptual development on the project site.



Vicinity Map – 3714 and 3744 State Street

## **II. RECOMMENDATION**

Provide feedback to the applicant on this conceptual proposal.

## **III. BACKGROUND**

Refer to Exhibit B for a complete discussion of the history of this development project. Only the most recent history is discussed below.

### **Approved Project**

On December 17, 2009 the Planning Commission approved the Sandman Inn Redevelopment project (hereinafter referred to as the "Approved Project"). In approving this project, the Planning Commission granted the following discretionary applications:

1. A Lot Line Adjustment transferring 2.22 acres from APN 053-300-031 to APN 053-300-023.
2. A Development Plan to allow construction of more than 10,000 square feet of total floor area in the C-P Zone (SBMC §28.54.120).
3. A Modification of the lot area requirements to allow one over-density unit (bonus density) (SBMC §28.92.110.A.2).
4. A Tentative Subdivision Map (TSM) for a one-lot subdivision to create 73 residential condominium units and 2 commercial condominium units (SBMC Chapters 27.07 and 27.13).

The Planning Commission also certified the Final Environmental Impact Report (EIR) for the project on December 19, 2009. The Final EIR included analysis of both a "Proposed Project" (hotel and residential) and the "Applicant's Alternative" (office and residential). The Approved Project was a slightly modified version of the Applicant's Alternative. Refer to Exhibit B – Planning Commission Staff Report, for additional details.

These approvals (certification of the EIR and approval of the project) were appealed to the City Council by Citizens Planning Association and Allied Neighborhoods Association. On March 9, 2010, the City Council denied the appeal and upheld the Planning Commission's certification of the EIR and approval of the project. City Council Resolution No. 10-020 (Exhibit C), adopted on April 20, 2010, sets forth the findings for that Council decision, and includes the conditions of approval for the project.

### **Reason For Revisions**

The applicant has determined that the Approved Project is not financially feasible to construct, primarily due to the large underground garage. Refer to Exhibit A – Applicant Letter, for additional information.

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

<b>Applicant:</b>	Ken Marshall, Dudek		
<b>Property Owner:</b>	Kellog Associates		
<b>Site Information</b>			
<b>Parcel Number(s):</b>	053-300-023 and -031	<b>Lot Area:</b>	4.58 acres
<b>General Plan:</b>	Commercial/Medium High Density Residential and Medium High Density Residential	<b>Zoning:</b>	C-P/SD-2 and R-4/SD-2, and C-P/SD-2 and R-3/SD-2
<b>Existing Use:</b>	hotel, restaurant, commercial	<b>Topography:</b>	flat
<b>Adjacent Land Uses</b>			
	North – Residential South – State Street and Commercial		East - Commercial West – Office, Commercial

**B. PROJECT STATISTICS**

	<b>Approved Project</b>		<b>Conceptual Proposal</b>	
<b>Total Residential Units</b>	73		72	
<b>1-Bedroom</b>		2		0
<b>2-Bedroom</b>		52		48
<b>3-Bedroom</b>		19		24
<b>Total Bedrooms</b>	163		168	
<b>Market-Rate / Inclusionary</b>	62 / 11 (9 Inclusionary required)		63 / 9 (9 Inclusionary required)	
<b>Total Residential SF</b>	89,896 sf		93,460 sf	
<b># of Residential Bldgs.</b>	22		10	
<b>Residential Parking</b>	172 spaces (includes 7 extra shared spaces)		162 spaces	
<b>Office</b>	Lot A = 13,075 sf		Lot A = 3,587 sf	
	Lot B = 1,537 sf		Lot B = 1,687 sf	
<b>Office Parking</b>	71 spaces		26 spaces	
<b>FAR for Entire Site</b>	FAR = 0.53		FAR = 0.50	

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Approved Project	Proposed Conceptual Project
<b>Setbacks</b> -Front	10' for 1-story ≤15 feet 20' for 2-story or >15 ft	2-story at 20 feet	1-story at 10 feet
-Interior	Commercial = N/A 1- or 2-story bldg = 6 ft, 3-story bldg = 10 feet	Commercial at 27 feet 1-story at 8 feet 2- and 3-story at 10 feet	Commercial at 1 foot 3-story at 10 feet
-Rear	1st floor= 6 feet, 2nd/3rd floor = 10 feet	3-story at 18 feet	3-story at 15 feet
<b>Building Height</b>	45 feet, 3 stories	35 feet, 3 stories	38 feet, 3 stories
<b>Parking</b>	1 per 200 sf commercial 2 per residential unit	Office/Commercial = 71 Residential = 163 Shared = 7	Office/Comm'l = 26 Residential = 162
<b>Open Space</b>	15% of residential lot	16.6% (25,883 sf)	33% (60,133 sf)
<b>Lot Coverage</b>			
-Building	N/A	64,700 sf 32.5%	72,484 sf 36%
-Paving/Driveway	N/A	76,812 sf 38.5%	62,996 sf 32%
-Landscaping	N/A	57,919 sf 29%	54,763 sf 27%

The conceptual proposal appears to comply with the zoning ordinance, and no modifications would be required.

**VI. DISCUSSION**

In summary, the primary differences between the Approved Project and the conceptual proposal are:

1. Reduction of 9,338 sf of commercial/office space. This reduction would eliminate the requirement for the previously approved Development Plan in the C-P zone.
2. Change from three two-story office/commercial buildings along State Street to three one-story office/commercial buildings along State Street (in a different configuration); front setback changed from 20 feet to 10 feet.
3. Office building moved closer to Hitchcock/State intersection, and corner plaza eliminated.
4. Reduction of one residential unit (two inclusionary units eliminated). This reduction would eliminate the requirement for the previously approved Modification of lot area requirements (previously required because the Approved Project included two additional inclusionary units (above the required 15%), which resulted in one unit above the maximum density permitted).

5. Elimination of the underground parking garage (121,800 square feet and containing 167 parking spaces and residential storage); replaced with at-grade parking garages for each residential building, accessed off a woonerf<sup>1</sup>.
6. Clustering of more units into each building, and a reduction in the total number of buildings. Approved Project has 22 buildings that contained 2-5 units, conceptual proposal has 10 buildings that contain 4-10 units each.

### **Environmental Review**

It is anticipated that the conceptual proposal would require preparation of an addendum to the Final EIR. No formal environmental review has occurred. The Approved Project did not result in any Class I (Significant) impacts; however, there were several Class II (Potentially Significant, Mitigable) impacts associated with the Approved Project:

- Visual Resources (tree removal),
- Geologic Hazards (ground shaking),
- Noise (long-term for residential units near State Street and ramp to parking garage, and construction noise for adjacent residents),
- Public Services (solid waste, short- and long-term),
- Transportation / Circulation (relocation of Town and Country Apartment access), and
- Water Environment (water quality, short- and long-term).

Of these Class II impacts, visual resources and noise would be most affected by proposed project changes. Visual simulations for the conceptual project are provided in the project plans. It is anticipated that elimination of the underground parking garage would significantly reduce construction duration and noise.

Class III impacts associated with the Approved Project include:

- Air Quality (construction),
- Biological Resources (impacts to nesting birds due to tree removal),
- Cultural Resources (ground-disturbing activities), and
- Transportation/Circulation (construction traffic, median extension to restrict left-turns into the site, and assigned parking).

### **Design Review**

This conceptual proposal has not yet been reviewed by the ABR.

## **VII. CONCLUSION / NEXT STEPS**

The existing approvals are scheduled to expire in April 2014. If the applicant chooses to proceed with the conceptual proposal, it would require a formal DART process so that staff from various departments can review the project to ensure compliance with current policies and regulations. Conceptual design review would be required. The Community Development Director would need to determine if the conceptual proposal could be handled as a Substantial Conformance Determination (SCD) or as an Amendment to the Approved Project.

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<sup>1</sup> A woonerf is a living street where the needs of the car are secondary to the needs of other users (pedestrians, cyclists, playing children); it is a shared space designed for multi-use. An example of a similar "woonerf" design in Santa Barbara is at the Bella Riviera development at 601 E. Micheltorena Street.

Environmental review, as discussed above, would be required. If the project is handled as a SCD, the project would return to the Planning Commission for comments at a public hearing, with the final determination made by the Community Development Director. If handled as an Amendment to the Approved Project, it would return to the Planning Commission at a public hearing for formal action on the required approvals. If the existing approvals expire, the project would be processed as a brand new project.

Exhibits:

- A. Applicant's letter dated November 2, 2012 and Errata Memo dated November 21, 2012
- B. Planning Commission Staff Report, December 17, 2009
- C. City Council Resolution No. 10-020
- D. Concept Site Plan (November 20, 2012)

# DUDEK

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November 12, 2012

City of Santa Barbara Planning Division  
Attn: Allison DeBusk  
630 Garden Street  
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RECEIVED  
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CITY OF SANTA BARBARA  
PLANNING DIVISION

**SUBJECT:** Planning Commission Conceptual Review Submittal for the Sandman Inn Revised Redevelopment Proposal located at 3714-3744 State Street, City of Santa Barbara. The subject property includes the following parcels and addresses:

APN	Street Address	Acreage
053-300-023	3714 State Street	1.37 acres
053-300-031	3744 State Street	3.22 acres

Dear Ms. DeBusk:

Kellogg Associates is submitting this master plan application package with the intention of developing an integrated mixed use project containing commercial office and residential condominiums on the property commonly identified as 3714-3744 State Street, in the Outer State Street area of the City of Santa Barbara. Please accept this as the Applicant Letter, including formal Project Description for this submittal.

## **Background:**

On April 20, 2010 the City Council approved a Development Plan for the property which included office space, two commercial condominiums, and 73 residential condominiums (Resolution 10-020). The applicant has since determined the approved project would not be financially feasible to implement; the rationale for this conclusion is discussed in detail later in this letter. The applicant is now presenting a proposal similar to the development approved, but with a redesign capable of achieving financial viability with respect to ultimate project implementation while reducing environmental impacts. This letter will provide discussion comparing the proposed development against existing site conditions and against the version of the project approved by the City in April 2010.

### **Surrounding Area:**

The project site is bound by State Street on the south, across which are located fast food restaurants and a commercial car wash facility. Office buildings generally abut the subject property on the east side, with residential condominiums or apartments bordering the property on the northeast, north, and northwest. Commercial office buildings also abut the subject property on the west. The subject property contains two parcels (APN 053-300-023 and -031). Zoning on the property includes commercial (C-P, Restricted Commercial) on approximately the southern 2/3 of the property fronting State Street, and residential (R-4 and R-3, Multi-Family Residential) on approximately the northern 1/3 of the property. The residential zoning designation relates to adjoining residences along San Remo Drive to the north of the project.

Existing land uses to the south of the project site consist primarily of fast-food restaurants, with other commercial uses such as carwash and office building. To the east of the subject property along the State Street frontage land uses are predominantly office buildings, with a gas station at North Ontario Road and State Street. Northeast, north, and northwest of the subject property land uses are exclusively multi-family residential between the subject property and San Remo Drive. Along the north side of San Remo Drive, land uses are characterized by single family residences. To the west of the subject property along the State Street frontage land uses are predominantly office buildings, with three banking institutions represented between the subject property and the North Hope Avenue intersection.

### **Existing Conditions:**

The project site is currently developed with the Sandman Inn Hotel and a free-standing restaurant structure. Existing structures on the project site include the 5,050-square-foot restaurant, with capacity for 216 patrons, and the Sandman Inn Hotel, with 113 rooms comprising a total of approximately 47,765 square feet. The existing structures include single and two-story, 1960s-style buildings distributed throughout the property, interspersed with parking and open areas, swimming pools, and existing landscaping. *Table 1* compares existing conditions on the project site against the current development proposal and the April 2010 development approvals.

Vegetation on the project site is characterized by specimen non-native plants, of largely subtropical varieties such as palms, bird of paradise, and yucca, as well as jacaranda, coral, and one cedar tree.

## **2010 APPROVED DEVELOPMENT**

The City of Santa Barbara approved a mixed use development for the subject property in April 2010. The approval includes a two-lot subdivision, which created Lot A and Lot B. For Lot A, the City approved an office complex consisting of 13,075 square feet, housed in a two-story structure not exceeding 31 feet in height. For Lot B, the approval entails two commercial condominiums totaling 1,537 square feet and 73 residential condominiums. The commercial condominiums are restricted to a maximum height of 25 feet; the residential condominium structures are limited to a maximum height of 35 feet.

A total of 242 parking spaces were provided in the existing approval, 58 of which are located in uncovered surface parking lots and 184 of which are located in a 121,800 square foot underground parking structure on Lot B. This parking structure required the excavation of 2.8 acres to a depth of greater than 13 feet involving over 58,000 cubic yards (more than 2,650 truckloads using 22 cubic yard capacity trucks) of exported soil.

Of the approved 73 condominiums, 2 are one-bedroom, 52 are two-bedroom, and 19 are three-bedroom. The total number of bedrooms in the approved development is therefore 163. Eleven of the approved 73 condominiums are designated for middle-income households, pursuant to the City of Santa Barbara's Affordable Housing requirements.

The residential condominiums were to be located in 22 separate buildings, 4 of which were two story, and 18 of which were three story. Seven of the residential buildings contained two units, and 12 contained four or five units.

A final aspect of the approved project was the construction of a new driveway access from the Town and Country Apartments (to the North of the project site) to San Remo Drive. This relocated access and the related quitclaim of a 30' driveway easement bisecting the project site has been completed.

## **RATIONALE FOR REVISION TO PROPOSED DEVELOPMENT CONCEPT**

During 2007-2011, the economy went into a substantial downturn from which it is just beginning to emerge. As a result of this economic downturn, the approved project became practically and economically unfeasible.

- Values of condominium housing in the City of Santa Barbara reduced dramatically.
- Construction prices (steel and concrete) increased.
- Pricing analysis showed that the cost of constructing the underground parking was prohibitive and, in fact, exceeded the value of the entire property itself.

- Marketing research showed that the configuration of the approximately 3-acre underground parking lot was not acceptable to many potential purchasers of condominium units.

The Sandman owner wanted to achieve the benefits of the Sandman project for the City. These benefits included:

- A redevelopment of an almost entirely asphalt paved or roofed property with outdated '60s improvements and non-conforming setbacks.
- The provision of "right size" residential units desired by the City in a mix of flats and multi-story units.
- A reduction of traffic, curb cuts and substantial commercial footage along State Street.
- An increase of public space, sidewalk, bus stop, pedestrian connectivity and open space.
- Opening up of views to the mountains from State Street.
- The location of desirable housing in the City on a transit corridor and walking distance from the YMCA, the Whole Foods Market and La Cumbre Plaza Shopping.

The Sandman owner reviewed the City looking for various models on which to base a revised Sandman project. It knew it wanted to avoid the "sea of garage doors" look which often accompanies surface parked residential projects. It then held a design competition for with several local and national architects, looking for the best ideas on how to redesign the project. The result of this process is the revised Sandman residential project proposed for conceptual review which eliminates the underground parking. The proposal involves a substantial downsize of the commercial component of the project and its attendant parking, as well as a reduction in the number of residential units by one (1). This revised project attempts to preserve all of the material benefits to the upper State Street area of the Approved Project.

## **PROPOSED DEVELOPMENT**

### *Commercial Space*

The proposal includes three separate commercial structures fronting State Street. Each of these is proposed to be reduced to a single story in height. The single-story design for these buildings is intended to provide a pedestrian-friendly scale for the State Street frontage, as well as minimizing view obstruction from State Street toward the Santa Ynez Mountains for pedestrians and travelers along the important State Street corridor.

At grade-parking for the commercial spaces is provided behind each building, shielded from State Street vantage points. The commercial building sizes are indicated below.

PROPOSED COMMERCIAL STRUCTURES SUMMARY

East Building	1,687 square feet
Central Building	1,612 square feet
West Building	<u>1,975 square feet</u>
TOTAL COMMERCIAL:	5,274 square feet

The proposed elimination of 9,338 square feet of commercial along State Street has two significant benefits for the project. The reduction in area allowed the buildings to be designed as one story buildings typical of many areas of upper State Street. It also eliminated the need for 47 commercial parking spaces in the project, freeing up more space for residential parking. The easterly proposed building has been designed to allow for the preservation in place of the prominent blue cypress currently existing on the State Street frontage.

*Residences*

The Sandman Inn Revised Redevelopment proposal includes a total of 72 residential units, housed in 10 separate buildings; forty-eight of the proposed units would be two-bedroom, while 24 units would be three-bedroom; ranging in size from 835 square feet to 1,459 square feet. The buildings are a combination of one, two and three stories, with private garages incorporated into the ground floor of each building.

A single vehicular entrance to the private garages within each building minimizes the undesirable effect of repetitive garage doors for all of the total 116 covered parking spaces provided under the proposal. Living area on the ground floor of seven of the ten proposed residential structures humanizes this level of the building, further diminishing any visual effect of the dedicated parking area for each structure. A two-story townhouse carries the living area to the second floor on one façade of these residential structures. In four of the buildings, the living space directly above the parking area is comprised of two levels of residential flats (thirty-two total). The remaining buildings have two story townhomes above the parking (forty total).

The breakdown of residential structures, together with a comparison to the approved project, is provided below.

Table A Residential Structures Summary				
	Approved		Proposed	
	Quantity	No. Bdrms.	Quantity	No. Bdrms.
1 Bd. 2 story	2	2	0	0
2 Bd. 2 Story	26	52	16	32
2 Bd. Flat	26	52	32	64
3 Bd. 2 Story	10	30	24	72
3 Bd. 3 Story	9	27		0
Totals	73	163	72	168

The residential portion of the site would also include a single-story community building and ample central common open space for passive recreation use by residents. The reduction of the number of buildings has resulted in the project's ability to propose 32% common open space, well in excess of the City's minimum 15% requirement.

*Parking*

The most significant aspect of the proposed project is the elimination of the 2.8 acre underground parking structure. The parking will now all be located on the surface, in a combination of first floor garages and uncovered parking spaces.

Required parking for the proposed development is distributed logically around the site, in proximity to the use with which it is associated. An individual at-grade (surface) parking lot is provided behind each of the commercial structures, which accommodates the number of parking spaces required for that individual commercial building. Several parking spaces for residential use are also located in these parking lots, proximate to the first (southerly) row of residential structures.

Each residential structure has a core garage as a portion of the building ground-level, which accommodates at least one covered parking space per residential unit in the structure (in accordance with municipal code requirements). Most of the units are afforded a second covered space in the building garage. The balance of required residential parking spaces, whether the second space for the unit or required guest spaces, are provided in surface parking lots behind the commercial buildings and along the westerly property boundary (shielded from State Street vantage points) or adjacent to the small community building.

Refer to **Table 1** below and the site plan for statistics and locations for the proposed parking spaces.

#### *Open Space*

Grouping the proposed residences into ten structures instead of the approved project's 22 structures allows comfortable space separating the structures, and a generous open space in the center of the residential portion of the project. Vehicular access to buildings is limited to a single side of the internal drive, and the visibility associated with open space along the drive both invites pedestrian activity and ensures safety of pedestrian and vehicular activities on the drive, allowing it to function as a Woonerf (a Dutch term for streets where pedestrians and bicyclists have priority over cars). The site is ideally situated within walking and biking distance of banking services, groceries, restaurants, and retail; inviting walking conditions on-site will help to encourage walking trips off-site as well.

Refer to **Table 1** below and the site plan for statistics and locations for the proposed open spaces.

#### *Sustainable Design*

We continue to be committed to incorporating sustainable design principles, technologies and systems into this revised development plan. The project meets the Development Density & Community Connectivity standards recommended in LEED. It will incorporate Best Management Practices for storm water management and landscaping maintenance. Flat roofs are utilized throughout to allow for the installation of solar energy systems and it will meet or exceed the newly adopted CALGreen Code which promotes energy, water & building material efficiency and conservation.

#### *Land Use Zoning and Development Density*

Three different zone districts are present on the subject property: C-P, R-3, and R-4. The proposed multi-family residential development is an expressly permitted use in each of these zones. The proposed commercial and office uses are expressly permitted in the C-P zone, and are proposed to be located entirely within the existing C-P zone district boundaries. The proposed land uses are therefore consistent with the present zoning designations on the property.

The C-P zone district does not place an absolute limit on the amount of floor area which may be developed per lot area (which is termed development density). The size of buildings is dictated via height limit and minimum setback distances from the property

boundaries. The proposed commercial structures are well below the maximum allowable height (three stories and not exceeding forty-five feet (45')), and meet the setback distance requirements for the C-P zone district.

Residential development, on the other hand, is restricted by density limitations within each of the C-P, R-3, and R-4 zone districts. Allowable residential development is based upon "variable density" where the lot area square footage needed per residential unit varies with the number of bedrooms proposed to be included in the unit. The lot area required per unit is different for the C-P zone versus the R-3/R-4 zones. The residential density allowed under the base zoning on the property is illustrated below.

<b>Allowed Base Residential Density</b>			
<b>Zone</b>	<b>Lot Area (Sq. Ft.)</b>	<b>Per Unit Lot Area Required (Sq. Ft.)</b>	<b>Allowed Units</b>
C-P Zone	139,664	3500	39
R-3 / R-4	59,848	2320	25
TOTAL ALLOWED			64
PROPOSED			<b>63</b>

The City of Santa Barbara inclusionary housing ordinance requires that 15% of the total units be price-controlled according to affordable housing criteria. The inclusionary housing ordinance also provides an incentive for developers to locate affordable housing on the project site, by allowing all required affordable units as *bonus density*, without the need for a formal request and approval related to bonus density. A total of 9 affordable units are required for the base residential density proposed, which will be provided on-site. This brings the total residential density to 72 units.

**Table 1** on the following page provides a statistical comparison of existing conditions on the subject property, against the 2010 approved development for the site, and compared to the proposed revised development proposal. The proposed development concept reduces the intensity of land use and density of structural development, as compared to the 2010 Approved Project.

**Table 2** provides a summary comparison of the environmental effects of the proposed development concept against the 2010 Approved Project.

<b>TABLE 1</b>			
Comparison of Existing Site Conditions, 2010 Approved Development, and Proposed Development			
	Existing	Approved	Proposed
<b>Commercial Space</b>			
Restaurant	5,050 square feet	0	0
Hotel	42,715 square feet (113 rooms)	0	0
Office	0	13,075 square feet	5,274
Commercial	0	1,537 square feet	0
<b>Residential</b>			
Condominiums	0	73	72
Bedroom Count	0	163	170
Affordable Units	0	11	9
<b>Parking</b>			
Surface Spaces (uncovered)	+/- 150	58	72
Garage Spaces (covered)	0	184	116
<b>TOTAL PARKING</b>	+/- 150	242	188
<b>Building Heights</b>			
Lot A	Single Story – 21 ft. (Restaurant & Lobby)	Two Story – 31 ft. (Office Building)	Single Story – 21 ft. (Office Building)
Lot B	1 & 2 Story – 25 ft. (Hotel Guest Rooms)	Two Story – 24 ft. (Commercial) Two and Three Story – 35 ft. (Condominium)	Two and Three Story – 38 ft. (Condominium)
<b>Site Coverage</b>			
Building Footprint <sup>1</sup>	+/- 40,000 SF   20%	64,700 SF   32%	72,484 SF   36%
Hardscape <sup>1</sup>	+/- 150,000 SF   75%	76,893 SF <sup>2</sup>   39%	54,763 SF   27%
Open <sup>1</sup>	+/- 9,512 SF   5%	57,919 SF   31%	62,996 SF   32%
<b>TOTAL AREA</b>	<b>199,512 SF   100%</b>	<b>199,512 SF   100%</b>	<b>199,512 SF   100%</b>

<sup>1</sup> Approximate values deduced from aerial photograph, no actual references found.

<sup>2</sup> This hardscape does not include the 121,800 sf underground garage included in the approved project.

<b>TABLE 2</b>		
Comparison of Environmental Impacts 2010 Approved Development Vs. Proposed Development		
	Approved	Proposed
<b>Traffic &amp; Circulation</b>		
Commercial Portion (Average Daily Trips)	310	109
Condominiums (Average Daily Trips)	428	422
<b>TOTAL TRIPS</b>	<b>738</b>	<b>531</b>
<b>Air Quality</b>		
Short-Term Construction Emissions	Tons/Year	Tons/Year *
ROC	3.87	All Substantially Reduced
NOx	3.06	
SOx	0	
PM10	0.2	
GHG Emissions	Metric Tons CO2e/yr	Metric Tons CO2e/yr *
One-Time Total GHG Emissions	1,131.09	All Substantially Reduced
Net Annual GHG Emissions	338.57	
<b>Parking</b>		
Covered Parking Spaces		
Required by Zoning	73	72
Provided	184	116
Total Parking Spaces		
Required by Zoning	242	188
Provided	242	188
<b>Aesthetics</b>		
Perspective from State Street	Adverse but not significant; two story structure limit along frontage avoids total blockage of mtn views. Massing is acceptable.	Improved, compared to approved project; buildings on State Street frontage now one-story; less mass, reduced view blockage.
View Corridors	Adverse, no complete view corridor through site, but none exists currently.	Improved, unobstructed corridor nearly whole property.

\* Without the major excavation and extensive concrete fabrication for the underground parking garage the construction emissions would be far less than for the approved project. Annual GHG emissions once constructed would be substantially less than, the approved project based on approximately 28% reduction in average daily trips.

The EIR for the approved project estimated that the underground parking structure would take approximately thirty-two weeks to excavate and construct. The elimination of the underground parking would reduce site grading substantially, eliminate the need to export more than 58,000 cubic yards of soil, accelerate the construction process, and vastly reduce the project's environmental impacts and potential impacts on occupants of neighboring properties. These reductions will be very substantial, but have not been quantified for this conceptual review.

Santa Barbara Average Unit-Size Density (AUD) Incentive Program

The City Council has initiated consideration of adoption of an ordinance that would provide incentives to residential developers for provision of smaller average residential units, as one means of ensuring the development of adequate numbers of residences within the City to meet housing demands.

Given a fixed lot area, the AUD would permit a greater number of residential units to be developed, as the average size of the unit decreases. For example, within the Medium-High Density zoning overlay, if average unit size equates to 1,450 square feet, the allowance would be 15 units per acre; if the average unit size is decreased to 805 square feet, the allowance increases to 27 units per acre. Within the Medium-High Density zoning overlay, which includes the subject property, the maximum allowable floor-area-ratio (the ratio of interior square feet, measured as floor area, to the total lot area, also in square feet) is 0.5.

If the AUD is adopted by the City Council, the property owner would have the option to participate in this program. The proposed development is compared to potential allowances under the AUD below.

PROJECT DENSITY COMPARED TO PENDING AUD PROGRAM

Proposed Total Residential Floor Area	93,460 square feet
Proposed Total Units	72
Average of Floor Area Per Unit	1,298 square feet
Allowable Density for Average Size Unit	16 / Acre
Property Area	4.6 acres
Total Allowable Units	73
Maximum FAR Allowed	0.50
FAR of Proposed Project	0.47

The project as proposed would meet the density provisions of the AUD program currently under consideration for adoption by the City Council. It would also be compliant with the existing variable residential density provisions of the current C-P, R-3, and R-4 zones, in conjunction with bonus density allowances under the Inclusionary Housing Ordinance (since required affordable housing units would be provided on the project site).

### **REQUEST FOR DISCRETIONARY APPROVALS**

The applicant is requesting the following discretionary approvals:

1. Lot Line Adjustment to transfer area from APN 053-300-031 to APN 053-300-023.
2. Design Review by the Architectural Board of Review (SBMC Section 22.68).
3. Tentative Subdivision Map (TSM) for a one-lot subdivision to create 72 residential condominium units (SBMC Chapters 27.07 and 27.13).
4. Tree Removal Application within the Front Yard Setback by the Parks & Recreation Commission.

The above approvals were all granted under City Council Resolution 10-020. Consequently, as the proposed development reduces both commercial and residential aspects of the approved Project, it is anticipated that the Proposed Sandman Inn Revised Redevelopment could potentially be permitted under a Substantial Conformity Determination in conjunction with the existing approvals.

I hope this information provides you with the data necessary to proceed with scheduling Conceptual Review by the Planning Commission for the proposed Revised Sandman Inn Redevelopment. Should you require any additional information, please do not hesitate to call me at 963-0651 Ext. 3521 or e-mail me at [kmarshall@dudek.com](mailto:kmarshall@dudek.com).

Sincerely,



Kenneth E. Marshall, AICP  
Senior Environmental Planner

#### Attachments

cc: Greg Parker  
Brian Cearnal

# DUDEK

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

November 21, 2012

City of Santa Barbara Planning Division  
Attn: Allison DeBusk  
630 Garden Street  
Santa Barbara, CA 93101

**SUBJECT: Errata Memo** for the Planning Commission Conceptual Review Submittal for the Sandman Inn Revised Redevelopment Proposal located at 3714-3744 State Street, City of Santa Barbara. The subject property includes the following parcels and addresses:

APN	Street Address	Acreage
053-300-023	3714 State Street	1.37 acres
053-300-031	3744 State Street	3.22 acres

Dear Ms. DeBusk:

Kellog Associates is submitting this Errata Memo to provide clarifications to the November 12, 2012 Sandman PC Concept Review Application Letter.

In the Applicant's Letter, Table I should be revised as indicated on the following page.

I hope this **Errata Memo** provides you with the data necessary to proceed with scheduling Conceptual Review by the Planning Commission for the proposed Revised Sandman Inn Redevelopment. Should you require any additional information, please do not hesitate to call me at 963-0651 Ext. 3521 or e-mail me at [kmarshall@dudek.com](mailto:kmarshall@dudek.com).

Sincerely,



Kenneth E. Marshall, AICP  
Senior Environmental Planner

Attachments

cc: Greg Parker  
Brian Cearnal

<b>TABLE 1</b>			
Comparison of Existing Site Conditions, 2010 Approved Development, and Proposed Development			
	Existing	Approved	Proposed
<b>Commercial Space</b>			
Restaurant	5,050 square feet	0	0
Hotel	42,715 square feet (113 rooms)	0	0
Office	0	13,075 square feet	5,274
Commercial	0	1,537 square feet	0
<b>Residential</b>			
Condominiums	0	73	72
Bedroom Count	0	163	<del>170</del> 168
Affordable Units	0	11	9
<b>Parking</b>			
Surface Spaces (uncovered)	+/- 150	58	72
Garage Spaces (covered)	0	184	116
<b>TOTAL PARKING</b>	+/- 150	242	188
<b>Building Heights</b>			
Lot A	Single Story – 21 ft. (Restaurant & Lobby)	Two Story – 31 ft. (Office Building)	Single Story – <del>21</del> 15 ft. (Office Building)
Lot B	1 & 2 Story – 25 ft. (Hotel Guest Rooms)	Two Story – 24 ft. (Commercial) Two and Three Story – 35 ft. (Condominium)	Two and Three Story – 38 ft. (Condominium)
<b>Site Coverage</b>			
Building Footprint <sup>[1]</sup>	+/- 40,000 SF   20%	64,700 SF   32%	72,484 SF   36%
Hardscape <sup>1</sup>	+/- 150,000 SF   75%	76,893 SF <sup>[2]</sup>   39%	54,763 SF   27%
Open <sup>1</sup>	+/- 9,512 SF   5%	57,919 SF   31%	62,996 SF   32%
<b>TOTAL AREA</b>	<b>199,512 SF   100%</b>	<b>199,512 SF   100%</b>	<b>199,512 SF   100%</b>

<sup>[1]</sup> Approximate values deduced from aerial photograph, no actual references found.

<sup>[2]</sup> This hardscape does not include the 121,800 sf underground garage included in the approved project.



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** December 10, 2009  
**AGENDA DATE:** December 17, 2009  
**PROJECT ADDRESS:** 3714-3744 State Street (MST2007-00591)  
 "Sandman Inn Redevelopment"  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DK*  
 Allison De Busk, Project Planner *ALD*

### I. PROJECT DESCRIPTION

The project consists of the demolition of the existing 113 room Sandman Inn Hotel, Downtown Brewing Co. restaurant building, and all site improvements, and the construction of a new office complex consisting of 13,075 net square feet on Lot A, and two commercial condominiums totaling 1,537 net square feet and 73 residential condominium units on Lot B.

Ingress and egress for the offices would be provided by a driveway located on State Street between the offices and the commercial condominiums. This driveway would also provide secondary access to the residential units. Primary ingress and egress for the residential condominiums would be provided by a separate driveway on State Street at the eastern property line, leading to the underground parking garage. Access to the Town and Country Apartments (APN 053-300-032), which are located immediately north of the subject parcels, is currently provided through the project site. The proposed project would include permanent closure of that access. Access to the Town and Country Apartments would be provided by a new driveway on San Remo Drive, necessitating demolition of one unit of an existing duplex on a parcel north of the project site. The construction of this new driveway for the Town and Country Apartments is not a part of this application (MST2007-000591) but is considered in the CEQA environmental review, as it is a direct result of the proposed project.

The office development on Lot A would be contained within a two-story building with a maximum height of approximately 31 feet. A majority of the parking (46 of 63 required spaces) would be provided in an at-grade parking lot located behind the building. The remaining required parking spaces would be located along the at-grade driveway (3 spaces), in an existing adjacent parking lot onsite (4 spaces), and in the proposed underground parking garage on Lot B (10 spaces).

The commercial development on Lot B would have a maximum height of approximately 24 feet. Parking would be provided along the proposed at-grade driveway (5 spaces) and in the underground parking garage (3 spaces).

The residential development on Lot B would have a maximum height of 35 feet above finished grade, with parking provided in an underground parking garage. Of the 73 residential condominium units, two units would be one-bedroom units of approximately 873 square feet, 52 units would be two-bedroom units of between 1,080-1,350 square feet, and 19 units would be three bedroom units of between 1,425-1,520 square feet. The applicant proposes to provide 11 of the 73 project units (2 one-bedroom units, 5 two-bedroom unit and 4 three-bedroom units) at sales prices targeted to middle-income households earning from 120-160% of area median income, pursuant to the City of Santa Barbara's Affordable Housing requirements. The residential development would also include a Community Room of approximately 1,200 square feet, an enclosed service area and common open space areas located east and west of the driveway turn-around.

## II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Lot Line Adjustment to transfer 2.22 acres from APN 053-300-031 to APN 053-300-023.

*For the Office Portion:*

2. A Development Plan to allow construction of a building of 10,000 square feet or more of total floor area in the C-P Zone (SBMC §28.54.120).

*For the Condominium Portion:*

3. A Modification of the lot area requirements to allow one over-density unit (bonus density) on a lot in the C-P/S-D-2, R-3/S-D-2 and R-4/S-D-2 zone districts (SBMC Section 28.92.110.A.2).
4. A Tentative Subdivision Map (TSM) for a one-lot subdivision to create 73 residential condominium units and two commercial condominium units (SBMC Chapters 27.07 and 27.13).

## III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission certify the Final Environmental Impact Report (EIR), and approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.

**DATE ACTION REQUIRED:**

Within 50 days of Final EIR Certification



Vicinity Map – 3714-3744 State Street

#### IV. BACKGROUND / HISTORY

This project has gone through several iterations as part of the development review process. The following is a brief history of the project changes:

- The original proposal, submitted in 2003, consisted of construction of a three-story 113-room hotel and 64 residential condominiums (28 one-bedroom units and 36 two-bedroom units). It included underground parking for the hotel, and required front setback modifications for the hotel and residential development. The Planning Commission conceptually reviewed this version on July 17, 2003.
- In 2004, the project was revised such that some of the residential parking was relocated underground, and an interior setback modification was requested for portions of the residential development.
- In 2005, the project was revised to a three-story 112-room hotel and 73 residential condominiums (22 one-bedroom units, 14 two-bedroom units and 37 three-bedroom units). Access to the hotel was relocated to a driveway at the center of the site, and all residential parking was placed underground, with access at the eastern property line. The previously

requested interior setback modification request was eliminated. This version of the project was analyzed in an Initial Study, and an environmental scoping hearing was held on February 8, 2007. Although a Request for Proposals for preparation of an EIR was sent out, no consultant was ever hired, and the project was essentially put on hold pending conclusion of the Upper State Street Study.

- In November 2007, the hotel was revised to 106-rooms and the previously requested front setback modification was eliminated from the project. A revised Initial Study was prepared for this project, and an environmental scoping hearing was held on June 12, 2008.
- In 2008, prior to preparation of the EIR, the applicant submitted an "Applicant's Alternative" for consideration in the EIR, which consisted of construction of 14,254 square feet of office space in two two-story buildings and 73 residential condominiums (18 one-bedroom units, 14 two-bedroom units and 41 three-bedroom units). Parking for the offices was proposed in an at-grade parking lot behind the buildings, and residential parking remained underground. A concept review hearing was held on May 14, 2009, concurrent with the Draft EIR hearing.

The current project proposal was submitted on September 22, 2009 to respond to comments made by the Planning Commission and Architectural board of Review, and is very similar to the "Applicant's Alternative" described above. The primary changes, as compared to the Applicant's Alternative, include: adding office condominiums along State Street in place of open space area, and moving that open space area towards the center of the site; changing the residential unit mix to primarily two-bedroom units; and redesigning the underground garage, which now includes more open parking and common stairwells and elevators.

**V. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant: Brent Daniels, L&P Consultants	Property Owner: Kellogg Associates
Parcel Number: 053-300-023 and -031	Lot Area: 4.58 acres
General Plan: General Commerce/Offices, Buffer, Residential - 12 units per acre	Zoning: CP, R-3, R-4, SD-2 overlay
Existing Use: hotel, restaurant, commercial	Topography: flat
Adjacent Land Uses:	
North – residential	East – commercial
South – State Street and commercial	West – office, commercial

**B. PROJECT STATISTICS**

		Proposed	
Non-Residential Square Footage	14,612 net sq. ft.	Offices	13,075 sq. ft.
		Commercial Condos	1,537 sq. ft.
Residential Square Footage	91,081 net sq. ft. (includes 1,185 net sq. ft. community room)	1 Bd units (2)	873 sq. ft. ea.
		2 Bd units (52)	1,080 – 1,350 sq. ft. ea.
		3 Bd units (19)	1,425 – 1,520 sq. ft. ea.
<b>TOTAL</b>	<b>105,693 net sq. ft.</b>		

**VI. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance		Proposed	
	Lot A	Lot B	Lot A	Lot B
Lot Area	14,000 sq. ft. min.		43,458 sq. ft.	156,054 sq. ft.
Lot Frontage	60 ft. min. on public street		228 ft.	144.5 ft.
Setbacks				
Front	20 ft	20 ft	20 ft	20 ft
Interior	None Required	1- or 2-story bldg = 6 ft, 3-story bldg = 10 ft <sup>1</sup>	10 ft. min.	Generally 10 ft; 7 ft (1 <sup>st</sup> floor) for buildings with small 3 <sup>rd</sup> floor <sup>1</sup>
Rear	None Required	1 <sup>st</sup> floor = 6 ft, 2 <sup>nd</sup> and 3 <sup>rd</sup> floor = 10 ft	2 ft min. to trash enclosure	10 ft
Building Height	45 feet, 3 stories		31 feet, 2 stories	35 feet, 3 stories
Parking	63 spaces	Commercial = 8 spaces Residential = 163 spaces	63 spaces	Commercial: 8 spaces Residential: 163 spaces Extra: 7 shared spaces
Density	63 market-rate units <sup>2</sup>			
	12 market-rate units	51 market rate units	0 units <sup>3</sup>	73 units (62 market-rate units, 11 affordable units) <sup>3</sup>

<sup>1</sup> If the net floor area of the third floor is less than 50% of the net floor area of the first floor building footprint, the interior setbacks shall be reduced to: 1st and 2nd floor = 6 ft, 3rd floor = 10 ft.

<sup>2</sup> Refer to attachment E for a detailed breakdown of allowed density.

<sup>3</sup> Entire residential density allowance transferred to Lot B as part of the Lot Line Adjustment.

15% Common Open Space	N/A	23,408 sq. ft.	N/A	25,883 sq. ft.
Private Outdoor Living Space	N/A		N/A	At least 190 sq. ft. per unit
Lot Coverage	N/A	7,483 sq. ft.	17.2%	57,217 sq. ft. 36.7%
-Building	N/A	26,527 sq. ft.	61.1%	50,366 sq. ft. 32.3%
-Paving/Driveway	N/A	9,448 sq. ft.	21.7%	48,471 sq. ft. 31.0%
-Landscaping	N/A	64,700 sq. ft.	32.5%	
	N/A	76,893 sq. ft.	38.5%	
	N/A	57,919 sq. ft.	29.0%	

The proposed project would meet the requirements of the CP, R-3, R-4 and SD-2 Zones, as applicable, with the exception of lot area. Please see Lot Area Modification discussion below.

**A. INCLUSIONARY HOUSING ORDINANCE**

Under the Inclusionary Housing Ordinance, for any project with 10 or more market-rate dwelling units, 15% of the total market-rate units must be constructed and offered for sale as inclusionary units restricted for owner-occupancy by either Middle Income or Upper Middle Income Households. In this case, the requirement is being met by the provision of nine (9) Middle Income units (15% of 62 is 9). Applicants who propose inclusionary housing units as part of the project are entitled to a density bonus for the number of inclusionary units provided onsite. Also, the proposed project is consistent with the requirement that the affordable units be integrated into the development and that the affordable units equal or exceed the average number of bedrooms in the market rate units.

**B. LOT AREA MODIFICATION**

Since the Inclusionary Housing Ordinance (IHO) applies to the project, the lot area modification is only necessary to provide the one affordable unit that is above and beyond both the site's density allowances and the requirements of the Inclusionary Housing Ordinance. As identified in the Zoning Ordinance Consistency Table above, the project site has an allowed maximum residential density of 63 market-rate units. The project is proposing 62 market-rate units. The project also includes nine inclusionary housing units pursuant to the requirements of the IHO (see discussion above). Two additional affordable units are proposed as part of the project. One of these units can be counted as part of the site's allowed density (63 units), while the other unit requires a modification because it exceeds the maximum density allowed on the site (exclusive of the IHO requirements). Staff is supportive of this lot area modification because it allows for the creation of an additional Middle Income housing unit in the City, while the overall site layout and design remains compatible with surrounding development.

**C. LOT LINE ADJUSTMENT**

As part of the proposed Lot Line Adjustment, the applicant must allocate their non-residential square footage for tracking pursuant to SBMC §28.87.300.

### **Measure E – Non-Residential Square Footage**

The project site (two parcels) currently contains approximately 52,000 square feet of existing non-residential development. Each of the two parcels is also entitled to 3,000 square feet of minor and small addition square footage. The applicant has proposed to allocate all existing development rights to Lot A, and each newly adjusted lot would retain their 3,000 square feet of minor and small addition square footage.

The proposed development of Lots A and B would utilize some of this development potential; however, Lot A would retain a large amount of non-residential square footage. Under the current Development Plan and Transfer of Existing Development Rights Chapters of the Zoning Ordinance, this square footage could be transferred to another parcel for use in a non-residential development. This would require future approval of a Development Plan and Transfer of Existing Development Rights. Please note that the applicant would have the option of transferring the non-residential area as either hotel rooms or square footage.

### **Residential Development Potential**

As part of the Lot Line Adjustment, the applicant has proposed to allocate all residential density to Lot B. This proposed transfer of density will be recorded as part of the Lot Line Adjustment. Staff is supportive of this proposal as it does not increase the overall development potential of the site.

## **VII. ISSUES**

### **A. DESIGN REVIEW**

This project was reviewed by the ABR on five separate occasions (three times to consider the originally proposed hotel/residential project, and two times to review the office and residential development).

The most recent and relevant review occurred on November 16, 2009. At this meeting, the ABR expressed support for the project, and stated that the project was moving in a very positive direction. They noted that the site planning was good, and the mass, bulk and scale were appropriate. The project was found to comply with the Compatibility Criteria and be consistent with the City Charter and applicable Design Guidelines. Suggestions were made to study the mail area, Community Room, and garage ramp and stairwells, as well as the architectural detailing to add variety. Minutes from this meeting are attached as Exhibit F. All prior ABR meeting minutes are included as Exhibit G.

### **Upper State Street Area Design Guidelines**

In 2009, the Upper State Street Area Design Guidelines were updated to reflect the direction that came out of the Upper State Street Study. The EIR prepared for the project includes an extensive analysis of the project's compliance with the original Design Guidelines (1992); however, the updated Design Guidelines were adopted following completion of the EIR, so no specific analysis of the updated Design Guidelines was prepared. As the updated Design Guidelines are based closely on the direction provided in the Upper State Street Study, please

refer to that analysis as provided in Appendix 5.0 of the EIR (Exhibit D) and in the following section of this staff report. Particularly related to three-story buildings, the Guidelines identify the following development features as contributing toward achieving a size, mass, bulk and scale that is compatible with development in the Upper State Street Area:

- View opportunities or easements.
- Usable open space.
- Pedestrian amenities.
- Improved circulation and connectivity.
- Long-term easements, operations and maintenance agreements to assure pedestrian and transit amenities and future transit improvements and tight-of-way needs.
- Removal of parking lot barrier between separate properties.

Staff believes that the project provides many of these features and is therefore consistent with this guideline. Overall, staff finds that the project is consistent with the Guidelines, specifically related to site planning, parking layout, public streetscape and mountain views. A list of applicable Upper State Street Area Design Guidelines' Goals is attached as Exhibit O for reference.

#### **B. UPPER STATE STREET STUDY**

The Upper State Street Study (USSS) was adopted by the City Council on May 8, 2007. The purpose of the USSS was to identify improvements to benefit urban design and transportation, and to provide guidance for review of development applications. The following discussions address key aspects of the USSS as it related to the proposed project. A complete analysis of all USSS direction and improvement measures is provided in Section 5.5.4 and Appendix 5.0 of the EIR (Exhibit D).

##### **Building Height Limits**

The USSS calls for the establishment of decision-maker findings for approval of three-story buildings. The Study proposes findings that would require that three-story buildings should only be approved when substantial community benefits are provided by the project. Although the specific findings have not yet been established by the City Council, some of the possible community benefits cited in the Study include: views, open space, creek buffers, pedestrian amenities, improved circulation or connectivity, and/or affordable housing.

The residential development proposed as part of this project includes three-story buildings. Staff believes that the project's provision of affordable housing (nine middle-income units as required by the Inclusionary Housing Ordinance, plus two additional middle-income units) is a community benefit that warrants consideration of the three-story buildings. In addition to the affordable units, the project is providing all residential parking in an underground parking garage, which opens up the site and allows for provision of additional open space for residents; and the three-story buildings are set back from the street, which minimizes their impact on mountain views from public viewing locations. Additionally, the portion of the project closest to the intersection of Hitchcock Way and State Street has been reduced to one story in order to maximize mountain views from the south side of this intersection.

### **Left-Turn Lane / Median Extension**

The USSS recommends that the existing raised median along State Street between Hitchcock Way and Ontare Road be extended in order to improve the flow of traffic along this block. Generally, the purpose of the additional raised medians along State Street is to reduce the number of mid-block conflict points between through- and turning traffic. The USSS concludes that adding the raised medians would smooth mid-block traffic flow and reduce vehicle collisions caused by mid-block left turns; however, it could also affect access and emergency response. Additional medians mean more U-turns at area intersections, which would slightly lower the level of service at signalized intersections. The concept plan presented in the USSS showed two median openings provided between Hitchcock Way and Ontare Road. The preferred median opening(s) is midway between the traffic signals in order to minimize impacts on left turns from queues at the downstream traffic signals, or at locations where a large volume of left turn traffic is expected.

The project proposes to reduce the length of the existing State Street median in order to create an eastbound left-turn lane into the proposed easternmost residential driveway. The applicant believes that the left turn lane is important to the project, and that it is consistent with the intent of the Upper State Street Study due to the scale of the development, the distance from the intersection and the reduction in on-site curb cuts.

This change to circulation along State Street was analyzed in the project's Environmental Impact Report (EIR). The EIR analysis concluded that the left-turn lane would result in a less than significant impact to traffic and circulation.

Even though the proposed left turn lane was not identified as creating a significant traffic impact for purposes of the CEQA analysis, the Traffic Study prepared as part of the EIR recommends that the left turn lane not be installed because:

- the lane would be located relatively close to the Hitchcock intersection, and would provide minimal car storage capacity;
- the left turn lane would preclude future expansion of the existing westbound to southbound left turn lane at the State Street/Hitchcock Way intersection,
- the remaining median would be too narrow to place the necessary "No U-Turn" control sign,
- it would be difficult to control illegal U-turns at this location, and
- the project would not generate a large enough volume of left turn traffic to warrant the lane,
- the left-turn lane would eliminate median landscaping.

Furthermore, the Traffic Study recommends extending the existing median to at least the eastern property line in order to prevent illegal left turns into the site and reduce the potential for illegal U-turns to access the commercial driveway. Given all these factors, staff's recommendation is that the median be extended, rather than reduced. The proposed conditions of approval for the project include a requirement that the median be extended (Exhibit A).

### **Driveway Frequency / Spacing**

The project proposes to reduce the number of driveways accessing the site from four to two. Eliminating driveways is recommended by the USSS in order to reduce access points that conflict with through traffic. The USSS recommends driveway spacing of at least 220 feet and a preferred spacing of 440 feet, locating driveways at median openings or offset by at least 150 feet, and locating driveways at least 110 feet from the intersection (ideally beyond the intersection turning lanes).

Although the project would reduce the number of driveways currently serving the site, the proposal would not be fully consistent with the recommended driveway spacing guidelines identified in the USSS. Due to the size and location of the parcel, it is not possible to have two driveways and comply with the spacing recommendations. The driveway spacing proposed by the project does not present a significant traffic impact for purposes of the CEQA analysis.

Staff and the Planning Commission have previously expressed a desire to access the site via the existing driveway at the northern end of the State/Hitchcock intersection. However, due to legal issues regarding the access easement, the applicant has indicated that that is not a feasible option.

Although the development could provide one driveway and have adequate access to the site, due to the number of residential units, the separate office development, the distance from the intersection and between the two driveways, and the overall site layout, staff does not believe that two driveways are excessive for the development. Staff finds that the project results in a net benefit related to driveway access points as compared to existing conditions, and therefore supports the two driveways in their proposed locations. Staff support for the two driveway proposal presumes the extension of the median and the elimination of left turns in to and out of the project site, as these changes would reduce potential conflicts along the State Street corridor.

### **C. COMPLIANCE WITH THE GENERAL PLAN**

Before a condominium project and a tentative subdivision map can be approved, they must be found consistent with the City's General Plan. Please refer to Appendix 5.0 of the EIR (Exhibit D) for additional analysis of project compliance with the General Plan.

### **Land Use Element and Designation**

The project site is located within the North State neighborhood, which is described as "an intensely developed commercial strip, with a scattering of multiple family residential development." The General Plan anticipated "little or no residential growth" in this area. A mix of commercial and office uses surround the project site to the east, south and west, with residential development located north of the project site.

The subject site has General Plan designations of General Commerce/Offices, Buffer, and Residential (12 units per acre). The commercial portion of the development is located entirely within the General Commerce designated area, which is consistent with the designation. Due to the application of variable density in the R-3 and R-4 zones, and the requirement for Inclusionary Housing units, the project density is approximately 20.4 units per acre based on

the condominium site area. If the entire 4.58-acre site is used for the calculation, the density is approximately 16 units per acre. The General Plan Land Use Element recognizes that, in zones where variable density standards apply, development may exceed the limit of 12 units per acre without causing an inappropriate increase in the intensity of activities. Therefore, the proposed project would be consistent with the Land Use Element of the General Plan.

The site also includes a Buffer designation, which runs horizontally across the middle of the site. The project has been designed to provide open space and common areas in the approximate location of the buffer, although there are four residential units along the western property line that prevent the open area from extending all the way across the site. There is no definition or description of Buffer in the General Plan; however, the Local Coastal Plan does provide a definition: "The purpose of this classification is to signify the need for a separation between potentially conflicting uses or an area of transition between land uses not directly compatible." Staff believes that the zoning ordinance properly implements the intent of this designation by requiring setbacks between certain uses and/or zones. Staff finds that the applicant's proposal adequately addresses the intent of the Buffer designation by providing separation of potentially incompatible uses. Additional discussion of the Buffer designation, including graphics, is provided in Section 5.5.2 of the EIR (Exhibit D).

#### **Housing Element**

The City Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. This proposal, with primarily two to three bedroom units would satisfy that goal. In accordance with Housing Element Policy 3.3, which requires new development to be compatible with the prevailing character of the neighborhood, the proposed development would be compatible in scale, size and design with the surrounding neighborhood. The three-story development is 35 feet in height, and the three-story portions of the buildings have been set back approximately 40-50 feet from adjacent residential development to the north and set back more than 120 feet from State Street.

#### **Circulation Element**

The Circulation Element contains goals and policies that promote housing in and adjacent to commercial areas to facilitate the use of alternative modes of transportation and to reduce the use of the automobile. This project provides housing as well as commercial space in the State Street area and is, therefore, consistent with this land use direction. The project also includes a transit stop along the property frontage consistent with the goal of increasing the availability and use of transit, and the project includes widening the existing sidewalk/parkway width and removing two out of four driveway entrances, consistent with the Circulation Element and Pedestrian Master Plan. Bicycle parking will be provided on site for the commercial use, consistent with the zoning ordinance requirements.

#### **D. TOWN AND COUNTRY APARTMENT ACCESS**

Development of the site as proposed requires that the Town and Country Apartment access be relocated to San Remo, as it currently runs through the project site from State Street. Although this is not a formal part of the project, a condition of approval is proposed to ensure that the

relocation occurs prior to commencement of construction on the project site, to ensure uninterrupted access to the apartment parking.

**E. DECORATIVE PAVING**

The applicant has identified new paving at the corners and crosswalks at the State/Hitchcock intersection. The ABR expressed appreciation that this element was proposed as part of the project, and stated that highlighting the pedestrian walkways was a positive addition that benefits the City. However, the City is concerned about future maintenance of any such public improvements. Even if the applicant agrees to maintain the intersection in perpetuity, this can be difficult and cumbersome to enforce over the life of a project. Therefore, staff recommends a compromise treatment, such as enhanced crosswalk painting to identify the crosswalk more prominently, while also ensuring ease of maintenance. Final details would be worked out in plan check between the Applicant and the Public Works Department, and may require ABR approval depending on the proposed improvements.

**VIII. ENVIRONMENTAL REVIEW**

An Initial Study was prepared to evaluate the potential for the project to result in significant environmental impacts. The Initial Study determined that further study was needed to determine whether the project may have the potential to result in significant adverse visual aesthetic, transportation and circulation, and air quality (short-term) impacts. Based on this determination, an Environmental Impact Report (EIR) was required for the project. An EIR is intended by CEQA to be an informational document that is considered in conjunction with other planning documents and project analysis as part of the overall permitting process. The CEQA environmental review process has two overall purposes: first, to disclose environmental impacts so that the public and decision-makers consider the environmental consequences of a project before it is approved, and second, to avoid or reduce significant environmental effects to the extent feasible.

The Draft EIR contained analysis of visual aesthetics; traffic, circulation and parking; and air quality (short-term), as well as an in-depth analysis of applicable policy documents, including the General Plan, the Upper State Street Study and applicable Design Guidelines. This Draft EIR was released by the City for a 30-day public review and comment period between April 22, 2009 and May 22, 2009, and an environmental hearing was held by the Planning Commission on May 14, 2009 to receive public comment.

A proposed Final EIR has been prepared that includes changes in response to comments received on the Draft EIR (see Exhibit D). The proposed Final EIR concludes that the proposed project would not result in any significant, unavoidable (Class I) impacts. Refer to the proposed Final EIR for the complete analysis.

The proposed project would result in various significant, but mitigable impacts. Mitigation measures to avoid these impacts are described in the proposed Final EIR. Various adverse, but less than significant impacts would also occur as a result of the proposed project. All required mitigation measures have been included as proposed conditions of approval (see Exhibit A – Conditions of Approval). All applicable recommended mitigation measures have also been included as proposed conditions of approval to further avoid or reduce impacts.

### **Responses to Comments Received on the Draft Revised EIR**

The City received 16 comment letters during the Draft EIR public review period, and comments were also made by the Planning Commission and the public at the Draft Revised EIR hearing held on May 14, 2009. Comments on the EIR covered a wide range of issues, including:

- Driveway spacing/location;
- Traffic (long-term, construction and cumulative);
- Circulation and left-turn lane;
- View impacts;
- Loss of mature vegetation/trees;
- Impacts to public services and resources;
- Density calculations;
- Open space and recreation;
- Stormwater runoff;
- Impacts to the jobs/housing balance;
- Air quality; and
- Environmentally superior alternative;

Although not related to the content of the EIR itself, comment letters also consistently noted a preference for the Applicant's Alternative over the Proposed Project. For a complete list of the comments received and all of the responses thereto, please refer to Section 12 of the proposed Final EIR.

### **EIR Certification and CEQA Findings**

The California Environmental Quality Act (CEQA) requires that the Final EIR be certified by the Lead Agency (City) prior to actions approving the project. The City CEQA Guidelines provide for certification of EIRs by the Planning Commission, with this action appealable to the City Council. The required findings for EIR certification are included in Section IX below.

When the EIR identifies significant impacts, CEQA also requires that specified findings be made prior to approval of a project. This project does not have any significant unmitigable (Class I) impacts. For potentially significant but mitigable (Class II) impacts, findings that identify the impact and mitigation measures that would be applied to the project to reduce impacts to less than significant levels must be made. Required mitigation measures are applied as conditions of project permit approval.

The proposed project has been slightly revised from the Applicant's Alternative that was reviewed in the EIR (see Section IV above). However, these changes are minor in nature and do not change the scope or severity of any environmental impacts identified in the EIR for the Applicant's Alternative. Therefore the EIR addresses all project impacts, and all applicable mitigation measures remain the same.

## **IX. FINDINGS**

The Planning Commission finds the following:

**A. ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT (PER PUBLIC RESOURCES CODE (PRC) SECTION 21081 AND CALIFORNIA CODE OF REGULATIONS (CCR) SECTION 15090)**

The Planning Commission certifies that:

1. The Final Environmental Impact Report for the Sandman Inn Redevelopment Project was presented to the Planning Commission of the City of Santa Barbara. The Planning Commission reviewed and considered the information contained in the Final Environmental Impact Report, along with public comment and responses to comments, and determined that the document constitutes a complete, accurate, and good faith effort toward full disclosure of the project's impacts and is an adequate environmental analysis of the project.
2. The Final Environmental Impact Report for the Sandman Inn Redevelopment Project has been completed in compliance with the California Environmental Quality Act and Guidelines.
3. The Final Environmental Impact Report for the Sandman Inn Redevelopment Project reflects the City of Santa Barbara Planning Commission's independent judgment and analysis.
4. The location and custodian of documents and materials that constitute the record of proceedings upon which this decision is based, is the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, CA, which is also the Lead Agency.
5. A mitigation monitoring and reporting program (MMRP) is hereby adopted. Mitigation measures have been made enforceable through incorporation into the project description or are included as conditions of project approval.

**Class II Impacts (Potentially Significant and Mitigated).** Project elements incorporated as part of the project description and mitigation measures applied as conditions of project approval would result in the avoidance or substantial lessening of the following environmental impacts to less than significant levels. These findings are supported by substantial evidence in the record including the Final EIR.

- a. **Visual Aesthetics.** Removal of existing mature trees would affect the site's visual appearance. This impact would be reduced to a less than significant level by relocating existing mature trees on-site and replacing each mature tree removed with an appropriate replacement tree, as determined by the City's Architectural Board of Review.

- b. **Geologic Hazards:** The proposed project has the potential to be affected by ground shaking and other seismic hazards. This impact would be reduced to a less than significant level with the implementation of the recommendations in the Soils Engineering Report prepared for the project, as well as compliance with building code requirements that would minimize potential hazards associated with ground shaking.
- c. **Noise:** Residential units near State Street and/or the residential parking garage ramp may experience noise levels above 45 dBA (interior) and/or 60 dBA (exterior), and commercial uses adjacent to State Street and/or the commercial parking garage may experience noise levels above 50 dBA (interior). These impacts would be reduced to a less than significant level with the implementation of noise attenuation measures in building construction and in the parking ramp design. Construction noise also has the potential to impact adjacent residents, and mitigation measures to address construction hours, construction equipment sound, noise barriers and improvement to adjacent residential units have been included.
- d. **Public Services:** The project would result in the short-term generation of construction and demolition waste, and long-term generation of waste from residential and commercial uses. This impact will be reduced to a less than significant level with the implementation of a waste management plan and by designing adequate trash enclosures with recycling areas into the project.
- e. **Transportation and Circulation.** The project would result in circulation impacts along San Remo Drive resulting from relocation of the Town and Country Apartment access driveway. These impacts would be reduced to a less than significant level by improving sight lines on either side of the new driveway through vegetation removal and additional red curb area.
- f. **Water Environment:** The proposed project has the potential to result in significant short- and long-term water quality impacts. These impacts would be reduced to a less than significant level with the implementation of erosion control measures, compliance with standard City requirements, the use of storm drain surface pollutant interceptors, storm drain stenciling and incorporation of Best Management Practices.

**Class III Impacts (Less than Significant).** The proposed project would result in a less than significant impact in the following environmental issue areas, as identified in the Final EIR. Mitigation measures are incorporated as conditions of project approval to further reduce the level of impact, consistent with City policies. These findings are supported by substantial evidence in the record including the Final EIR.

- a. **Air Quality:** Short-term project-related grading and construction activities would result in fugitive dust and emissions from construction equipment that would be well below the established threshold of significance. Standard dust and emissions control measures to further reduce potential impacts are included as recommended mitigation measures and in the Conditions of Approval. Therefore, the project is anticipated to have a less than significant long-term air quality impact.
- b. **Biological Resources:** The project would result in the removal of trees from the project site. To minimize potential impacts to nesting birds, timing restrictions on tree removal are included as a recommended mitigation measure.
- c. **Cultural Resources:** The project involves ground-disturbing activities, which means there is a remote possibility of encountering unknown buried deposits. Standard mitigation requiring contractor notification of this potential would further reduce potential impacts.
- d. **Transportation/Circulation:** The proposed project would result in a short-term increase in traffic due to construction-related activities. This would constitute a change to existing conditions but would be a less than significant effect, and would be further reduced by construction haul route and parking mitigation measures. The project's proposal to include a left turn lane into the residential parking garage would result in less than significant impacts to circulation along State Street. To mitigate this impact, it is recommended that the existing median not be reduced to accommodate said left turn, and, further, that the median be extended to better restrict left-turns into the site. The project's long-term parking may not be fully utilized as designed, which may lead to future parking problems. This less than significant impact would be further reduced by assigning and signing specific parking stalls.

#### **Findings for the Fish & Game Code**

An Environmental Impact Report has been prepared by the lead agency (City of Santa Barbara), which has evaluated the potential for the proposed project to result in adverse effects, either individually or cumulatively, on wildlife resources. For this purpose, wildlife is defined as "all wild animals, bird, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability." The proposed project has the potential for adverse effects on trees and mature vegetation and associated wildlife during project construction. Mitigation measures have been applied such that any less than significant impacts will be further reduced. The project does not qualify for a waiver and is subject to payment of the California Department of Fish and Game fee.

**B. THE LOT LINE ADJUSTMENT (Government Code §66412)**

The proposed lot line adjustment is appropriate for the area and is consistent with the City's General Plan and Building and Zoning Ordinances. The lot line adjustment would adjust the line between the two parcels that are currently 3.22-acres (Lot 1) and 1.36-acres (Lot 2) in size by relocating the line such that the resultant parcels are 1.0-acre (Lot A) and 3.58-acres (Lot B) in size. The proposed parcels exceed the minimum lot area requirement, and satisfy all street frontage and setback requirements as identified in Section VI of the staff report.

**C. LOT AREA MODIFICATION (SBMC §28.92.110)**

The Modification of the lot area requirement to allow one (1) bonus density unit as part of the overall residential development is consistent with the purposes and intent of the Zoning Ordinance and is necessary in order to construct an additional housing unit that is affordable to a middle-income household, as described in Section VI.C of the staff report. Staff is supportive of this lot area modification because it allows for the creation of an additional Middle Income housing unit in the City, while the overall site layout and design remains compatible with surrounding development.

**D. 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 VII.C of the staff report and in Section 5 of the EIR. The site is physically suitable for the proposed development due to its flat topography and soil composition, the project is consistent with the density provisions of the Municipal Code and the General Plan as demonstrated in Section VI of the staff report, and the proposed use is consistent with the vision for this neighborhood of the General Plan because it provides additional office and/or commercial development and additional in-fill housing that is compatible in size and scale with surrounding development. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems, as identified in the EIR.

**E. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)**

- a. There is compliance with all provisions of the City's Condominium Ordinance.
- b. The project complies with density requirements as described in Section VI of the staff report. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.
- c. The proposed development is consistent with the General Plan of the city of Santa Barbara as described in Section VII.C of the staff report.
- d. The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element, as described in Section VII.C of the staff report and Section 5.0 of the Environmental Impact Report. The project will provide infill residential development that is compatible with the surrounding neighborhood.

- e. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources as explained in Section VIII of the staff report and in the Environmental Impact Report.
- f. The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts, as analyzed in the staff report and Environmental Impact Report. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

**F. DEVELOPMENT PLAN (SBMC §28.54.120)**

- 1. The proposed non-residential development complies with all of the provisions of the Zoning Ordinance, as identified in Section VI of the staff report.
- 2. The proposed non-residential development is consistent with the General Plan and the principles of sound community planning, as identified in Section VII.C of the staff report and the Policy Consistency Analysis contained in the Environmental Impact Report.
- 3. The total area of the site and the setbacks of all facilities from the property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that major detrimental impact on surrounding properties is avoided to the greatest extent possible, as identified in Section VII.C of the staff report and in the Environmental Impact Report.
- 4. The design and operation of the project and its components, including outdoor lighting and noise-generating equipment, will not be a nuisance to the use of property in the area, particularly residential use, as analyzed in the Environmental Impact Report. Final review of outdoor lighting and mechanical equipment will be provided by the Architectural Board of Review.
- 5. Adequate access and off-street parking is provided in a manner and amount so that the demands of the development are met without altering the character of the public streets in the area. As identified in Section VI of the staff report, the project is providing all required parking on site, and additional parking spaces are proposed along the entry driveway. Access to the site is provided by two driveways, and a complete analysis of access and circulation is contained in the Environmental Impact Report.
- 6. The appearance of the developed site in terms of the arrangement, height, size, bulk, scale and architectural style of the buildings, location of the parking areas, landscaping, and other features is compatible with the character of the area and of the City. Please refer to the analysis contained in Section VII.A of the staff report and in Sections 5.0, 8.0 and Appendix 5.0 of the Environmental Impact

Report, as well as the comments provided to-date by the Architectural Board of Review.

Exhibits:

- A. Conditions of Approval
- B. Site Plan, Floor Plans, Lot Line Adjustment and Tentative Map
- C. Applicant's letter, dated November 4, 2009
- D. Final Environmental Impact Report - Distributed Under Separate Cover and Available On-line at: [http://www.santabarbaraca.gov/Resident/Environmental\\_Documents/3714-3744\\_State/](http://www.santabarbaraca.gov/Resident/Environmental_Documents/3714-3744_State/)
- E. Density Calculation
- F. ABR Minutes dated November 16, 2009 (current proposal)
- G. ABR Minutes dated February 23, 2009 (Applicant's Alternative), February 11, 2008, November 3, 2003 and October 27, 2003
- H. Planning Commission Minutes dated May 14, 2009 (Draft EIR hearing/concept review)
- I. Planning Commission Minutes dated June 12, 2008 (scoping hearing)
- J. Planning Commission Minutes dated February 8, 2007 (scoping hearing)
- K. Planning Commission Minutes dated July 13, 2003 (concept hearing)
- L. Upper State Street Area Design Guidelines (excerpt)



RESOLUTION NO. 10-020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE CITY PLANNING COMMISSION TO CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SANDMAN INN REDEVELOPMENT PROJECT AND TO APPROVE THE APPLICATION OF BRENT DANIELS, L&P CONSULTANTS, AGENT FOR KELLOGG ASSOCIATES FOR THE TENTATIVE SUBDIVISION MAP, A DEVELOPMENT PLAN APPROVAL, AND CERTAIN LOT AREA MODIFICATIONS AND LINE ADJUSTMENTS IN CONNECTION WITH THE REDEVELOPMENT PROJECT PROPOSED FOR 3714-3744 STATE STREET (MST2007-00591) AND KNOWN AS THE "SANDMAN INN REDEVELOPMENT PROJECT"

WHEREAS, the Sandman Inn Redevelopment Project (the "Project") was originally proposed to the City and the preliminary development application were made in 2003. The Project consists of the proposed redevelopment of 4.58 acres on Upper State Street of the City. The existing improvements consist of a 113 room motel and a 216 seat restaurant. The Project originally proposed by the Applicant was a 112 room hotel (which was subsequently reduced to a 106 room hotel) and 73 residential units, eleven of which are affordable (hereinafter referred to as the "Proposed Project"). The Proposed Project's hotel was comprised of 63,455 square feet of improvements and a 112 space below ground parking lot; and

WHEREAS, during the City's consideration of the Project and in partial response to the Project application, the City Community Development Department prepared, and the City Council considered, and eventually adopted the City's Upper State Street Study. In response to this study, the Project applicant proposed significant modifications to the Proposed Project. These modifications eliminated the proposed 63,455 square foot hotel and replaced it with a proposed 14,254 net square foot office building. In addition, the Project Applicant kept the number of condominium residential units being proposed at seventy-three (73) This version of the Project became known as the "Applicant's Alternative" and is hereinafter referred to as that. Since the environmental review process began with the filing of an application for the Proposed Project, ultimately both the Proposed Project and the Applicant's Alternative were analyzed for CEQA purposes in detail in the Project EIR; thus, the City's consideration of the Sandman Inn Redevelopment Project EIR analyzed two distinct versions of the Project at a project-specific level: the "Proposed Project," which consisted of redevelopment of the site with a 106-room hotel and 73 residential condominium units, and the "Applicant's Alternative," which consisted of the redevelopment of the site with 14,254 net square feet of office space and 73 residential condominium units. The Project EIR also analyzed four other alternatives to the Proposed Project and Applicants Alternative.

WHEREAS, prior to the release of and hearing on the draft Project EIR, the Applicant presented the Applicant's Alternative to the City's Architectural Board of Review (ABR) and received comments. In conjunction with the Planning Commission hearing on the draft EIR, the Proposed Project and the Applicant's Alternative were also the subject of a Planning Commission "Concept Review" hearing. In response to the comments received at the ABR and the Concept Review hearing, the Applicant further refined the Applicant's Alternative to be responsive to the comments being received, both from the City and from members of the public. With respect to the refinements, the Applicant included a reduction in the size of the office building and the addition of two commercial condominiums for an increase of 358 net new square feet, and the reduction of the bedroom count in the residential condominium portions of the Project by 6 bedrooms (this iteration of the Project is hereinafter referred to as "December 2009 Project" or the "Approved Project"); and

WHEREAS, the Draft EIR for the Project was released by the City for a 30-day public review and comment period between April 22, 2009, and May 22, 2009, and a Draft EIR hearing was held by the Planning Commission on May 14, 2009. The City environmental review staff received sixteen (16) comment letters during the Draft EIR public review period, and comments were made by the Planning Commission and the public at the Draft EIR public hearing held by the Commission. The Final EIR includes staff and consultant responses to all comments received on the Draft EIR, and it concludes that the Applicant's Alternative Project would not result in any significant, unavoidable (Class I) impacts.

WHEREAS, the Final Project EIR concludes, after a thorough analysis of both the Proposed Project and the Applicant's Alternative, that there would likely be no significant and unavoidable environmental impacts from either of those two Project alternatives. In fact, the Planning Commission concluded that the EIR impact analysis shows that both the Proposed Project and the Applicant's Alternative have fewer impacts than the long-existing baseline condition of the Sandman Inn motel and restaurant uses presently being operated on the Project property.

WHEREAS, the lack of potentially significant adverse environmental impacts is only more true of the Approved Project, which is a lesser size and a lesser impact iteration of the Applicant's Alternative Project. In other words, the Project design ultimately approved by the Planning Commission was slightly revised from the "Applicant's Alternative" that was reviewed in the EIR (as described in more detail in Section IV of the December 10, 2009 Planning Commission staff report.) These project changes were analyzed by staff and were determined to be minor in nature because they did not change or clearly only lessened the potential scope or severity of any environmental impacts identified in the EIR for the "Applicant's Alternative." As such, the City and public review process involved in achieving a consensus of the Approved Project is exactly the sort of process which CEQA anticipates being part of the overall environmental review of a project and as being very appropriate. Therefore, the Planning Commission determined that the Final EIR addressed all potential project impacts, and all applicable mitigation measures were correctly applied to the Approved Project – all as part of a full process of public knowledge and public participation.

WHEREAS, the Final Project EIR indicates that any potential traffic impacts which could result from the Approved Project are reduced substantially from the existing baseline condition; it also concludes that other potential related impacts are reduced. The Approved Project provides additional benefits compared to the Applicant's Alternative that was analyzed in the Final Project EIR. For example, public views at the intersection of State Street and Hitchcock Way would be improved, pedestrian circulation (both public and private) would also be improved and enhanced, and common open space for residents is more useable due to its relocation toward the center of the site; and

WHEREAS, the December 2009 Project (the "Approved Project") received unanimous positive comments from the Architectural Board of Review (the "ABR") at a November 16, 2009 ABR hearing; and

WHEREAS, the December 2009 Approved Project received unanimous (6-0) approval by the City Planning Commission at a noticed public hearing held on December 17, 2009. In issuing this approval for the Approved Project, the Planning Commission also unanimously certified the Final Project EIR at its December 17 hearing; and

WHEREAS, the Project approved by the Planning Commission and identified as the Approved Project consists of the demolition of the existing 113-room Sandman Inn Hotel, Downtown Brewing Company restaurant building, and all site improvements, and the construction of a new office complex consisting of 13,075 square feet on Lot A, and two commercial condominiums totaling 1,537 square feet and 73 residential condominium units on Lot B. The Project includes a total of 242 parking spaces (71 parking spaces for the commercial component, 164 parking spaces for the residential component and 7 common/shared spaces). The office development on Lot A of the Project would be contained within a two-story building with a maximum height of approximately 31 feet. A majority of the parking (46 of 63 required spaces) would be provided in an at-grade parking lot located behind the building. The remaining required parking spaces would be located along the at-grade driveway (3 spaces), in the existing adjacent parking lot on-site (4 spaces) and in the underground parking garage located on Lot B (10 spaces). The commercial development on Lot B of the Project would have a maximum height of approximately 24 feet. Parking would be provided along the at-grade driveway (5 spaces) and in the underground parking garage (3 spaces). The residential development on Lot B would have a maximum height of 35 feet above finished grade, with parking provided in an underground parking garage. Of the 73 residential condominium units, two units would be one-bedroom units of approximately 873 square feet, 52 units would be two-bedroom units of between 1,080-1,350 square feet, and 19 units would be three bedroom units of between 1,425-1,520 square feet. Eleven of the 73 units (2 one-bedroom units, 5 two-bedroom unit and 4 three-bedroom units) would be provided at sales prices targeted to middle-income households, pursuant to the City of Santa Barbara's Affordable Housing requirements. The residential development would also include a Community Center of approximately 1,200 square feet and common open space areas located east and west of the at-grade driveway turn-around; and

WHEREAS, the Approved Project required the following discretionary approvals by the City Planning Commission: 1. Certification of the Final Environmental Impact Report (EIR) for the

project; 2. a Lot Line Adjustment to transfer 2.22 acres from APN 053-300-031 to APN 053-300-023; 3. a Development Plan to allow construction of a non-residential building of 10,000 square feet or more of total floor area in the C-P Zone; 4. a Modification of the lot area requirements to allow one over-density unit on a lot in the C-P/S-D-2, R-3/S-D-2 and R-4/S-D-2 zone districts; and 5. a Tentative Subdivision Map for a one-lot subdivision to create 73 residential condominium units and two commercial condominium units; and

WHEREAS, on January 7, 2010, the Citizens Planning Association and Allied Neighborhoods Association (hereinafter the "Appellants") appealed the Planning Commission certification of the Final EIR and the Commission's related approvals and permits issued for the Approved Project – known as the "Sandman Inn Redevelopment Project," citing, among other issues, a concern that the Final EIR did not identify the Applicant's Alternative or the Approved Project as the environmentally superior alternative and that the certification of the Final Project EIR was "overbroad"; and

WHEREAS, in response to the scheduling of the appeal, on March 8, 2010, the City Council visited the Project site and spent considerable amount of time viewing the actual location and improvements at the Project site in terms of how it would be impacted by the Approved Project, particularly the possible aesthetic and public view impacts; and

WHEREAS, on March 9, 2010, the City Council held a duly noticed public hearing on the appeal, receiving a comprehensive staff and oral report from City staff as well as oral and written testimony from the Appellants, the Applicant's representatives, and from members of the public; and

WHEREAS, after consideration of all of the evidence presented (both written and verbal - in particular the March 9, 2010 City staff report presented to the City Council and the March 8, 2010 site visit), as well as the public testimony received, and after extensive deliberation by the Council members, the City Council unanimously concluded and hereby concludes that the Sandman Inn Redevelopment Project Final EIR is adequate and was prepared in accordance with all of the requirements of the California Environmental Quality Act and the related state CEQA Guidelines, and that the Approved Project is acceptable and in keeping with the City's Zoning Ordinance and the General Plan, the City's Upper State Street Study, and that the Planning Commission's Approval should be upheld and the appeal should be denied.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

**SECTION ONE. CEQA and Related Findings.** The City Council has read and fully considered the Sandman Inn Redevelopment Project's Final EIR and, in hereby adopting and approving the Final EIR, has found and determined, in the Council's independent judgment and analysis and on the basis of the whole record before the City Council, as follows that:

**1. Compliance with CEQA Procedural and Substantive Mandates.** The Final EIR for the Sandman Inn Redevelopment Project has been completed in full compliance with the requirements of the California Environmental Quality Act and the CEQA Guidelines, both the procedural and substantive requirements; and

**2. The Complete and Good Faith Disclosure of Potential Environmental Impacts.** The Final EIR for the Project and related Council record documents were presented to the City Council and were fully reviewed and considered by the City Council prior to approving the Approving Project. The Final EIR for the Project constitutes a complete, accurate, and good faith effort toward full disclosure of the Approved Project's potential impacts, both environmental and otherwise, and is an adequate environmental analysis of the Approved Project; and

**3. The Project EIR's Alternatives Analysis:** In particular, the City Council reviewed in detail and fully considered the Alternatives Analysis of the Final Project EIR [Section 9.0 (pages 9.0-1 through 9.0-18) of the Final EIR] and was provided with a revised version of Table 9.0-1 (at page 18) in order to clarify a point being asserted by the Appellants. Based on this review and the Council appeal hearing, the City Council concludes that the Final Project EIR does not support the Appellants' assertion that the "No Project Alternative" is an environmentally superior alternative or that the Final Project EIR failed to conduct and explain a full and appropriate "Alternatives Analysis"; More specifically, the Council concludes that the Appellants have apparently misread Table 9.0-1 since this Table clearly shows that both the Applicant's Alternative (i.e., with the "Approved Project" which is a lesser impact iteration of the "Applicant's Alternative") and the Proposed Project will have less potential impact than the status quo – i.e., less impact than the "No Project" alternative. Consequently, the Final Project EIR clearly indicates that, of all the alternatives analyzed, the Approved Project was clearly the environmentally superior project and the project alternative which achieves most of the Applicant's project objectives with the least potential for adverse environmental impacts, significant or otherwise. The City Planning Commission also reached this same conclusion and the City Council concurs.

This analysis is true and appropriate despite that CEQA does not actually require an environmentally superior project alternative to be specifically identified when, as in this instance, the complete environmental analysis of specific potential environmental impacts indicates that all of the Project alternatives proposed (as well as all of those analyzed) would not be likely to cause any potentially unmitigated significant adverse environmental impacts, particularly compared to the existing status quo or "baseline" situation. The Council finds that CEQA Guideline sections 15126.2 and 15151 make it clear that the purpose of an EIR is not to dictate whether a particular project or project alternative must be approved or disapproved; instead, an EIR is to provide decision-makers within the lead agency detailed impact information and impact analysis which allows those decision-makers to make land-use decisions in a manner which intelligently takes into account potentially adverse environmental consequences and, where necessary and appropriate, to condition a project approval in ways which should adequately mitigate potentially adverse environmental impacts.

In addition, the purpose of an environmental document (such as an EIR) is to identify potentially significant impacts of a proposed project and to explore feasible mitigation measures and project alternatives which could avoid or lessen any identified significant

impacts. Thus, Council notes that CEQA Guidelines section 15126.6(a) requires the consideration of alternatives to a project that could “feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project... .” However, in this instance of the Sandman Inn Redevelopment Project, the EIR indicates that all potentially significant environmental impacts identified for all of the alternatives examined can be reduced to a less than significant level through appropriate mitigation measures as conditions of approval or fundamental aspects of a revised project description. Therefore, no unavoidable, significant impacts (i.e., “Class One” impacts) were identified in the Final Project EIR for the Approved Project.

As such, the Council finds that the preparers of the Project EIR appropriately elected to present alternatives to the project that could further lessen impacts already considered less than significant after mitigation, as well as to consider alternatives which are more consistent with or more supportive of City goals and policies than either the “Proposed Project” or the “Applicant’s Alternative.”

More specifically, the Project EIR included an analysis of two projects: the “Proposed Project” and the “Applicant’s Alternative,” and four other related alternatives. At the time that the Notice of Preparation was issued, the applicant began to seriously consider potentially changing their project to the “Applicant’s Alternative” to be more consistent with identified City goals and policies, especially the City’s newly completed “Upper State Street Guidelines.” Consequently, as with the original hotel and condominium project, the “Applicant’s Alternative” was analyzed at a project-specific level in the EIR so that, if the applicant chose to modify the project description to reflect the project identified as the “Applicant’s Alternative,” it would be less likely that additional and delayed environmental review would be necessary. The Council believes that this is precisely the sort of efficient and responsive process anticipated and encouraged by CEQA.

Finally, in this case, EIR Table 9.0-1 and the Alternatives analysis clearly indicates that the “No Project” alternative is not the environmentally superior alternative. In fact, the Alternatives analysis of the EIR showed the No Project alternative to be the least environmentally superior project alternative and the Approved Project to be the environmentally superior alternative.

#### **4. Certification and Use of the Project EIR is Applicable only to the City Council’s Approval of the Approved Project.**

A. The Appellants also objected to the City Council’s certification of the Project EIR in this case because they asserted this certification would be “overbroad” and that by certifying the EIR, the City would leave “the door ... open for the applicant or a subsequent landowner to contend that CEQA does not allow additional environmental review once the FEIR is certified.” Thus, according to the Appellants, the City certification of the Final Project EIR might allow an owner of the Sandman Inn property to pull a “bait and switch” – that is, to later revise their application to seek land-use

approval for a hotel project (such as the “Proposed Project” as discussed and reviewed in the EIR) and then to insist to the City that CEQA (Public Resources) section 21166 prohibits the City from mandating any further environmental review of the Final EIR for this possible future approval of a hotel project.

**B.** However, despite these assertions, the Council finds that this is an incorrect reading of CEQA for two substantial reasons: First, Section 21166 would not apply to this situation in the way the Appellants asserts it would and CEQA Guideline Section 15153 (“Use of an EIR from an Earlier Project”) would clearly apply. Section 15153 would require a new certification of the EIR for that EIR to be used for the approval of different project, especially one as different as the Proposed Project. Second, Appellants assertion misunderstands the meaning of the “certification” of an EIR by the Planning Commission or the City Council.

**C.** CEQA Section 21166 is clearly an expressly conditional statutory “mandate” which precludes “subsequent” or “supplemental” EIRs only under expressly limited circumstances – circumstances which would not be applicable to a situation where the owner of the Sandman property might later attempt to change the project back to a hotel project (“i.e., such as the Proposed Project.”) This is because, in the Council’s opinion, subparagraphs (a) and (b) of section 21166 would clearly be applicable – these subparagraphs make it express that, if is a “substantial change” to an approved project is proposed or if a change to the circumstances of an approved project occurs, revisions to and re-circulation and re-certification of an final EIR are always necessary.

**D.** Moreover, the Council’s action in “certifying” this or any EIR in the manner required by CEQA Guideline section 15090, only and merely establishes that the EIR was prepared and “completed in compliance with CEQA” and that the Council has “read and considered the information contained in the final EIR” and that, in the final analysis, when the EIR is used by the City Council to review a proposed project, the EIR reflects the City Council’s independent judgment. This “certification” and the use of a certified EIR to approve a particular project, does not constitute certification of that EIR for the environmental review of another different project nor does it bind the City Council to use the certified EIR in an unmodified form for the review of another and different project if a subsequent application is made for a different project. Further, certification of the EIR in one instance, does in any way preclude the City from requiring further environmental review for a different project nor does it in any way mandate that the City Council approve a different project, especially a project as different, in this case, as the Approved Project is from the Proposed Project.

**E.** CEQA Guideline section 15153, while expressly allowing a single EIR to describe more than one project, provides that an EIR may only be used to approve a “later project” if “the circumstances of the projects are essentially the same.” In this instance, the Council finds that the environmental and land-use circumstances of the Approved Project and the Proposed Project are and would always be very different and that, before the Project EIR in this case could be used to review a hotel project on the Sandman Inn site, full compliance with section 15153 would be required by the City before this EIR could be used for a subsequent approval. Thus, for example, among other things, section

15153(b)(2) would mandate a new round of public noticing and public comments (i.e., re-circulation) on the Project EIR particularly with respect to whether new mitigation measures or different project alternatives should be reviewed and considered. Moreover, section 15153(b)(4) would require the City Council to fully re-certify the Final Project EIR before that EIR could be used to approve a later project. Finally, section 15153(d) is quite express that nothing would allow the use of a existing certified EIR as a basis to approve a later project if the conditions described in CEQA Guideline section 15162 would require the preparation of a subsequent or supplemental EIR.

F. In short, the City Council believes that for the Applicant or a subsequent property owner of the Sandman Inn site to change this Project to a hotel project would trigger the need to prepare a subsequent or supplemental EIR under section 15162 and that the Council would require a new and full review of the later project in accordance with CEQA and would require this new environmental review to be re-certified. Finally, the Council finds and determines that this particular certification of the Final EIR only applies to this specific approval of the Approved Project and to no other project.

**5. Design Revisions to the Approved Project.** The Council understands and acknowledges that, as part of the City design review process, design revisions to projects often occur after Planning Commission or City Council's land use approval, typically the result of direction received from the City HLC or ABR as part of the process of completing the City's final design review and plan check process. On the other hand, without question, land use changes to a project after Planning Commission approval clearly require the review and approval of either a revised application by the Planning Commission or, for non-substantial and minor "land use" changes, a "Substantial Conformance Determination (SCD)" issued by the Community Development Director in accordance with the Planning Commission Guidelines (as approved by the Council in 1997.) If the land-use changes are deemed minor, the Guidelines provide that they may be approved on an SCD basis. However, as a non-ministerial discretionary and subjective determination, an SCD approval also always requires full environmental review under CEQA. If a determination of substantial conformance cannot be made because the changes go beyond the scope of the prior project approval or because the changes might trigger potential environmental impacts which had not previously been fully considered, then a revised project submittal would be required. The Council finds that should this Project be revised to become a hotel project in the future, such a revision would trigger complete new review by City staff and the need to file a revised master City development plan application. This application would undergo full new environmental review.

**6. Public Location of Environmental Review Documents.** The location of documents and materials that constitute the environmental record of proceedings upon which this Council's decision to approve the Approved Project is based is at the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, California, in the custody of Allison DeBusk, Project Planner, which is also the Lead Agency.

**7. Mitigation Monitoring Program.** A mitigation monitoring and reporting program (MMRP) for the Approved Project is hereby adopted, and mitigation measures have been imposed and made enforceable both by incorporation into the Approved Project description and by their inclusion as express and recorded conditions of the Project's approval.

**8. Approval for the Approved Project Only.** The City Council accepts the assurances from the Applicant that the Applicant has expressly withdrawn the Original Proposed Project from any further consideration because it has been superseded by the Approved Project. The required land-use approvals being issued by this Resolution and in the Council decision of March 9, 2010 are only for the Approved Project. The City will not consider nor will the City approve a proposal (whether from this Applicant or a subsequent applicant) for approval of the original Proposed Project unless and until a new application is submitted and the City has first conducted further environmental review as required for the Original Proposed Project pursuant to CEQA Guidelines section 15153(b).

**9. Lack of Substantial Evidence of Impact Concerns.** The Council is of the view that the appeal of the Planning Commission's Approval of the Approved Project filed by Citizens Planning Association and Allied Neighborhoods Association did not actually present or attempt to present any real evidence, in particular "substantial evidence based on expert testimony" (as required by CEQA), of any possible inadequacy of the Final Project EIR or of any potentially significant adverse impact on the environment which might be caused by or result from the Approved Project and, as a result, the appeal of the Planning Commission certification of the Final EIR is denied and the use of that EIR for a City approval of the Sandman Inn Redevelopment Project is fully appropriate. In this regard, the Council believes that the City staff report dated March 9, 2010 (along with the staff presentation presented during the appeal hearing on March 9, 2010) and the letter provided by Applicant's counsel dated February 25, 2010 in particular are fully responsive to the limited non-expert evidentiary assertions made by the Appellants in the appeal letters and other materials provided to the City.

As a result, the Council incorporates by reference the March 9, 2010 staff report and the February 25, 2010 Applicant's letter into these findings as though they are fully set forth herein and hereby determines that the evidence provided in those documents explaining the lack of any impact concerns to be convincing and to constitute adequate substantial evidence as that term is used in CEQA to support the Council's action of approval and denying the appeal.

**10. Specific City Development Approvals and Approval of Recitals.** The City Council determines that each of the above-stated recitals are true and correct and they fully and accurately reflect the record of the City's proceedings concerning this Project and the determinations and considerations which went into the Planning Commission's and ABR's and, thereafter, the City Council's decision to conditionally approve the Approved Project. These recitals also appropriately describe the scope of the City's review of the Sandman Inn Redevelopment Project Application and Project, in particular, the detailed review by the Planning Commission and the City Council (both with respect to individual Commission and Council members and the City collectively) which has been conducted with respect to the Project since the time its original Application was filed with the City.

The City Council approves the requested Lot Line Adjustment pursuant to Santa Barbara Municipal Code Section 27.40, making the same findings contained in Planning Commission Resolution No. 046-09 for that Adjustment to the effect that the re-configured lots are fully consistent with the City's General Plan and Zoning Ordinance and, additionally, finding that this Adjustment approval is fully consistent with the limited authority allowed by the State Subdivision Map Act with respect to the approval or disapproval of a lot line adjustments to two legal parcels of land.

The City Council also approves the granting of the Sandman Inn Redevelopment Project request for a Development Plan approval pursuant to Santa Barbara Municipal Code Section 28.54.120, making the same findings in support of that Development Plan as the Planning Commission as described in Planning Commission Resolution No. 046-09 that the Approved Project development is fully consistent with the City's General Plan and City Zoning Ordinance and is compatible with adjacent development and provides adequate access and parking.

The City Council also approves the requested Lot Area Modification for the Approved Project pursuant to Santa Barbara Municipal Code Section 28.92.110, making the same findings in support of that Modification as the Planning Commission and as described in Planning Commission Resolution No. 046-09 that the modification is consistent with the purposes and intent of the City Zoning Ordinance and is necessary in order to construct an additional condominium housing unit that is affordable to a middle-income household.

The City Council also approves the Tentative Subdivision Map pursuant to Santa Barbara Municipal Code Section 27.07.100, making the same findings in support of that Map as are necessary and as described in Planning Commission Resolution No. 046-09 that the Map is fully consistent with the City's General Plan and Zoning Ordinance.

The Council also approves the New Condominium Development for the Approved Project pursuant to Santa Barbara Municipal Code Section 27.13.080 making the same findings in support of that development as are necessary and as that described in Planning Commission Resolution No. 046-09 that the condominium development is fully consistent with the City's General Plan and Zoning Ordinance, is an in-fill residential development that is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities.

**11. Conditions of Approval and Mitigation Measures.** The City Council also adopts the Sandman Inn Redevelopment Project Conditions of Approval dated December 17, 2009, as attached hereto as Exhibit A and imposes them as conditions of approval on the Approved Project in accordance with their terms.

EXHIBIT A  
TO THE CITY COUNCIL FINDINGS RESOLUTION APPROVING  
THE SANDMAN INN REDEVELOPMENT PROJECT  
ADOPTED ON APRIL 20, 2010

PLANNING COMMISSION CONDITIONS OF APPROVAL

3714-3744 STATE STREET

~~FOR THE ADJUSTMENT DEVELOPMENT PLAN, TENTATIVE SUBDIVISION MAP, PLANS, AND  
NOTICE OF DETERMINATION~~

DECEMBER 17, 2009

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. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$2,768.25 for projects with Environmental Impact Reports and \$1,993.00 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.
- B. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.
  1. **Exterior Residential Areas.** Usable residential exterior areas (patios, balconies, courtyards) shall be oriented away from State Street to the extent feasible, and preferably shielded from roadways by the structures themselves. (N-3)
  2. **Pavement.** The residential parking lot driveway shall be paved with a coating to reduce tire squeal. This coating would consist of granulate rubber made from used tires as its aggregate and urethane resin as its binder, or similar current industry standard. (N-4)
  3. **Tree Removal and Relocation.** Prior to removal of any trees, a landscape plan accommodating the relocation of existing mature palm trees to the maximum extent reasonably feasible, particularly those considered "skyline trees" (tall [55 to 65 foot] Mexican Fan palms [Washingtonia robusta]), shall be submitted to and approved by the ABR. This plan shall

include planter design specifications to ensure the long-term growth and survival of the relocated trees. (VA-1)

4. **Tree Removal.** The landscape plan approved by the ABR shall include one significant replacement tree for each major mature (as determined by the City arborist) tree that is to be removed. (VA-2)
5. **Storm Water Management Plan.** An approved drainage plan, consistent with the City's Storm Water Management Plan, that utilizes natural Best Management Practices to the maximum extent feasible, as determined by the Creeks Division and Community Development Department, shall be incorporated into the project plans.
6. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
7. **Trash Enclosure Provision and Design.** A trash enclosure with adequate area for recycling containers shall be provided on each 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 5 feet of combustible walls, openings, or roofs unless protected with fire sprinklers. Project trash container areas shall incorporate approved long-term structural storm water best management practices (BMPs) to protect water quality. The applicant shall submit project plans to the satisfaction of Public Works Engineering and Solid Waste Department that incorporate long-term structural BMPs for trash storage areas to protect storm water quality. The owners shall maintain these structural storm water quality protections in working order for the life of the project, and shall inspect them at least annually and report to the City annually. (PS-2)

C. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on December 17, 2009 is limited to the following:
  - a. A lot line adjustment creating Lot A (1.00 acre) and Lot B (3.58 acres).
  - b. A Tentative Subdivision Map for a one-lot subdivision of Lot B for 73 dwelling units (2 one-bedroom units, 52 two-bedroom units and 19 three bedroom units; 11 of the units are affordable to middle-income homebuyers) totaling approximately 91,081 net square feet

(including a 1,185 net square foot community room), and two commercial condominiums totaling approximately 1,686 square feet.

- c. A development plan approval for approximately 14,104 square feet of commercial building area on Lot A.
- d. Lots A and B will also be developed with a total of 241 parking spaces and the improvements shown on the Tentative Subdivision Map and project plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

The proposed left-turn access from eastbound State Street into Lot B, as described in the Applicant Letter, is not included as part of the approved project in order to reduce potential conflicts with opposing traffic on State Street, reduce the potential for queuing left-turn vehicles to block through traffic and reduce potential impacts on pedestrians and bicyclists. (T-3)

- 2. **Lot Line Adjustment – Non-residential Development (Measure E).** As part of the lot line adjustment approval, all existing non-residential development rights for the real property (113 hotel rooms and accessory non-residential space, totaling approximately 52,000 square feet) are allocated to Lot A. Lot A and Lot B will each retain their respective minor and small addition allowances. A formal Agreement to this effect shall be recorded in the Office of the County Recorder as part of the Lot Line Adjustment.
- 3. **Lot Line Adjustment – Residential Density.** As part of the lot line adjustment approval, all rights to residential development on the real property are allocated to Lot B. A formal Agreement to this effect shall be recorded in the Office of the County Recorder as part of the Lot Line Adjustment.
- 4. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
- 5. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
- 6. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
- 7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution

control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc. ) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). 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 applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

8. **Ownership Unit Affordability Restrictions.** The eleven dwelling units identified as Affordable on the Site Plan shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:
  - a. Unit Type H (2 units) (1-bedroom units @ 130%AMI) = \$247,200
  - b. Unit Type A (1 unit) (2-bedroom unit @ 130% AMI) = \$309,500
  - c. Unit Type D (1 unit) (2-bedroom unit @ 120% AMI) = \$280,800
  - d. Unit Type E (3 units) (2-bedroom units @ 120% AMI) = \$280,800
  - e. Unit Type C, C-1 (2 units) (3-bedroom units @ 130% AMI) = \$350,800
  - f. Unit Type G (2 units) (3-bedroom units @ 120% AMI) = \$319,100

The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

9. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
  - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas,

common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.

- b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
  - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
  - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
  - e. **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.
10. **Off-Site Parking Agreement.** The Owner shall provide evidence of off-site parking agreements for the four parking spaces on the adjacent property to the west and for the 13 office spaces on Lot B for the benefit of the uses on Lot A. Said agreements shall be prepared consistent with the provisions outlined in SBMC Sub-Section 28.90.001.18.
11. **Parking Access Drive and Ramp.** Due to potential vehicle queuing conflicts with State Street circulation, gates or similar obstructions shall not be permitted on the driveway or underground access ramp.
- D. **Community Development Requirements Prior to Lot Line Adjustment.** The following shall be submitted as a part of processing the Lot Line Adjustment:
- 1. **Existing Building Inventory.** An accounting of all existing building square footage and hotel rooms shall be provided prior to demolition of the existing structures and prior to recordation of the Lot Line Adjustment. The Inventory shall be reviewed and approved by the Planning Division. This Inventory shall be reflected in all agreements related to the Lot Line Adjustment for proper accounting relative to the City's Non-residential Development (Measure E) regulations.

- E. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:
1. **Lot Line Adjustment Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof* to the Public Works Department, including the legal description of the existing subject properties, and the legal description of the adjusted parcels as a part of processing the Lot Line Adjustment. A licensed surveyor shall prepare the legal description and said Agreement shall be recorded in the Office of the County Recorder. *The Lot Line Adjustment shall be recorded prior to recordation of the Final Map.*
  2. **Water Rights Assignment Agreement.** As a condition of recording the Lot Line Adjustment, the Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
  3. **Final Map for One-lot Subdivision on Lot B (Designated on Tentative Map as Lot 1).** 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.
  4. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map or the Lot Line Adjustment and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
    - a. All street purposes along State Street across Lots A and B in order to establish four additional feet of public right-of-way in order to establish a minimum of a twelve-foot wide strip for sidewalk, parkway and all street purposes.
    - b. An Easement in Gross to the City of Santa Barbara for Water Meter Reading Purposes, as shown on the approved Tentative Map.
    - c. An Easement in Gross to the City of Santa Barbara for Public Utility Purposes as shown on the approved Tentative Map.
    - d. A variable width easement across Lot B for ingress, egress, parking, private storm drainage, public and private utilities (sewer and water) purposes, and emergency access for the benefit of Lot A as shown on the approved Tentative Map.
  5. **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.

6. **Hydrology Report.** The Owner shall submit a final hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
7. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Program. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

8. **State Street Public Improvement Plans.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage for both the condominium site (Lot B), and the site for the office buildings (Lot A) on State Street. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: *an extension of the State Street center median by approximately 75 linear feet, an MTD approved lighted bus stop with trash receptacle, eight-foot sidewalk, four-foot parkway, curb and gutter, two commercial style driveway aprons modified to meet Title 24 requirements, right-turn only striping and signage, replace two existing Cobra Head street lights with two commercial Dome Style street lights, slurry seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limits of all trenching, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations or hydrology report for installation of on-site drainage improvements, on-site detention, and connection to City storm drain, preserve and/or reset survey monuments and contractor stamps, on-site retention sized per drainage calculations, supply and install*

*directional/regulatory traffic control signs per 2006 CA MUTCD, new street trees species (Lophostemon Conferta) and box size (36-inch) as determined by the City Arborist, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.*

9. **Hitchcock Way Improvement Plans.** Flow calculations modeling the existing capacity and proposed impacts on the existing sewer main shall be required prior to issuance of any permits. If current flow is found to exceed design capacity, *and* project contribution adds more than 10% to the existing flow, then an upgrade to the existing sewer system shall be required. If the existing flow is found to be less than the design capacity, but the new flow exceeds the design capacity by more than 10%, then an upgrade to the existing sewer system shall be required. Analysis and design for a *+/-420 linear foot extension of 18 inch sewer main, and construct a City standard manhole at the intersection of Hitchcock and State Street shall be prepared, subject to the most current version of the City of Santa Barbara Engineering Design Guidelines.* In the event of a required upgrade of existing infrastructure, the Owner shall submit new C-1 public improvement plans. Any work in the public right-of-way requires a Public Works Permit.
10. **State Street Median.** The Owner shall submit C-1 public improvement plans for construction of extending the existing raised median in front of the site on State Street identified in condition D.8 above, *which shall be extended to the east, to restrict left-turns into the site. The applicant shall work with City Transportation staff to determine what modifications to the existing raised median are required to adequately accommodate the extended median, and shall confer with the City Arborist to see if new street trees are appropriate for the median. A new "No U Turn" sign shall be provided at the new eastern end of the raised median. The revised median design shall be reviewed and approved by the City's Transportation Division and the City Engineer.* (T-5)
11. **Storm Drain System Stenciling and Signage.** Within the project area, the applicant shall implement stenciling of all storm drain inlets and catch basins, and posting of signs at all public access points along channels and creeks, with language in English and Spanish and graphic icons prohibiting dumping, per approved plans. The applicant shall submit project plans to the satisfaction of Public Works Engineering that identify storm drain inlet locations throughout the project area, and specified wording and design treatment for stenciling of storm drain inlets and signage for public access points that prohibit dumping. The owners association shall maintain ongoing legibility of the stenciling and signage for the life of the project, and shall inspect at least annually and submit report annually. (W-3)

12. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
  13. **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.
- F. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
  2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
  3. **Bicycle Parking.** At least 10 bicycle parking spaces shall be provided in close proximity to the non-residential development, subject to approval by the Transportation Division.
  4. **Commercial Parking Spaces.**
    - a. Commercial parking spaces located in the residential parking garage should be assigned to specific users to ensure greater use of the spaces. (T-8)
    - b. Spaces located along the office access driveway that are included in the total number of spaces required to meet the parking code requirement for the office use, should be marked as "for office use only" during business hours. (T-9)
    - c. The underground off-site commercial parking spaces shall be constructed and available for use, or an off-site parking agreement must be accepted by the City and recorded with the County Recorder, prior to Certificate of Occupancy of the commercial building.
  5. **Traffic Control Plan.** A traffic control plan for project construction shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. 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.

6. **Construction Parking/Storage/Staging.** Prior to issuance of building permits, the applicant shall prepare a management plan for review and approval by City staff for employee parking to eliminate intrusion into area on-street parking spaces and maximize use of available on-site parking.

Construction parking and storage shall be provided as follows:

- 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 below.
- 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.
- Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.

(T-12)

7. **Construction Management Plan.** Prior to issuance of building permits, the applicant shall prepare a construction management plan for review and approval by City staff. Prior to beginning the next phase of construction, review the plan with City Engineering staff and modify as needed to ensure coordination with other area construction projects to minimize any lane closures or traffic intensive activities.

The construction management plan shall provide for:

- No hauling of bulk materials and waste shall occur during peak traffic hours.
- Hauling of materials shall be limited along streets that have fronting residential land uses or near school sites.
- Flagmen shall be provided at the project's truck entrance to expedite movements into and out of the site.
- Access of all but essential construction traffic on San Remo Drive shall be limited.
- Any lane closures required along State Street for construction should be done during off-peak hours and all lanes should be open for travel during the peak commute hours and on weekends.

(T-11)

8. **Solid Waste Management Plan.** To reduce trips associated with export of site debris, prior to issuance of grading and/or demolition permits, the applicant shall develop and implement a solid waste management plan for review and approval by the City to reduce waste generated by construction and demolition activities (see condition H.3 for additional information). In addition, the applicant shall work with other development projects in the area to minimize the distance that export material is hauled from the site and manage the hours during which that hauling occurs to minimize the effects on area traffic. (T-10)
9. **Minimization of Storm Water Pollutants of Concern.** The applicant shall implement approved plans incorporating long-term storm water best management practices (BMPs) to minimize identified storm water pollutants of concern including automobile oil, grease and metals. The applicant shall submit project plans incorporating long-term BMPs to minimize storm water pollutants of concern to the extent feasible, and obtain approval from Public Works Engineering. The owners association shall maintain approved facilities in working order for the life of the project, and shall inspect annually and submit report to City annually. (W-2)

**G. Community Development Requirements with the Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit:

1. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
  - a. The frequency and/or schedule of the monitoring of the mitigation measures.
  - b. A method for monitoring the mitigation measures.
  - c. A list of reporting procedures, including the responsible party, and frequency.
  - d. A list of other monitors to be hired, if applicable, and their qualifications.
  - e. Submittal of weekly reports during demolition, grading and excavation, and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.

- f. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
2. **Neighborhood Notification Prior to Construction.** At least thirty (30) days prior to commencement of construction, the contractor shall provide written notice to all property owners and building occupants within 450 feet of the project area that proposed construction activities could substantially affect outdoor or indoor living areas. The notice shall contain a description of the project, a construction schedule including days and hours of construction, a description of noise-reduction measures, and the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions and provide additional information or address problems that may arise associated with construction noise. A 24-hour construction hot line shall be provided. Any noise complaints received shall be documented, and, as appropriate, construction activities shall be modified to the extent feasible to address such complaints. Informational signs with the PEC's name and telephone number shall also be posted at the site and shall be easily viewed from adjacent public areas. (N-6)

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.

3. **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.
4. **Window Replacement.** The applicant shall offer to have a minimum 4-millimeter-thick, double-paned glass installed in the first- and second-story windows of the residences that face the project site. (N-11)  
Evidence of the offer shall be provided to the Planning Division, and any residences that accepted the offer shall have their replacement windows installed prior to issuance of a building permit. Evidence of any window replacements shall be provided to the Planning Division.
5. **Air Conditioning.** The applicant shall offer to install temporary air conditioning in those residential units adjacent to the project site that do not already have this feature to allow residents to keep their windows closed during construction activities. (N-12)

Evidence of the offer shall be provided to the Planning Division, and any residences that accepted the offer shall have their temporary air conditioning installed prior to issuance of a building permit. Evidence of compliance shall be provided to the Planning Division.

6. **Parks and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Parks and Recreation Commission for the removal of all trees located within the required front setback and street trees.
7. **Geotechnical Recommendations.** Site preparation and project construction related to soil conditions and seismic hazards shall be in accordance with the recommendations contained in the Soils Engineering Report, prepared by Earth Systems Pacific, dated September 25, 2003. Compliance shall be demonstrated on plans submitted for grading and building permits. (G-1)
8. **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:
  - a. **Initial Sale Price Restrictions.** The eleven (11) dwelling units identified as Affordable on the Site Plan shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:
    - (1) Unit Type H (2 units) (1-bedroom units @ 130% AMI) = \$247,200
    - (2) Unit Type A (1 unit) (2-bedroom unit @ 130% AMI) = \$309,500
    - (3) D (1 unit) (2-bedroom unit @ 120% AMI) = \$280,800
    - (4) Unit Type E (3 units) (2-bedroom units @ 120% AMI) = \$280,800
    - (5) Unit Type C, C-1 (2 units) (3-bedroom units @ 130% AMI) = \$350,800
    - (6) Unit Type G (2 units) (3-bedroom units @ 120 % AMI) = \$319,100
  - b. **Resale Restrictions.** The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded

affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

9. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Architect, the Landscape Architect, the Biologist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.

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

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section B above.
2. **Mitigation Monitoring and Reporting Requirement.** Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Environmental Impact Report for the project.
3. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

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

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

4. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
5. **Construction Erosion/Sedimentation Control Plan.** Project grading and construction shall be conducted in accordance with an approved erosion control plan to protect water quality throughout the duration of site preparation, earthwork, and construction process. Prior to the issuance of a demolition or building permit for the proposed project, the applicant or project developer shall prepare an erosion control plan that is consistent with the requirements outlined in the Procedures for the Control of Runoff into Storm Drains and Watercourses and the Building and Safety Division Erosion/Sedimentation Control Policy (2003). The erosion control/water quality protection plan shall specify how the required water quality protection procedures are to be designed, implemented, and maintained over the duration of the development project. A copy of the plan shall be submitted to the Community Development and Public Works Departments for review and approval, and a copy of the approved plan shall be kept at the project site.

At a minimum, the erosion control/water quality protection plan prepared for the proposed project shall address the implementation, installation, and/or maintenance of each of the following water resource protection strategies: paving and grinding, sandbag barriers, spill prevention/control, solid waste management, storm drain inlet protection, stabilize site entrances and exits, illicit connections and illegal discharges, water conservation, stockpile management, liquid wastes, street sweeping and vacuuming, concrete waste management, sanitary/septic waste

management, vehicle and equipment maintenance, vehicle and equipment cleaning, and vehicle and equipment fueling. (W-1)

6. **Dust Mitigation - Plan Specifications.** Prior to grading permit clearance, the applicant shall include all dust control requirements as notes on construction grading and building plans. (AQ-9)
7. **Interior Noise Reduction for Office and Residential Units Near State Street.** The walls, doors, and windows of office units adjacent to State Street shall be constructed to include sufficient noise attenuation to reduce interior levels to a CNEL of 50 dB(A). (N-15) The walls, doors, and windows of residential units closest to State Street shall be constructed to include sufficient noise attenuation to reduce interior noise levels to a CNEL of 45 dB(A). (N-14)

The applicant shall submit an updated Noise Report demonstrating that the project satisfies the above-referenced noise levels. Said Report shall identify any noise attenuation measures needed to satisfy the noise requirement, which may include:

- a. Windows shall have a minimum Standard Transmission Class (STC) of 35 and be properly installed, weather-stripped, and insulated.
  - b. Doors with a minimum STC of 35 shall be used for doorways facing State Street and shall be insulated in conformance with California Title 24 requirements.
  - c. Roof or attic vents facing State Street shall be baffled.
  - d. Air conditioning or a mechanical ventilation system shall be installed in any dwelling units outside the 60 dB noise corridor so that windows and doors may remain closed. Ventilation systems shall be installed and operable prior to Certificate of Occupancy.
8. **Left Turns.** Prohibit left turns onto State Street from the residential parking lot to eliminate sudden car accelerations that could otherwise occur when making this turn. (N-5)
  9. **Stop Sign.** A "STOP" sign and a painted stop bar and legend shall be provided at each driveway exit.
  10. **Street/Traffic Control Sign.** The Owner must furnish and install traffic control sign(s) to Public Works Department construction standards, as determined by the Transportation Division.
  11. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.

12. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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Property Owner \_\_\_\_\_ Date \_\_\_\_\_

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Contractor \_\_\_\_\_ Date \_\_\_\_\_  
License No. \_\_\_\_\_

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Architect \_\_\_\_\_ Date \_\_\_\_\_  
License No. \_\_\_\_\_

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Engineer \_\_\_\_\_ Date \_\_\_\_\_  
License No. \_\_\_\_\_

- I. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **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, Architect, Landscape Architect, Biologist, Project Engineer, Project Environmental Coordinator, Contractor and each Subcontractor.

2. **Seasonal Restriction.** Removal of trees during initial site development should be limited to the time period between September 1 and January 31. If tree removal or construction is to occur during the bird nesting season (February 1 through August 31), a City-approved biologist shall conduct a survey at the site for active nests two weeks prior to any scheduled tree removal, tree pruning, development, or grading. If active nests are located, setbacks for construction work would be required until the nest is no longer active or the young have fledged. If no active nests are found, the construction, tree removal, or grading restrictions specified in this section shall not apply. (BIO-1)
3. **Waste Management Plan.** The applicant shall develop and implement a solid waste management plan to reduce waste generated by construction and demolition activities. Consistent with City of Santa Barbara ordinances, and in order to achieve the waste diversion goals required by state law, the contractor may choose to separate waste and recyclables on site or use a combination of source separation and a construction and demolition (C&D) sorting facility. The solid waste management plan shall include the following:
  - a. **Contact information:** The name and contact information of who will be responsible for implementing the solid waste management plan.
  - b. **Waste assessment:** A brief description of the proposed project wastes to be generated, including types and estimated quantities during the construction phase of this project. Demolition and construction materials shall be recycled or reused, consistent with ordinance Chapter 7
  - c. **Recycling and waste collection areas:** Waste sorting and/or collection and/or recycling areas shall be clearly indicated on the project plans and approved by the City Solid Waste Specialist.
  - d. **Transportation:** A description of the means of transportation of recyclable materials and waste (whether materials will be site-separated and self-hauled to designated centers, or whether mixed materials will be collected by a waste hauler and removed from the site to be processed) and destination of materials.
  - e. **Landfill information:** The name of the landfill(s) where trash will be disposed of and a projected amount of material that will be landfilled.
  - f. **Meetings:** A description of meetings to be held between applicant and contractor to ensure compliance with the site solid waste management plan.
  - g. **Alternatives to landfilling:** A list of each material proposed to be salvaged, reused, or recycled during the course of the project.

- h. Contingency Plan: An alternate location to recycle and/or stockpile C&D in the event of local recycling facilities becoming unable to accept material (for example: all local recycling facilities reaching the maximum tons per day due to a time period of unusually large volume).
- i. Implementation and documentation of solid waste management plan:
- (1) Manager: The permit applicant or contractor shall designate an on-site party (or parties) responsible for instructing workers and overseeing and documenting results of the solid waste management plan for the project site foreman. The contact will notify the Public Works Department immediately should any deviance from the solid waste management plan be necessary.
  - (2) Distribution: The contractor shall distribute copies of the solid waste management Plan to the job site foremen, impacted subcontractors, and the architect.
  - (3) Instruction: The permit applicant or contractor shall provide on-site instruction of appropriate separation, handling, and recycling, salvage, reuse, and return methods to be used by all parties at the appropriate stages of project development.
  - (4) Separation and/or collection areas: The permit applicant or contractor shall ensure that the approved recycling and waste collection areas are designated on site.
  - (5) Construction of recycling and waste container facilities: Inspection shall be made by Public Works to ensure the appropriate storage facilities are created in accordance with AB 2176, California State Public Resources Code 42911 and City of Santa Barbara Zoning Ordinances.
  - (6) Hazardous wastes: Hazardous wastes shall be separated, stored, and disposed of according to federal, state, and local regulations.
  - (7) Documentation: The contractor shall submit evidence at each inspection to show that recycling and/or reuse goals are being met and a summary of waste generated by the project shall be submitted on a monthly basis. Failure to submit this information shall be grounds for a stop work order. The summary shall be submitted on a form acceptable to the Public Works Department and shall contain the following information:
    - Disposal information: amount (in tons or cubic yards) of material landfilled; identity of the landfill; total amount of tipping fees paid at the landfill; weight tickets, manifests, receipts, and invoices (attach copies).

- Recycling information: amount and type of material (in tons or cubic yards); receiving party; manifests, weight tickets, receipts, and invoices (attach copies).

- Reuse and salvage information: list of items salvaged for reuse on project or campus (if any); amount (in tons or cubic yards); receiving party or storage location.

(8) Contingency Plan: The permit applicant or contractor shall detail the location and recycling of stockpiled material in the event of the implementation of a contingency plan.

4. **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.
5. **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
6. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
7. **Traffic Control Plan.** All elements of the approved Traffic Control Plan and Construction Management Plan shall be carried out by the Contractor.
8. **Construction Hours.** Noise-generating construction activities (which may include preparation for construction work) shall be permitted weekdays between the hours of 8:00 AM and 5:00 PM, excluding holidays observed by the City of Santa Barbara as legal holidays, as shown below:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Day 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.

Occasional night work may be approved for the hours between 8:00 PM and 7:00 AM weekdays by the Chief of Building and Zoning (per Section 9.16.015 of the Municipal Code). These occasional work efforts may include concrete pours for the underground garage footings, floor and deck, if approved by the Chief of Building and Zoning. In the event of such night work approval, the applicant shall provide written notice to all property owners and occupants within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of night work. Night work shall not be permitted on weekends or holidays. (N-7)

9. **Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dB(A) at the property boundaries shall be shielded with a barrier that meets a STC rating of 25. (N-8)
10. **Construction Equipment Sound Control.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without a muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited. (N-9)
11. **Construction Noise Barrier.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools. (N-10)
12. **Construction Sound Barrier Wall.** Install a temporary construction sound barrier wall along the northern half of the western edge of the project site, the entire northern end of the site, and the northern half of the eastern edge of the project site. The barrier should be made of sound-attenuating material (not landscaping). The noise barrier can be constructed from concrete, masonry, wood, metal, or other materials determined to be appropriate by the City. To effectively reduce sound transmission through the barrier, the material chosen must be rigid and sufficiently dense (at least 20 kilograms/square meter). All noise barrier material types are equally effective, acoustically, if they have this density. The barrier shall be of sufficient height to block direct line of sight to the first story of adjacent residential uses. It is estimated that a noise barrier of the prescribed density would reduce average noise levels to sensitive receptors by up to 5 dB if the barrier blocks direct line of sight, and an additional 1.5 dB for each meter of barrier height for those uses blocked from direct line of sight. (N-13)
13. **Dust Mitigation - Site Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur, using reclaimed water whenever the Public Works Director determines that it is reasonably

available. Water trucks or sprinkler systems shall be used in the late morning; during clearing, grading, earth moving, or transportation of cut and fill materials; and after work is completed for the day to prevent dust from leaving the project site and to create a crust after each day's activities cease. Reclaimed water shall be used if available. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Frequency of construction site watering shall be increased when wind speeds exceed 15 miles per hour (mph) to reduce PM10 emissions. (AQ-1)

14. **Dust Mitigation - Speed Limit.** An on-site speed limit of 15 miles per hour shall be imposed for operation of construction vehicles on dirt surfaces. (AQ-2)

15. **Dust Mitigation - Gravel Pad/Street Sweepings.** Gravel pads shall be installed at all access points prior to beginning construction to prevent tracking of mud onto public roads.

Streets adjacent to the project site shall be inspected daily for accumulation of mud, dirt, or silt on streets. Affected road segments shall be cleaned daily. (AQ-3)

16. **Dust Mitigation - Stockpile Treatment.** All stockpiled soil materials shall be watered regularly as needed to inhibit dust generation. Excavated material and stockpiled soil shall be covered if not being used within the next 48 hours. (AQ-4)

17. **Dust Mitigation - Grading Suspension.** Grading and scraping operations will be suspended when wind speeds exceed 20 mph to reduce PM10 emissions. (AQ-5)

18. **Dust Mitigation - Site Stabilization.** Disturbed areas will be permanently stabilized with landscaping ground cover or site improvements as soon as practicable following the completion of earthwork.

After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by

- a. seeding and watering until grass cover is grown;
- b. spreading soil binders;
- c. sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;

- d. other methods approved in advance by the Air Pollution Control District.

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. (AQ-6)

19. **Dust Mitigation - Truck Covering.** All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) section 23114 ("freeboard" means vertical space between the top of the load and top of the trailer). (AQ-7)
20. **Dust Mitigation - Monitor.** The contractor shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the City and SBCAPCD prior to permit clearance for grading. (AQ-8)
21. **Diesel Vehicle Emissions Control.** Operators of diesel-powered vehicles should turn off the engine after 5 minutes when the vehicle is not in motion, keep the vehicles well-tuned and maintained, and retrofit engines with pollution-control devices. Consideration should be given to purchasing trucks and buses that meet new US EPA standards ahead of schedule. Vehicle owners should use ultra-low-sulfur fuel in combination with pollution control equipment such as particulate matter filters. (AQ-10)
22. **Construction Equipment Emissions.** As of June 15, 2008, fleet owners are subject to sections 2449, 2449.1, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of Regulations (CCR) to reduce diesel particulate matter and criteria pollutant emissions from in-use off-road diesel-fueled vehicles. The following shall be adhered to during project grading and construction to reduce NOX and PM2.5 emissions from construction equipment:
- All portable construction equipment shall be registered with the state's portable equipment registration program OR permitted by the district by September 18, 2008.
  - Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emission standards should be used to the maximum extent feasible.
  - The engine size of construction equipment shall be the minimum practical size.

- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction equipment shall be maintained in tune per the manufacturer's specifications.
- Construction equipment operating on site shall be equipped with two- to four-degree engine timing retard or pre-combustion chamber engines.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by US EPA or California shall be installed on equipment operating on site.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.

(AQ-11)

23. **Construction Equipment Operations.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number of equipment is operating at any one time. The construction contractor shall ensure that work crews shut off equipment when not in use. In addition, California's more recent anti-idling regulations (with some exemptions) require that drivers of diesel-fueled commercial vehicles weighing more than 10,000 pounds (1) shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, and (2) shall not use diesel-fueled auxiliary power units for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle equipped with a sleeper berth, at any location. (AQ-12)
24. **Architectural Coating Emissions.** Compliance with the SBCAPCD Rules and Regulations on the use of architectural coatings shall be implemented as applicable, including using pre-coated/natural-colored building materials, using water-based or low-ROC coating, and using coating transfer or spray equipment with high transfer efficiency. (AQ-13)
25. **Asbestos.** The project applicant shall complete and submit a SBAPCD Asbestos Demolition and Renovation Compliance Checklist at least 10 days prior to the commencement of any demolition activities. (AQ-14)

26. **Construction Worker Trips.** Construction worker trips should be minimized by requiring carpooling and by providing for lunch on site. (AQ-15)
27. **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.
28. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
29. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department.
30. **Town and Country Apartment Access.** Vehicular access to the Town and Country Apartment parking spaces, located at 3730 State Street, shall be provided throughout construction, if alternative access to San Remo Road has not already been obtained.
31. **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's) name, contractor(s) and PEC's telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. 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.
32. **Tree Relocation.** All trees identified for relocation on-site shall be appropriately protected following removal to ensure their replacement and future survival.
33. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
34. **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.
35. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface

archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization. (CR-1)

- J. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements *caused by construction* (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
  2. **Complete Public Improvements.** Public improvements, as shown in the improvement plans, including utility service undergrounding and installation of street trees, shall be completed.
  3. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial-type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.
  4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
  5. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are

within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).

6. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.
  7. **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions, obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.
  8. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those used for the photosimulations contained in the Sandman Inn Redevelopment Project EIR shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
  9. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
  10. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section D have been recorded.
- K. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If

the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

**NOTICE OF APPROVAL TIME LIMITS:**

In general, Development Plan approvals have a time limit of four (4) years pursuant to Municipal Code section 28.87.350. Tentative Map approvals have an initial time limit of two (2) years in accordance with Municipal Code section 27.07.110 (but such initial period may be extended up to three (3) years by local ordinance pursuant to Government Code section 66452.6). When the Planning Commission approves multiple discretionary approvals, Municipal Code section 28.87.370 extends the term of each discretionary approval to correspond to longest approval, unless such an extension would conflict with state law. Therefore, the time limits for the Planning Commission approvals are as follows:

1. **LOT LINE ADJUSTMENT AND TENTATIVE MAP.** The Planning Commission approval of the Lot Line Adjustment and the Tentative Subdivision Map shall expire three (3) 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.

2. **DEVELOPMENT PLAN APPROVAL.** The approval of the Development Plan shall expire four (4) years from the date of approval. The developer may request an extension of the Development Plan approval for one additional year pursuant to Municipal Code section 28.87.350.

3. **MODIFICATION APPROVAL.** The approval of the lot area modification is coterminous with the approval of the Tentative Subdivision Map.

**RESOLUTION NO. 10-020**

STATE OF CALIFORNIA            )  
  )  
COUNTY OF SANTA BARBARA    ) ss.  
  )  
CITY OF SANTA BARBARA        )

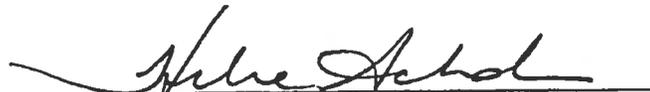
I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on April 20, 2010, by the following roll call vote:

- AYES:                    Councilmembers Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Das Williams, Mayor Helene Schneider
- NOES:                    None
- ABSENT:                 None
- ABSTENTIONS:        None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on April 21, 2010.

   
Cynthia M. Rodriguez  
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on April 21, 2010.

  
Helene Schneider  
Mayor





SITE PLAN  
DATE: 11-2011



EXHIBIT D

