



City of Santa Barbara California

III.B.

PLANNING COMMISSION STAFF REPORT

REPORT DATE: January 9, 2014
AGENDA DATE: January 16, 2014
PROJECT: Air Quality Design Standards for Development near Highway 101
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4467
Bettie Weiss, City Planner *RLB for BLW*
Barbara Shelton, Project Planner/Environmental Analyst *BSH*

I. RECOMMENDATION

This public hearing is for Planning Commission consideration of a proposed Ordinance to establish air quality design standards for specified types of new development near Highway 101.

Staff recommends that the Planning Commission recommend City Council adoption of the Ordinance.

II. PROJECT DESCRIPTION

The proposed Ordinance (Exhibit A) would establish project design standards for applicable new development within 250 feet of Highway 101 to reduce air pollution health risks for sensitive populations, in accordance with General Plan Policy ER7 (Exhibit B) limitations for development of sensitive land uses near the highway.

Summary of Draft Ordinance Components

Purpose. The intent of the proposed Ordinance is to implement Policy ER7 to protect the public health, safety, and welfare. The Ordinance provisions would limit the number of additional people potentially receiving extensive exposure to air pollution from highway vehicle exhaust, including diesel particulates, and would reduce the exposure level of residents and occupants of new development through project design standards.

Definitions. *Sensitive Individuals* are identified as persons most susceptible to adverse effects from poor air quality, including children, the elderly, and people with chronic medical conditions. *Extensive Occupancy or Exposure* means daily occupancy or frequent lengthy visits of many hours occurring repeatedly over many years. *Sensitive Land Uses* are land uses that typically involve extensive occupancy or exposure by sensitive individuals, including residences, retirement and nursing homes, schools, and large family day care facilities. (Uses such as medical facilities and parks were not included because of short exposure.)

Applicability. The ordinance provisions would apply to specified types of new development on properties located in whole or in part within 250 feet of Highway 101, as measured from the outer edge of the nearest travel lane (not including highway on- and off-ramps). The ordinance would not apply to existing development nor require retrofitting of existing development.

Applicable New Development would include: (a) Two or more new residential units on a vacant lot; (b) One or more new residential unit(s) on a lot with existing development; (c) Substantial addition to a residential unit (greater than 50% of floor area); (d) New building for sensitive land uses; (e) Demolition and replacement with structures for residential or other sensitive land uses; (f) A change of use of an existing building from a use not defined as a Sensitive Land Use to a Sensitive Land Use; (g) A change of use of an existing building from one Sensitive Land Use to a different Sensitive Land Use.

Exemptions. Projects exempt from these ordinance provisions would include: (1) Project site locations with a Caltrans highway sound wall between the highway and project; (2) Project applications submitted or approved prior to December 1, 2011 where the application or permit remains valid; and (3) Projects where the developer demonstrates to the satisfaction of the City that site-specific climatic or topographic conditions avoid or address the highway air quality risk. Minor additions, remodels, and structures for non-residential land uses are also exempt.

Development Design Standards.

(A) *Proximity to Highway 101 and Project Design Features:* Specified new development for sensitive land uses within 250 feet of Highway 101 would be prohibited unless the City determines that project design features satisfactorily address air quality, with consideration of the identified factors below.

1. Distance from Highway 101. Structures and outdoor living areas for sensitive land uses should be located as far as feasible from Highway 101. Mixed-use projects should locate buildings and areas with extensive exposure for sensitive land uses furthest from the highway, while facilities for non-sensitive uses or for short-term use could be sited closer.
2. Building Orientation and Outdoor Living Areas. Buildings involving sensitive land uses should be oriented with doors and outdoor living areas on the side of the building away from the highway, to provide physical screening by the building.
3. Vegetative Screening and Physical Barriers. Development for sensitive land uses should incorporate dense, tiered vegetative plantings between the highway and the project, to help remove air pollutants and reduce pollutant concentrations. Inclusion of physical barriers such as walls and fences between the highway and project also help reduce pollutant exposure levels.
4. Air Infiltration Design. Projects should locate air intake vents on the side of building away from the highway; and should use double-paned windows throughout.
5. Other Measures. The developer may propose other measures that have a demonstrated ability to reduce highway air pollution exposure.

(B) *Interior Ventilation and Filtration:* New development located within 250 feet must incorporate a central ventilation system with high efficiency filtration rated at Minimum

Efficiency Reporting Value of MERV-13 or better; and a filter operations manual must be provided with all leases.

III. BACKGROUND

Air Pollution Health Risks and Regulations

Scientific and epidemiological studies have shown that extensive exposure to highway vehicle exhaust is associated with increased health risks, including for cancer, childhood asthma, and emphysema. This is particularly the case for more sensitive individuals, including children, the elderly, and those with chronic illnesses.

The California Air Resources Board (CARB) and Santa Barbara County Air Pollution Control District (APCD) recommend that local agencies restrict development of sensitive land uses near highways (e.g., residences, schools), to limit exposure to health hazards of highway pollution. (CARB, *Air Quality and Land Use Handbook: A Community Health Perspective*, 2005)

The CARB has undertaken a program of increasingly stringent air quality regulations that have resulted in improved air quality in most parts of the State over the past decades. As an example, diesel particulates, which constitute about 70% of hazardous highway exhaust particulates, have been substantially reduced through regulations for fuel and engine emissions, and further phases of regulations are in process and planned.

City Study of Air Quality at Highway 101

A study of air pollution along Highway 101 within Santa Barbara was conducted for the City in 2009 by the firm Illingworth & Rodkin. The analysis used air pollution levels associated with a health risk standard of 10 excess cancer cases per million persons. Average air pollution concentration at Highway 101 was identified, and expected average distance for dissipation to the health risk standard was modeled. The study was based on inputs of average vehicle volumes and mix, average climatic and wind conditions, and most recent model and pollutant emission rates from the California Air Resources Board. The analysis demonstrated that air pollution concentrations generally dissipated to below the level of the health risk standard at a distance of approximately 250 feet from Highway 101.

The Program Environmental Impact Report (EIR) for the 2011 General Plan Update further evaluated this issue to identify air quality effects of additional incremental development to the year 2030. The EIR concluded that an interim policy for limiting new development of sensitive land uses within 250 feet of Highway 101 would mitigate the citywide air quality impact of future development near Highway 101 until pollution levels were reduced through planned State regulations or other means, or individual projects were determined to address the issue.

General Plan Policy ER7

General Plan Policy ER7 for limiting new development near Highway 101 (Exhibit B) was carefully considered by the Planning Commission and City Council with input from agencies, property owners, and the general public. There was a split in both public and decision-maker

opinion, ranging from some that favored a 500-foot setback consistent with the State and local air district recommendations, to others that favored no setback.

Policy ER7 establishing the 250-foot distance was adopted as part of the 2011 General Plan Update. Implementation Measure ER7.1 directs that the City establish project review criteria for new development to implement the policy.

In 2012, the City Council also adopted Resolution 12-013 establishing applicable types of new development for implementing Policy ER7 (Exhibit C).

The City Council Ordinance Committee considered the draft implementing Ordinance on November 12, 2013, and directed that it be forwarded to the Planning Commission for their consideration and recommendation to Council, and subsequently forwarded to the full City Council for adoption.

IV. ISSUES

Land Use Information within 250-Foot Area

Exhibit D is a map of the 250-foot areas along each side of Highway 101 and the location of Caltrans sound walls.

Across the City, most parcels next to Highway 101 have some existing development, variously within commercial areas and residential areas. There are 991 parcels either wholly or partially within the 250-foot distance of Highway 101.

	No. of Parcels
• Parcels with some existing development	984
• Vacant parcels	7
• Parcels behind Caltrans highway sound walls	246
• Parcels without Caltrans highway sound walls	745
• Residentially zoned parcels (A-2, E-1, E-3, PUD, R-1, R-2, R-3, or R-4)	634
• Other zones (C-1, C-2, C-M, C-O, C-P, HRC-2, M-1, O-C, OM-1, or P-R)	357

The existing residential development includes some multiple-unit complexes for families and the elderly which are partially located within the 250-foot distance. Examples include the Pilgrim Terrace senior housing in the Mission/Modoc area south of the freeway, and several City Housing Authority projects (located at 600 block of Eucalyptus; 1200 block of Castillo Street & 400 block of Anapamu Street; 500 block of W. Victoria Street; 300 block of S. Voluntario Street; and 1900 block of San Pascual Street).

Total potential additional build-out of residential units on these parcels under the General Plan and zoning designations is estimated at 458 units. During the upcoming period to the year 2030, up to approximately 91 additional residential units could likely be proposed on parcels wholly or partly within the 250-foot distance. This estimate uses the 2011 General Plan build-out scenario to the year 2030, which is based on historic growth rates and growth management

policies. A portion of these would be on parcels not behind Caltrans sound walls and the ordinance provisions would apply.

A complete land use inventory of other existing sensitive land uses within 250 feet of Highway 101 has not been conducted, but the area includes a few retirement homes and day care facilities. None of the District elementary, junior high, or high schools in the City are located within 250 feet of Highway 101.

Effectiveness of Project Design Measures

A publication from the California Air Resources Board summarizes recent research on the effectiveness of air quality mitigation methods along highways (*CARB, Status of Research on Potential Mitigation Concepts to Reduce Exposure to Nearby Traffic Pollution, 2012*).

As is expected, distance from the highway pollution source is the most effective measure. Interior central air ventilation/filtration is also identified as a very effective measure, although the effectiveness may be compromised by individual user practices regarding open windows and system maintenance. Trees and dense vegetation are shown to be effective at trapping particulates. Both vegetative and structural barriers between the highway and project reduce the concentration of air pollution.

Vegetation for air pollution mitigation is most effectively provided by rows of trees with either needles, such as firs and cedars, or dense leafy foliage, and planted in rows. City landscape design guidelines include a number of firs and cedars and leafy trees.

Other issues also need to be considered in selecting appropriate trees and vegetation for an individual site, including space limitations, fire hazard, soil type/climatic conditions, drought tolerance and native/Mediterranean plants, potential effects of root system on paved areas, blocking solar access on adjacent parcels, and maintenance issues.

The proposed City Urban Forest Master Plan includes the following action item, which would provide future additional guidance for vegetation selection:

Action: Develop guidance for tree selection and planting along Highway 101 that would improve air quality for nearby sensitive land uses.

Ordinance Implementation

Ordinance provisions would be applied by staff with project permit applications through:

- Public Information Counter
- City Web Site information
- Pre-Application Review Team (PRT) project review
- Development Application Review Team (DART) project review
- Preliminary Plan Checks for Design Review projects; and
- Plan Checks for Building Permit projects.

Decision-makers for an individual project permits would also be involved in approval of final project design features.

Tracking State Regulations and Air Quality Changes

Policy ER7 is identified as an interim policy until such time as highway diesel particulate levels and health hazards are reduced through further planned State regulations or other means. The policy provides that the City will track regulatory efforts of the California Air Resources Board and progress on air quality improvements.

Santa Barbara County Air Pollution Control District staff is assisting City staff in monitoring State activities. The next phase of diesel particulate regulations (heavy truck retrofits), which had been put on hold following the State's economic downturn, is underway. Scientific studies have estimated that diesel particulate levels statewide were substantially reduced in the years 1990-2010 due to in-place State regulations (UCSD, *Black Carbon and the Regional Climate of California*, 2013).

The City will periodically conduct updated measurement or modeling of air quality conditions along Highway 101 within Santa Barbara as part of the City's General Plan Adaptive Management Program (AMP). Following such studies, the City may reassess the Ordinance provisions for amendment or repeal.

Other Jurisdictions

The City of Goleta adopted a General Plan policy requiring projects within 500 feet of Highway 101 to prepare project-specific health risk assessments.

The County of Santa Barbara's Los Alamos Community Plan includes development standards providing that a high efficiency ventilation system should be installed for all residential projects within 500 feet of Highway 101, residents provided with filter maintenance information, and potential buyers provided with an air quality disclosure statement.

The County is in process of preparing an updated East Goleta Valley Community Plan for the unincorporated portion of the valley, which is also expected to include a policy addressing this highway air quality issue.

The Santa Barbara Association of Governments (SBCAG) recently adopted an updated Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS). The Final Program Environmental Impact Report for this plan identifies a list of potential mitigation measures for siting of sensitive land uses within 500 feet of Highway 101. Measures may include site design and screening, health risk assessments, interior filtration, and disclosure statements, as determined by the lead agency for individual projects.

A number of jurisdictions in northern and southern California also have similar policies in place or pending.

Public Review and Adoption Process

An extensive public process and opportunities for public input were previously provided when City Policy ER7 was established as part of the 2011 General Plan update. This included stakeholder meetings, newspaper and email notices, notification of property owners within 500 feet of Highway 101, draft General Plan and Environmental Impact Report public comment periods, public workshops, and hearings at the Planning Commission and City advisory boards, Council General Plan Subcommittee, and City Council.

Environmental review under the California Environmental Quality Act (CEQA) is provided for this proposed implementing Ordinance by the Program EIR for the 2011 General Plan.

The draft Ordinance received review from the Council Ordinance Committee on November 12, 2013.

Notification of this Planning Commission hearing was provided by a newspaper display ad and mailed notice to property owners within 250 feet of Highway 101, and mailed or email notice to interested parties, community interest organizations, and public agencies.

Following a Planning Commission recommendation to Council, the Ordinance would be scheduled for a noticed public hearing at City Council to consider adoption of the Ordinance.

V. POLICY ANALYSIS

City Charter: Section 1507

Charter Section 1507 (General Plan and Zoning Ordinance Amendments Limitations) establishes the City policy that land development shall not exceed its public services and physical and natural resources, including air quality.

The proposed Ordinance would provide development design standards to address air quality near Highway 101, consistent with the intent of this Charter section.

General Plan Consistency: Environmental Resources Element Policy ER7

ER7 (Highway 101 Set-Back) establishes the City policy for limiting sensitive development within 250 feet of Highway 101, and identifies implementation action ER7.1 to establish project review criteria for development within the 250-foot area.

The proposed Ordinance is consistent with and implements this General Plan policy and action. The ordinance provides further detailed project criteria and procedures for implementation, including definitions of terms, how the 250-foot area is measured, applicable types of development, and project features and standards to be considered and applied in the design, review, and permitting of new development near Highway 101 in consideration of air pollution health risks.

The full text of these policies is provided in Exhibit E.

VI. ENVIRONMENTAL REVIEW

Adoption of the proposed Ordinance to implement General Plan Policy ER7 is within the scope of the 2011 General Plan Update and its Program EIR analysis.

The Ordinance would implement the policy and would not result in additional environmental impacts beyond those identified in the Program EIR. The staff analyst determined that no further environmental review process is required for the Ordinance adoption.

VII. PUBLIC COMMENT

No written correspondence was received on this item prior to staff report printing.

Staff received a telephone call on November 15, 2013 from Mr. Tracy Hernandez, who disagreed with the City policy and the basis for the City air quality study. Mr. Hernandez indicated that the City policy should not be based on modeling using a health risk standard for excess cancer cases, because the original 500 foot guideline recommended by the California Air Resources Board (CARB) and Santa Barbara Air Pollution Control District (SBCAPCD) was also based on epidemiological studies, including for childhood asthma and emphysema. In his view, a greater distance consistent with recommendations of the air resources agencies is warranted.

Staff Response: Clearly, the greater the distance from the highway, the less potential for health risk from highway air pollution. The 2005 CARB guideline recommending a 500-foot setback for sensitive land uses was based both on modeling analysis with the cancer health risk standard similar to the City study, along with epidemiological studies pertaining to other health risks. The CARB analysis modeling used the more highly urbanized/ industrialized areas of the State, which have higher traffic volumes, a greater mix of heavy truck traffic, and higher pollution concentrations than in Santa Barbara. This is why the City study identified a lesser distance to reach the lower pollution concentration correlating to the health risk standard. Since that time, CARB has identified that diesel particulates and some other air pollutants have substantially decreased throughout much of the State. The 2005 CARB 500-foot guideline also included the following caveat, recognizing that individual jurisdictions may determine different policies: "These recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues." (Source: CARB, *Air Quality and Land Use Handbook: A Community Health Perspective*, 2005, Table 1-1.)

Exhibits:

- A. Draft Ordinance: Air Quality Design Standards for Development near Highway 101
- B. 2011 General Plan Policy ER7
- C. City Council Resolution 12-013 implementing ER7
- D. Map of 250-foot Buffer Area and Sound Walls along Highway 101
- E. Applicable Policies

ORDINANCE NO. ____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE 22 OF THE SANTA BARBARA MUNICIPAL CODE BY ADDING CHAPTER 22.65 ESTABLISHING DESIGN STANDARDS FOR NEW DEVELOPMENT NEAR HIGHWAY 101 TO IMPLEMENT POLICY ER7 OF THE 2011 GENERAL PLAN.

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION ONE: The City Council adopts the ordinance codified in Chapter 22.65 of the Santa Barbara Municipal Code based on the following findings:

- A. The California Air Resources Board and the Santa Barbara County Air Pollution Control District have recommended reducing potential health hazards associated with vehicle exhaust, including diesel particulates, by limiting development of new residences and other sensitive land uses in close proximity to highways.
- B. A Program Environmental Impact Report (EIR) certified for the City of Santa Barbara 2011 General Plan update evaluated air quality effects associated with new development in close proximity to Highway 101 during the General Plan time horizon. The EIR identified an interim policy for limiting new development of sensitive land uses within 250 feet of Highway 101. The EIR analysis concluded that the interim policy would mitigate the potential air quality impact associated with future development within the City near Highway 101 to a less than significant level until such time as statewide diesel particulate levels and associated health hazards are reduced by planned State regulations or other means.
- C. Interim policy ER7 adopted as part of the City of Santa Barbara 2011 General Plan directs that the development of new sensitive land uses within 250 feet of Highway 101 be limited unless the City determines that diesel emission risks or exposures are satisfactorily addressed. Implementation Measure ER7.1 directs that the City establish development standards for new development to implement the policy, and track State regulations and progress on reducing highway diesel particulates pollution to determine when the interim policy is to be retired.

SECTION TWO: Title 22 of the Santa Barbara Municipal Code is amended by adding Chapter 22.65 titled "Design Standards for Development Near Highway 101" to read as follows:

22.65.010 Purpose and Intent.

It is the purpose of this section to limit and regulate development within close proximity to Highway 101 in a manner that promotes the health, safety, and welfare of the residents of the City of Santa Barbara.

Pursuant to 2011 General Plan Policy ER7, the design standards in this Chapter are intended to limit the number of people, including Sensitive Individuals, who receive Extensive Exposure to potential air pollution hazards from highway vehicle exhaust including diesel particulates, until such time as statewide diesel particulate levels are reduced by planned State regulations or other means.

22.65.020 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the following meanings:

- A. Extensive Occupancy or Exposure.** Substantial time periods involving daily occupancy or frequent lengthy visits of many hours occurring repeatedly over many years, such as typically experienced with residential land uses and schools.
- B. Sensitive Individuals.** Segments of the population most susceptible to adverse affects from poor air quality (including from diesel particulates) including children, the elderly, and people who are ill or have serious chronic respiratory, heart, or other medical conditions that are exacerbated by air pollution.
- C. Sensitive Land Uses.** Land uses that typically involve Extensive Occupancy or Exposure by Sensitive Individuals, including residences; nursing homes, retirement homes, and other community care facilities; schools; and large family day care facilities. Land uses not considered sensitive include retail, commercial services, and offices.
- D. State Highway Roadside Sound Wall.** A roadside sound wall constructed by the California Department of Transportation.

22.65.030 Applicability and Exemptions.

A. Applicability.

- 1. Location.** Any property that is located in whole or part within 250 feet of Highway 101 as measured from the outer edge of the nearest highway travel lane (excluding highway on- and off-ramps) is subject to the requirements of this Chapter, unless identified as exempt in Subsection B of this Section 22.65.030.
- 2. Types of Development.** The following types of development are subject to the requirements of this Chapter, unless identified as exempt in Subsection B of this Section 22.65.030:
 - a. The development of two or more new residential units on a vacant lot.
 - b. The addition of one or more new residential units to a lot on which development existed as of December 1, 2011.
 - c. An addition to an existing residential unit that increases the net floor area of the residential unit by more than 50% of the net floor area that existed within the residential unit as of December 1, 2011. If multiple additions are made to a residential unit during the time this Chapter is in effect, the amount of the additional floor area shall be measured in the aggregate.
 - d. The development of a new building for the following Sensitive Land Uses: schools; large family day care facilities; and nursing homes, retirement homes, and other community care facilities.
 - e. The demolition of an existing building and its replacement with a building intended for residential use or other Sensitive Land Uses.

- f. A change of use of an existing building from a use not defined as a Sensitive Land Use to a Sensitive Land Use.
- g. A change of use of an existing building from a Sensitive Land Use that existed on the effective date of the ordinance adopting this Chapter to a different Sensitive Land Use.

B. Exemptions. The following projects are exempt from this Chapter:

1. Projects on sites where a State Highway Roadside Sound Wall is located between the highway and project site.
2. Projects with applications submitted to the City before December 1, 2011 for development permits including a Master Application, building permit plan check, or for other development approval, where the application has not expired.
3. Projects that received a final approval from the City prior to December 1, 2011 where the approval remains valid.
4. Projects where the developer can demonstrate to the satisfaction of the Community Development Director or the Director's designee that site-specific climatic or topographic conditions avoid or address the air quality risks from Highway 101 on the site.

Nothing in this Subsection B prevents an applicant from incorporating the design standards specified in Section 22.65.040 to exempt projects on a voluntary basis.

22.65.040 Design Standards for Air Quality.

The following design standards apply to development to which this Chapter applies:

- A. Proximity to Highway 101 and Project Design Features.** New development for Sensitive Land Uses shall be prohibited from locating within 250 feet of Highway 101 unless the City Community Development Director or designee determines that project design features satisfactorily address air quality risks. When determining whether the project design features satisfactorily address air quality risks, the Director shall consider the following factors:
1. **Distance from Highway 101.** Structures and outdoor living areas for Sensitive Land Uses should be located as far from Highway 101 as feasible. For mixed-use projects, buildings and areas expected to have Extensive Occupancy or Exposure by Sensitive Individuals should be located furthest from the highway, while facilities for non-sensitive populations and/or involving short-term use (such as parking facilities) should be placed closer to the highway.
 2. **Building Orientation and Outdoor Living Areas.** Buildings involving Sensitive Land Uses should be oriented with doors and outdoor living areas on the side of the building away from the highway in order to provide physical screening by the building.
 3. **Vegetative Screening and Physical Barriers.** Development involving Sensitive Land Uses should incorporate dense, tiered vegetative plantings between the highway and the project, which helps to remove air pollutants and reduce diesel particulate concentrations. Vegetation should largely entail trees with complex foliage (leafy vegetation or with needles) that allow substantial in-canopy airflow; preferably in multiple rows, using tree plantings of tall and uniform height that retain foliage year-round and have a long life span. Inclusion of physical barriers such as walls and fences between the highway and the project also help to reduce air pollutant exposure levels.

4. **Air Infiltration.** In addition to a filtration system as required in Section 22.65.040 B, projects should locate air intake vents on the side of building away from the highway and use double-paned windows throughout.
 5. **Other Measures.** The developer of a Sensitive Land Use that will be located within 250 feet of Highway 101 may propose other measures that have a demonstrated ability to reduce highway air pollution exposure.
- B. Interior Air Filtration System.** New development located within 250 feet of Highway 101 which is not exempt pursuant to Section 22.65.030.B shall incorporate a central ventilation system with air filtration rated at Minimum Efficiency Reporting Value of “MERV13” or better for enhanced particulate removal efficiency. The owner of any development subject to this requirement shall attach a copy of the operator’s manual for the central ventilation and filtration system as an exhibit to every lease of the building or any portion of the building.

22.65.050 Maintenance of Design Features.

Design features incorporated into an approved project design pursuant to Section 22.65.040 shall be maintained as long as this Chapter remains in effect.

AIR QUALITY POLICY ER 7

Excerpt from City of Santa Barbara 2011 General Plan Environmental Resources Element

ER 7 Highway 101 Set Back

New development of residential or other sensitive receptors (excluding minor additions or remodels of existing homes or one unit on vacant property) on lots of record within 250 feet of U.S. Hwy 101 will be prohibited in the interim period until California Air Resources Board (CARB) phased diesel emissions regulations are implemented and/or until the City determines that diesel emission risks can be satisfactorily reduced or that a project's particulate exposure level is sufficiently reduced. The City will monitor the progress of CARB efforts and progress on other potential efforts or measures to address diesel emissions risks.

Possible Implementation Actions to be Considered

ER 7.1 Review Criteria. Prepare project review criteria for the set-back area.

ER 7.2 Barriers and Sound Walls. Pursue funding and installation of sound walls, trees and shrubs along unprotected areas of U.S. Hwy 101 to create a barrier to reduce particulate transmissions. Barriers and sound walls to be consistent with the Highway Santa Barbara Coastal Parkway Design Guidelines.

RESOLUTION NO. 12-013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA REGARDING THE IMPLEMENTATION
OF THE GENERAL PLAN INTERIM POLICY REGARDING
AIR QUALITY ISSUES

WHEREAS, the City undertook an update of the General Plan in a process known as *Plan Santa Barbara (PlanSB)*;

WHEREAS, an Environmental Impact Report was prepared, considered, and certified, and which informed the decision-making process in *PlanSB*;

WHEREAS, potential effects associated with air pollution including diesel particulates is a concern such that both the California Air Resources Board and the Santa Barbara County Air Pollution Control District recommended guidelines for reducing health hazards by limiting development of new residences and other sensitive receptor uses involving extensive exposure periods in close proximity to the highway;

WHEREAS, during the public process for *PlanSB*, the Planning Commission and City Council carefully considered the input from other agencies, property owners, and the general public;

WHEREAS, the air quality policy under consideration is intended to reduce exposure of more people to potential hazards by limiting new development of sensitive receptors close to Highway 101 for an interim period of time while the regulations requiring cleaner burning fuels and engines are being adopted and implemented to reduce the hazard;

WHEREAS, on December 1, 2011, the Council adopted the General Plan with a new Environmental Resources Element Policy Air Quality 7, along with implementation actions including direction to establish interim criteria for review of development, and to monitor associated regulations and levels of diesel particulate pollution to determine when the interim policy should be retired; and

WHEREAS, it is customarily the policy of the Council to consider applying new policies and standards to new development applications while exempting pending projects that began the City review process before the new policy was adopted.

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

SECTION 1. The following projects are exempt from the application of Policy ER7:

- a. Projects submitted to the City before December 1, 2011 for development permits including submittal of a Master Application, submittal for building permit plan check, or submittal of an application for other development approval.
- b. Projects that received an approval from the City prior to December 1, 2011 where the approval is still valid.

SECTION 2. For purposes of implementing Policy ER7, the term "New development" includes the following:

- a. The addition of two or more new residential units to a vacant lot.
- b. The addition of one or more new residential units to a lot with existing development.
- c. The development of a new building on any lot that will include a use that involves numerous visits, or extended periods of occupancy, by persons who are considered sensitive receptors. A change of use of an existing building is not considered new development.

SECTION 3. For purposes of implementing Policy ER7, the term "Minor Addition" is defined as follows: An addition of floor area to an existing residential unit that does not exceed 50% of the floor area that existed as of December 1, 2011. The amount of the additional floor area shall be measured in the aggregate during the time when the policy is in effect.

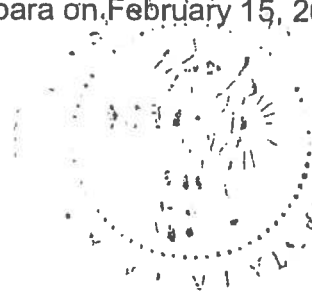
RESOLUTION NO. 12-013

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 February 14, 2012, by the following roll call vote:

- AYES: Councilmembers Dale Francisco, Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White; 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 February 15, 2012.

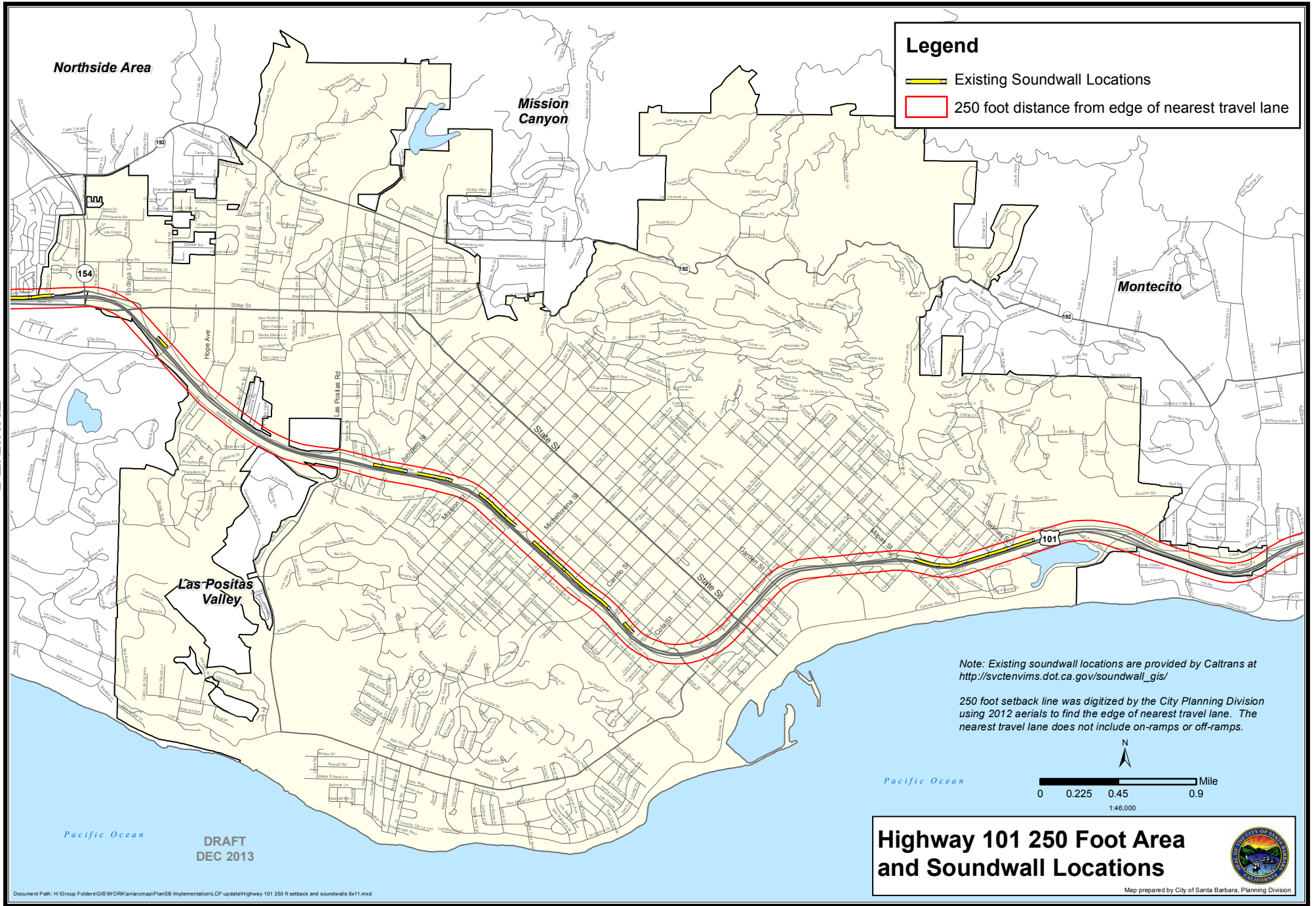


Cynthia M. Rodriguez
Cynthia M. Rodriguez, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on February 15, 2012.

Helene Schneider

Helene Schneider
Mayor



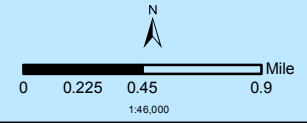
Legend

- Existing Soundwall Locations
- 250 foot distance from edge of nearest travel lane

Note: Existing soundwall locations are provided by Caltrans at http://svctenvims.dot.ca.gov/soundwall_gis/

250 foot setback line was digitized by the City Planning Division using 2012 aerials to find the edge of nearest travel lane. The nearest travel lane does not include on-ramps or off-ramps.

Pacific Ocean



Highway 101 250 Foot Area and Soundwall Locations



Map prepared by City of Santa Barbara, Planning Division

DRAFT
DEC 2013

Document Path: H:\Group Folders\GIS\WORK\an\arcmap\PlanSB Implementation\LCP update\Highway 101 250 ft setback and soundwalls 8x11.mxd

APPLICABLE POLICIES

City Charter Section 1507. General Plan and Zoning Ordinance Amendments Limitations.

It is hereby declared to be the policy of the City that its land development shall not exceed its public services and physical and natural resources. These include, but are not limited to, water, air quality, wastewater treatment capacity, and traffic and transportation capacity. All land use policies shall provide for a level and balance of residential and commercial development which will effectively utilize, but will not exhaust, the City's resources in the foreseeable future. In making land use decisions, the City shall be guided by the policies set forth in this section. In furtherance of these policies, no amendments to the City's General Plan and Zoning Ordinance shall be effective unless approved by five (5) affirmative votes of the City Council. Upon such approval, General Plan and Zoning Ordinance amendments shall be conclusively presumed to comply with the policies set forth herein. (Approved by election held November 2, 1982.)

Environmental Resources Element Policy ER7. Highway 101 Set Back.

New development of residential or other sensitive receptors (excluding minor additions or remodels of existing homes or one unit on vacant property) on lots of record within 250 feet of U.S. Hwy 101 will be prohibited in the interim period until California Air Resources Board (CARB) phased diesel emissions regulations are implemented and/or until the City determines that diesel emission risks can be satisfactorily reduced or that a project's particulate exposure level is sufficiently reduced. The City will monitor the progress of CARB efforts and progress on other potential efforts or measures to address diesel emissions risks.

Possible Implementation Actions to be Considered. ER 7.1 Review Criteria. Prepare project review criteria for the setback area.