



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: January 15, 2014
AGENDA DATE: January 22, 2014
PROJECT ADDRESS: 128 Anacapa Street (MST2012-00332)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RLB*
 Peter Lawson, Associate Planner *2*

I. PROJECT DESCRIPTION

The project consists of a one-lot subdivision to create two residential condominium units and the construction of the two detached residential units, each with a two-car garage. The subject lot is 5,085 square feet in size and is currently vacant. The net sizes of the two units, including garages, are 3,202 square feet (Unit A) and 2,668 square feet (Unit B). Each unit would be three stories with a roof-top deck, and have access to all common open yard space at the ground level. Grading for the project would comprise 140 cubic yards of excavation and 90 cubic yards of import. Access to the site is directly from Anacapa Street.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

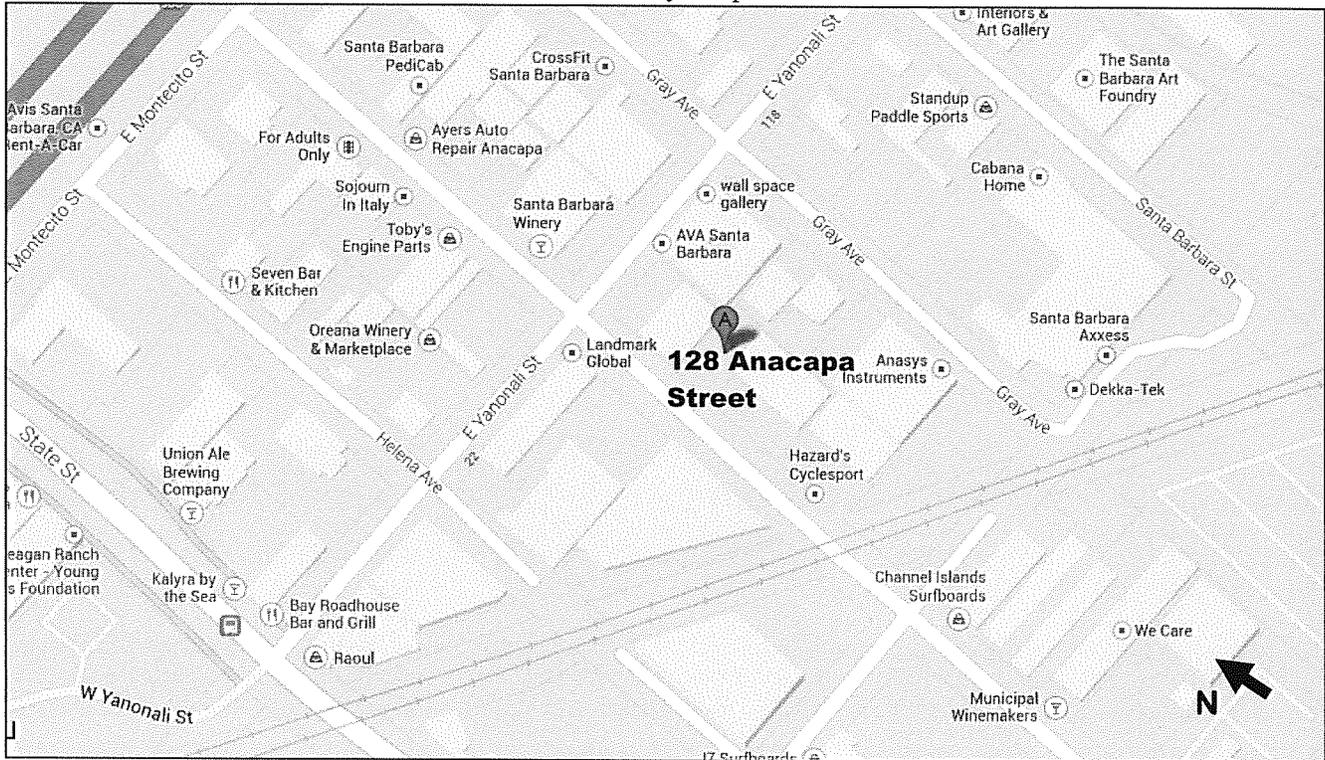
- A. A Tentative Subdivision Map for a one-lot subdivision to create two (2) residential condominium units (SBMC Chapters 27.07 and 27.13); and
- B. A Coastal Development Permit (CDP2012-00007) to allow the subdivision and proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

APPLICATION DEEMED COMPLETE: December 5, 2013
DATE ACTION REQUIRED PER MAP ACT: January 24, 2014

III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.

Vicinity Map



IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant/Property Owner:	Jim McDonald		
Site Information			
Parcel Number:	033-083-022	Lot Area:	5,085 s.f.
General Plan:	Ocean Related Commercial /Medium High Residential	Zoning:	OC (Ocean-Oriented Commercial)/SD-3 (Coastal)*
Local Coastal Plan: Ocean Oriented Commercial & Hotel and Residential			
Existing Use:	Vacant	Topography:	0 – 2%
Adjacent Land Uses			
North - Commercial		East - Residential	
South - Commercial		West - Commercial	

*Note – Due to a 100% residential development being proposed, the project is subject to a few R-3 Zone requirements, which are described below in Section VI.A.

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	N/A - vacant	Unit A – 2,756 s.f.
		Unit B – 2,246 s.f.
Garage	N/A - vacant	Unit A – 446 s.f.
		Unit B – 422 s.f.
Accessory Space	N/A	N/A

V. ISSUES

Staff recommends that the Staff Hearing Officer focus on the issues of building height and the windows located along the southern elevation:

Overall Height

The maximum height of the structure is 41 feet in a zone district that allows up to 45 feet and three stories of development. The building is not a uniform height of 41 feet because other roof elements are lower (ranging from approximately 24 to 34 feet). The surrounding development is a mix of older single story industrial buildings with average heights of 10 to 20 feet and a newer building of 43 feet in height and three stories located immediately north-east of the site. The Architectural Board of Review (ABR) provided positive comments in the second conceptual review of the project. However, staff identified the height as an important issue for the decision-maker to consider since it would be one of only a few taller buildings in the neighborhood.

Southern Elevation

The windows and terraces along the southern elevation could become an issue depending on how/when the adjacent parcel to the south is redeveloped. This project is unique because the 5,085 square foot lot size allows development of a 100% residential project under the provisions of the Ocean-Oriented Commercial (OC) Zone that exempts the mixed use commercial/residential ratio of 70% to 30% on lots of 5,500 square feet or less. There are no setbacks required in the OC Zone.

Currently, the parcel immediately south is mainly developed as a parking lot with a single story, 12 to 15 foot tall, building at the rear of the lot. However, the lot could potentially be redeveloped with a similar building as the proposed project. If the adjacent lot was redeveloped without setbacks, causing the windows on the subject property to be eliminated and the terraces turned into light wells, the proposed project would still be consistent with all of the zoning requirements. Additionally, the windows along the southern lot line are proposed to be one-hour construction, but other building code requirements for exiting could necessitate physical changes to the subject building if a similar building were constructed along the southern lot line.

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front -Interior -Rear	None None None	Vacant Parcel	5' 0" None 8' 5"
Building Height	45' & 3 stories	Vacant Parcel	41' & 3 stories
Parking	4 spaces (2 covered)	Vacant Parcel	4 spaces – all covered
10% Open Space	585 s.f.	Vacant	1,137 s.f.
Private Outdoor Living Space	Ground Floor: 160 s.f.	Vacant	Ground Floor* Unit A – 500 s.f. Unit B – 497 s.f.
Lot Coverage -Building - Paving/Driveway -Landscaping	N/A N/A N/A	Vacant parcel	2,527 s.f. 49% 1,355 s.f. 26% 1,171 s.f. 25%

* Note that there are terraces on each of the three floors of the building that provide additional outdoor living space.

1. OCEAN-ORIENTED COMMERCIAL (OC)/COASTAL OVERLAY (S-D-3) ZONES

The project site is located within the non-appealable jurisdiction of the Coastal Zone and is zoned Ocean-Oriented Commercial (OC). The proposed project would meet the requirements of the O-C Zone and, as directed in this section of the Ordinance, the requirements of the R-3 Zone for residential development, which allows up to two dwelling units on existing lots between 5,000 and 6,999 square feet. The OC Zone is unique from other commercial zones in that no setbacks are required for residential development. Further, the Staff Hearing Officer is the appropriate review body because the project involves four or fewer condominium units.

2. SUBDIVISION ORDINANCE

The proposed subdivision is consistent with the Subdivision Ordinance (SBMC Chapter 27.07 – Tentative Maps). Additionally, the proposed condominium development is consistent with the following requirements for residential condominium development:

Physical Standards for Condominiums (SBMC §27.13.060)

Each unit would have a two-car garage, which waives the requirement for a dedicated 300 cubic foot storage area. The proposed units are freestanding and each would have utility meters, heating, and separate access, consistent with the Building Code. A laundry area is located in each unit. A covenant is required as a condition

of approval that states the property owner waives protesting formation of a public utility district. The density of the 5,085 square foot project site is consistent with the zone district, which allows for two dwelling units, and each unit would be greater than 400 square feet.

B. GENERAL PLAN CONSISTENCY

The project site is identified in the General Plan as being in the Lower State Street area, which is divided by Highway 101. The area below the freeway, where the project site is located, has a land use designation of Ocean Related Commercial/Medium High Residential (12-27 dwelling units per acre) and is zoned either HRC-2 (Hotel and Related Commerce) or OC (Ocean-Oriented Commercial).

The project can be found consistent with the General Plan because it is located within an urbanized area and located near all services within walking distance or by using public transit. There are no sensitive resources on site and the parcel is currently being used as open yard storage. The proposed development would be similar in use to parcels in the immediate area. It is not located within the El Pueblo Viejo District, but it subject to design review and, as stated in Section VIII, the ABR has provided favorable comments on the project.

C. LOCAL COASTAL PLAN CONSISTENCY

The project site is located in Component 4 of the Local Coastal Plan (LCP). This neighborhood is a mix of residential, hotel/motel and commercial uses. It is considered a business and tourist link between the waterfront and the Central Business District. The project site is located within the center of Component 4 and the LCP does not identify any significant coastal related issues for this area (e.g. not adjacent to Mission Creek, the shoreline, etc.).

The project site is zoned OC and is within the area generally known as the "Funk Zone" that allows primarily ocean dependent and ocean oriented uses, commercial recreational uses, arts and related uses, restaurants and small stores. Residential uses are also allowed as part of a mixed-use development or, in rare situations on small lots, exclusively residential development of a parcel is allowed in this zone.

Many parcels in this area are nonconforming to uses allowed in the OC Zone. Redevelopment of this area to ocean-oriented commercial uses or a mix of hotel and related commerce, visitor-serving, and ocean-oriented uses is generally the type of development that would be consistent with this Component of the LCP. However, the rezone of this area to OC in 2004 did acknowledge that parcels the size of the subject lot can be developed as residential use only. The project would have minimal aesthetic impacts from major public viewing areas, due to its location near buildings of various heights and dimensions. It would not be visible from the beach corridor, nor would it be visible from the Highway 101. Consistent with the Coastal Act and LCP, parking would be provided off-street. Pedestrian access along Anacapa Street would be provided by an existing sidewalk. Therefore, staff has found the project in compliance with the Local Coastal Plan.

VII. ENVIRONMENTAL REVIEW

The scope of work of the project is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. The project is consistent with the development density designated and analyzed by the Program EIR, and potential project-specific environmental effects are addressed with existing development standards and regulations. Based on City Staff analysis, no further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183- Projects Consistent with the General Plan) and the CEQA Certificate of Determination (Exhibit E). City Council environmental findings adopted for the 2011 General Plan remains applicable for this project. A decision-maker finding that the project qualifies for the CEQA Guidelines §15183 determination is required. Staff's determination of the project qualifying for this CEQA exemption is based upon the following analysis of the project site:

- The project site is an undeveloped lot located within an urban area. There are no natural resources on the project site. The soil on the project site is contaminated with lead and a remedial action plan (RAP), dated May 9, 2013, was prepared by HVN Environmental Service Company. Santa Barbara County Public Health Department Environmental Services Division issued a letter on July 12, 2013 approving the RAP. Essentially the plan involves removing approximately 140 cubic yards of contaminated soil, testing the remaining soil, and, if the lead content is reduced to acceptable levels, backfilling with clean soil.
- A Phase I archeological study was prepared by Western Points Archeology, dated December 2009, which determined that no archeological resources are on site.
- A traffic analysis, prepared by City of Santa Barbara Public Works Transportation Planning staff, determined that the project would result in one (1) new peak hour vehicle trip, which is not a significant project-level impact.
- Due to the nearby freeway to the north and the train tracks to the south, a noise study, dated April 8, 2010, was prepared by Hersh Acoustical Engineering, which included recommendations that will be incorporated into the engineered drawings.

VIII. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) on two separate occasions (meeting minutes are attached as Exhibit D). At the hearing of May 28, 2013, the ABR directed the applicant to work on the design, especially the southern elevation and the street frontage, before they could support the project. The applicant returned to the ABR on July 7, 2013 and at that meeting the Board found the project acceptable and made the necessary compatibility findings. The Board did acknowledge that the windows proposed along the southern property line could eventually be walled over if the adjacent parcel is redeveloped.

IX. FINDINGS

The Staff Hearing Officer finds the following:

A. ENVIRONMENTAL REVIEW

The Staff Hearing Officer finds that the project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA certificate of determination on file for this project.

B. THE TENTATIVE MAP (SBMC §27.07.100)

As described in Section VI of the Staff Report, the Tentative Subdivision Map is consistent with the General Plan, Local Coastal Plan, and the Zoning Ordinance of the city of Santa Barbara. The site is physically suitable for the type and density of development because it is an infill project in an urbanized area with all services available. The proposed use is consistent with the vision for this neighborhood of the General Plan because residential use is allowed as long as the use is subordinate to the commercial uses of this area. The subject lot is among a small group of lots that are allowed the option to develop exclusively residential units in the OC Zone. The design of the project will not cause substantial environmental damage because no sensitive resources are on site and the use of the building will not involve any hazardous material. Although there is lead contamination in the soil, it will be remediated and the site is not located in any hazard areas designated by local, State, or Federal agencies and is not identified as a hazardous waste site pursuant to Section 65962.5 of the Government Code.

C. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act, because the project is not within an area that has significant Coastal issues, described further in Section VI.C of the Staff Report. Additionally, the project will not have adverse impacts on coastal views, nor will it impact access to the coastline or public recreation.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Municipal Code because there are no sensitive resources on the project site, the project proposal incorporates a remediation plan for contaminated soil and building design to address surrounding noise levels, which is further described in Section VI of the Staff Report.

D. RESIDENTIAL CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

- (a) The project is in compliance with all provisions of Chapter 27.13; and
- (b) The proposed development is consistent with the General Plan of the City of Santa Barbara; and
- (c) 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.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated January 13, 2014
- D. ABR Minutes dated July 8, 2013
- E. CEQA Certificate of Determination

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

128 ANACAPA STREET
TENTATIVE SUBDIVISION MAP & COASTAL DEVELOPMENT PERMIT
JANUARY 22, 2014

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owners and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain all required design review approvals.
 2. Pay Land Development Team Recovery Fee.
 3. Submit an application for and obtain City Council approval of the Final Map and Agreements and record said documents.
 4. Permits following recordation of Final Map.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements.

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

- B. **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 concurrent with the Final Map, and shall include the following:
1. **Approved Development.** The project consists of a one-lot subdivision to create two residential condominium units and the construction of the two detached residential units, each with a two-car garage. The net sizes of the two units, including garages, are 3,202 square feet (Unit A) and 2,668 square feet (Unit B). Each unit would be three stories with a roof-top deck, and have access to all common open yard space at the ground level. Grading for the project would comprise 140 cubic yards of excavation and 90 cubic yards of import. Access to the site is directly from Anacapa Street.
 2. **Use Limitations.** Due to potential traffic and parking impacts, uses other than residential are not permitted without further environmental and/or Staff Hearing Officer review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Owner.

3. **Uninterrupted Water Flow.** The Owner(s) of each newly created parcel shall allow for the continuation of any historic flow of water onto their newly created parcels including water from adjacent sources such as, but not limited to, public or private property drainage swales, natural watercourses, conduits, runoff from public or private roads, etc, as may be deemed appropriate.
4. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water control devices in a functioning state. Should any of the project's surface or subsurface drainage structures fail to capture storm water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
6. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **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. Such plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
 - 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. **Public Improvement Districts.** A covenant that includes a waiver to protest formation of public improvement districts.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- C. **Public Works Submittal Prior to Parcel 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 Parcel Map and prior to the issuance of any permits for the project:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
 3. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project, concurrently with the Parcel Map.
 4. **Drainage and Water Quality.** The project is required to comply with Tier 2 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, storm water facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
 5. **Anacapa Street Public Improvements.** The Owner shall submit C-1 public improvement or Public Works plans for construction of improvements along the property frontage on Anacapa Street. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil

engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: a minimum of 20 linear feet of sidewalk, driveway apron modified to meet Title 24 requirements with a maximum width of 16 feet, a minimum of 12 linear feet of curb and gutter, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to City water and sewer mains and utilities, supply and install commercial City standard Dome Style street light, coordinate with Public Works staff and Edison to retire light standard from existing utility pole, preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

6. **Agreement to Secure Public Improvements.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.
 7. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.
- D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant project design approval until the following Staff Hearing Officer land use conditions have been satisfied.
1. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.
 2. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by ABR.
 3. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (at least 50 percent of the total area) shall be provided on the Real Property and screened from view from surrounding properties and the street.

- E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
 - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition C.5 "Anacapa Street Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of conceptual public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement for Land Development Improvements*.
 - b. **Haul Routes Require Separate Permit.** Apply for a Public Works Permit to establish the haul route for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site. The Haul Routes shall be approved by the Transportation Engineer.
 - c. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
 2. **Community Development Department.**
 - a. **Recordation of Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation of the map and agreements to the Community Development Department prior to issuance of building permits for individual parcels.
 - b. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
 - c. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition F.1 "Neighborhood Notification Prior to Construction" below. 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 who compiled the mailing list shall be submitted to the Planning Division.
 - d. **Remediation Action Plan.** The Owner shall submit a copy of the Remediation Action Plan approved by Santa Barbara County Public Health

Department Environmental Health Services on July 12, 2013 along with all required permits (e.g. Santa Barbara County Air Pollution Control).

- e. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the 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:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

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

1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents on parcels adjoining the project site on all sides, including across Anacapa Street. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractors, site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.
2. **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 name, contractor's telephone numbers, 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.
3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and

5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the City to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

4. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Engineer with a Public Works permit.
5. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
 - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
 - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.

- d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. 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 Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
- j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
- l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

- n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
- o. The engine size of construction equipment shall be the minimum practical size.
- p. 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 worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

6. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

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

- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
 3. **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).
 4. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11” board and submitted to the Planning Division.
 5. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section B “Recorded Conditions Agreement” have been recorded.
 6. **Evidence of Remediation Action Implementation.** Provide a copy of the remedial action implementation report as required by the Santa Barbara County Public Health Department Environmental Health Services in their letter dated July 12, 2013. Also, provide a copy of a letter from Environmental Health Services stating acceptance of this report.
- H. **General Conditions.**
1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
 2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.

- c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Staff Hearing Officer Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid prior to issuance of any building permit or recordation of the Map, whichever comes first.
4. **Litigation Indemnification Agreement.** In the event the Staff Hearing Officer approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

II. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Staff Hearing Officer action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the

Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

III. NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Staff Hearing Officer action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

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

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

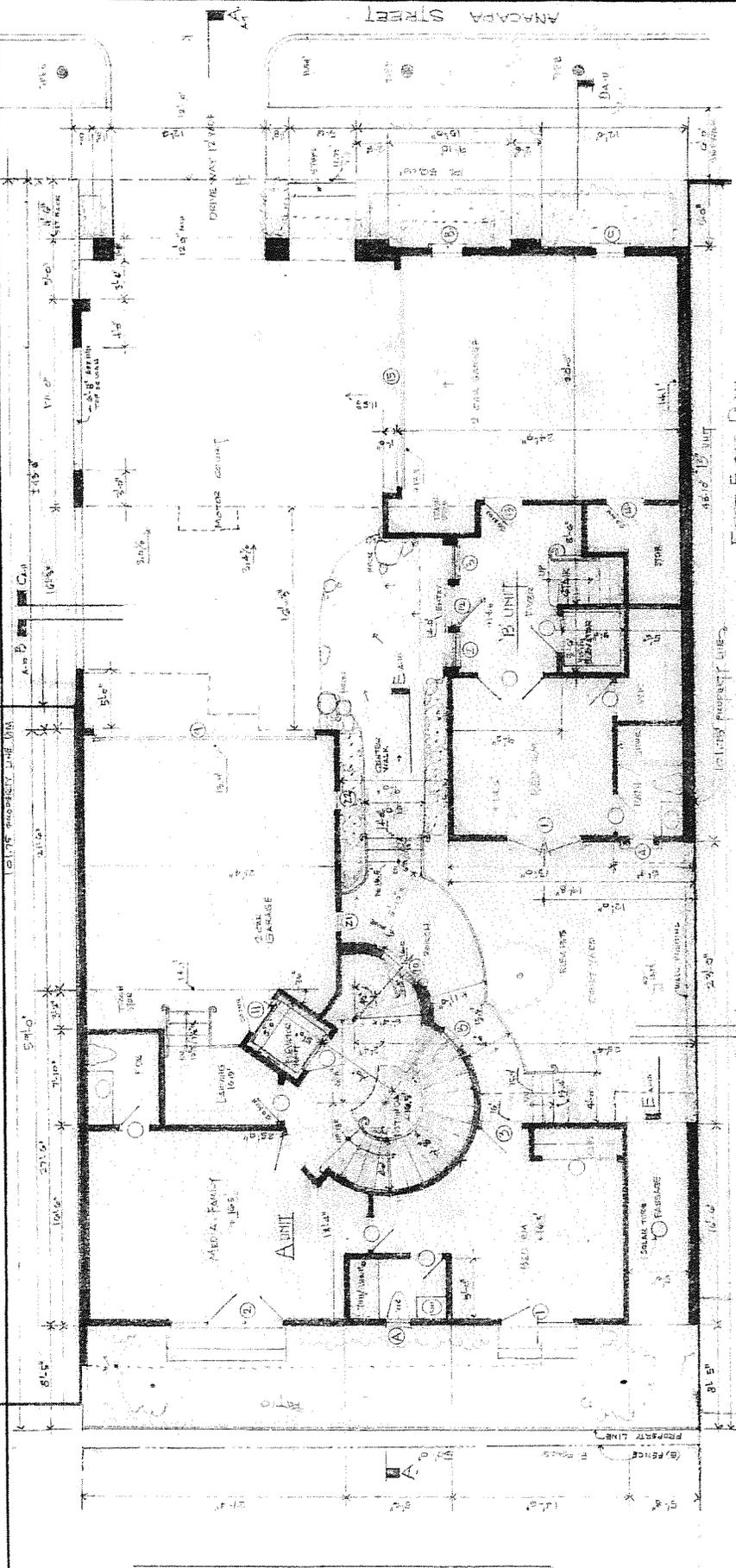
NO.	DATE	REVISIONS

JOEL EWING ALA
 ARCHITECT
 1111 COLSON AVENUE ROAD
 MONTECITO, CA 95008-7794
 (415) 251-1111

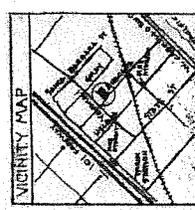
JAMES B. McDONALD
 REGISTERED ARCHITECT
 120 ANACAPA STREET
 MONTECITO, CA 95008
 (415) 251-1111

LEO F. BUCKLEY III
 Registered, Condominium Project for
JAMES B. McDONALD
 ARCHITECT
 120 ANACAPA STREET
 MONTECITO, CA 95008
 (415) 251-1111

INDEX
 1. PROPOSED TRAIL
 2. PROPOSED TRAIL
 3. PROPOSED TRAIL
 4. PROPOSED TRAIL
 5. PROPOSED TRAIL
 6. PROPOSED TRAIL
 7. PROPOSED TRAIL
 8. PROPOSED TRAIL
 9. PROPOSED TRAIL
 10. PROPOSED TRAIL
 11. PROPOSED TRAIL
 12. PROPOSED TRAIL
 13. PROPOSED TRAIL
 14. PROPOSED TRAIL



FIRST FLOOR PLAN



A UNIT	GROSS	TERACE	NET
1 ST FLOOR	951	900	880
2 ND FLOOR	1366	443	1152
3 RD FLOOR	943	108	810
ROOF	578		578
TOTAL	3460	1356	2756
GARAGE	447		446
TOTAL	3907	1356	3202

PROPOSAL
 CONSTRUCT (2) THREE STORY CONDOS WITH A FOURTH LEVEL PARK TERRACE
 90' x 101' 7 1/2' SITES. EACH CONDO SHALL HAVE A (2) CAR GARAGE.
 CONDOS 'A' SHALL HAVE (4) BEDROOMS OR WHICH (1) BED ROOM MAY BE AN
 OFFICE OR BREAKFAST ROOM WITH A CORNER BATH (3) BATHS, (1) FOR
 CONDO'S 'B' SHALL HAVE (3) BEDROOMS WITH (1) BATH, (1) FOR
 CONDO'S 'C' SHALL HAVE (2) BEDROOMS WITH (1) BATH, (1) FOR
 ALL CONDOS SHALL HAVE A TERRACE OR PATIO AREA, PER A CITY SCHEDULE
 ALL AREAS OF BOTH CONDOS SHALL BE ADM APPROVED WITH A CITY SCHEDULE
 ACCESSIBLE ELEVATOR TO ALL LEVELS

NOTES
 1. BOTH CONDOS ARE NOW
 2. FIRE DEPARTMENT: Hydrant locations, see plan scale product
 3. CITY OF MONTECITO: reference 3/11/11, 3/11/11, 3/11/11
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF MONTECITO

B UNIT	GROSS	TERACE	NET
1 ST FLOOR	954	471	881
2 ND FLOOR	1251	83	1078
3 RD FLOOR	914	147	760
ROOF	294		294
TOTAL	3419	1670	2746
GARAGE	483		482
TOTAL	3902	1670	3228

PROJECT DATA
 LAND USE ZONE: CC/SDS
 APN: 009-008-023
 SLOPE OF PROPERTY: 21% (21 in 100) BACKLASH STREET
 PROPOSED PARKING: (4) COVERED
 SCOPE OF WORK: PROPOSED (2) CONDOMINIUMS
 THREE STORIES WITH ROOF DECK
 ON SITE FILL: 40' CEMENT
 BUILDING CONSTRUCTION: CONCRETE
 FINISHES: SEE CONSTRUCTION
 PAVED AREAS: DRIVES, PATIOS, POOLING — 3395 SF = 26%
 SITE (TOTAL) 90' x 101' 7 1/2' = 9125 SF

REVISIONS BY	DATE	DESCRIPTION

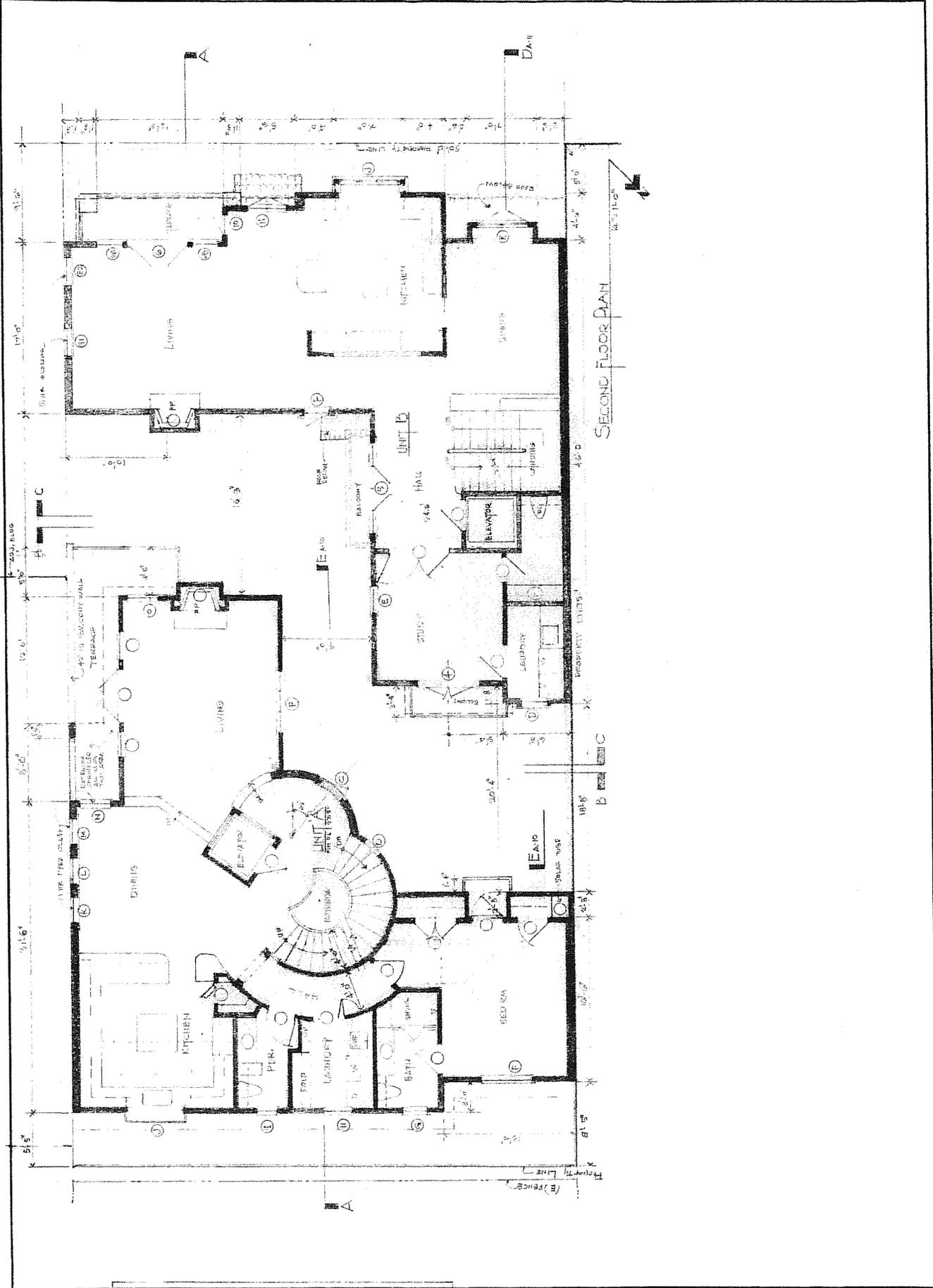
JOEL EWING ALTA
 ARCHITECT
 1187 COLONY VILLAGE ROAD
 SUITE 104
 MONTECITO, CA 95027
 408-253-0000

JAMES B. McDONALD
 GENERAL CONTRACTOR
 4025 CANTONMENT RD #2
 SUITE 100
 MONTECITO, CA 95027
 408-253-2714

LEO F. BURKLEY III & JAMES B. McDONALD
 REPORT CONTRACTOR
 128 HAZELWOOD STREET
 SUITE 100
 MONTECITO, CA 95027
 408-253-0000

DATE	REVISION	DESCRIPTION

A-2
 SECOND FLOOR PLAN



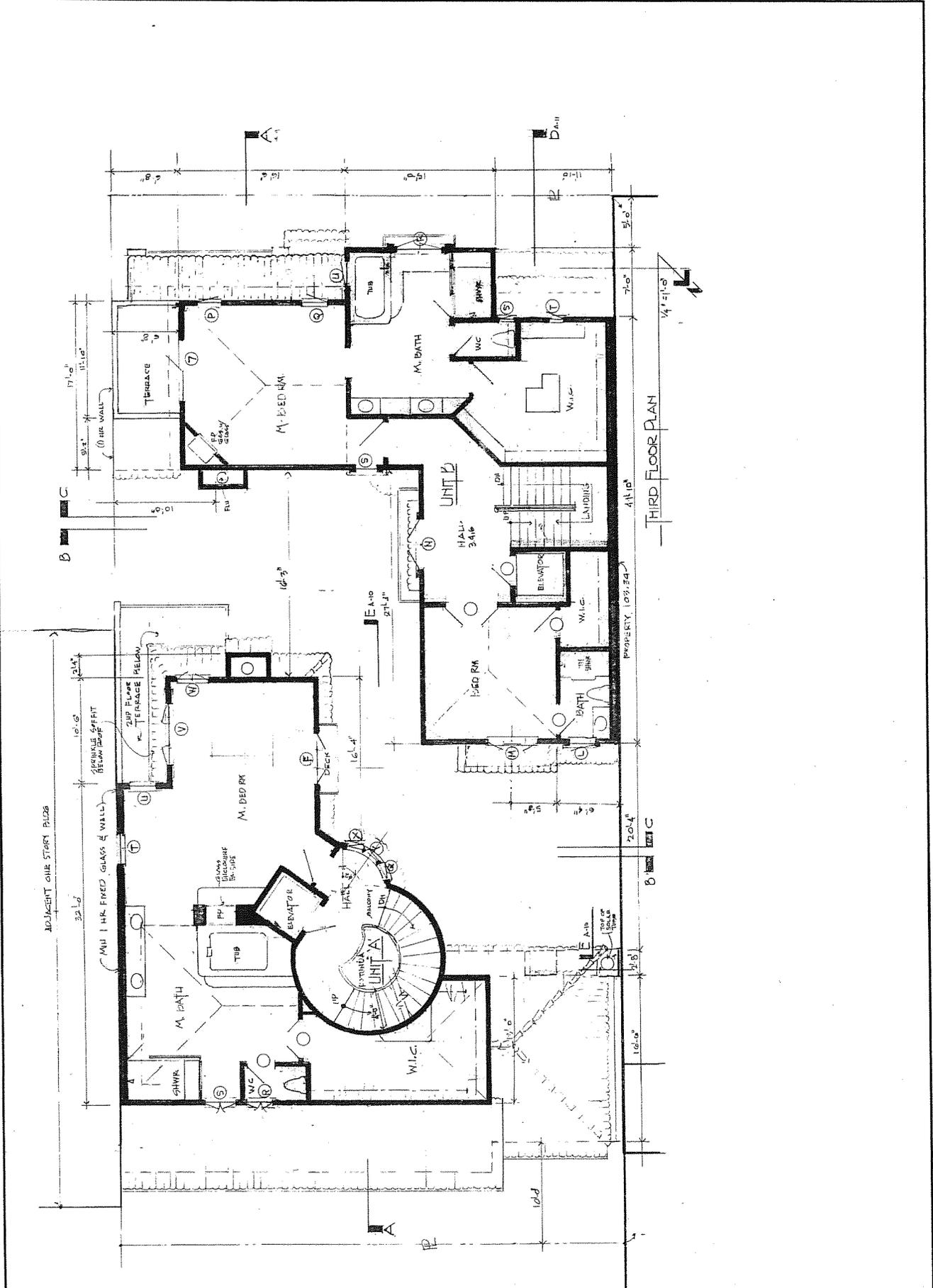
REVISIONS	BY

JOE L. EWING AIA
 ARCHITECT
 1810 CANYON VILLAGE ROAD
 SUITE 204
 MONTECITO, CA 95028-2794
 (408) 251-1111
 (408) 251-1111

JAMES B. McDONALD
 GENERAL CONTRACTOR
 1015 S. GARDEN STREET
 SUITE 100
 SAN ANTONIO, TX 78204
 (512) 341-2714
 (512) 341-2714

JAMES B. McDONALD
 Sponsored Condominium Project for
EDO F. BUCKLEY III
 128 MARQUAN STREET
 SANTA MONICA, CA 90401
 (310) 308-5666
 (310) 308-5666

Date	1/27/07
Drawn	EWING
Checked	EWING
Sheet	A-3



THIRD FLOOR PLAN

PROPERTY (07/25/04)

ADJACENT ONE STORY BUILD

REVISIONS	BY	DATE

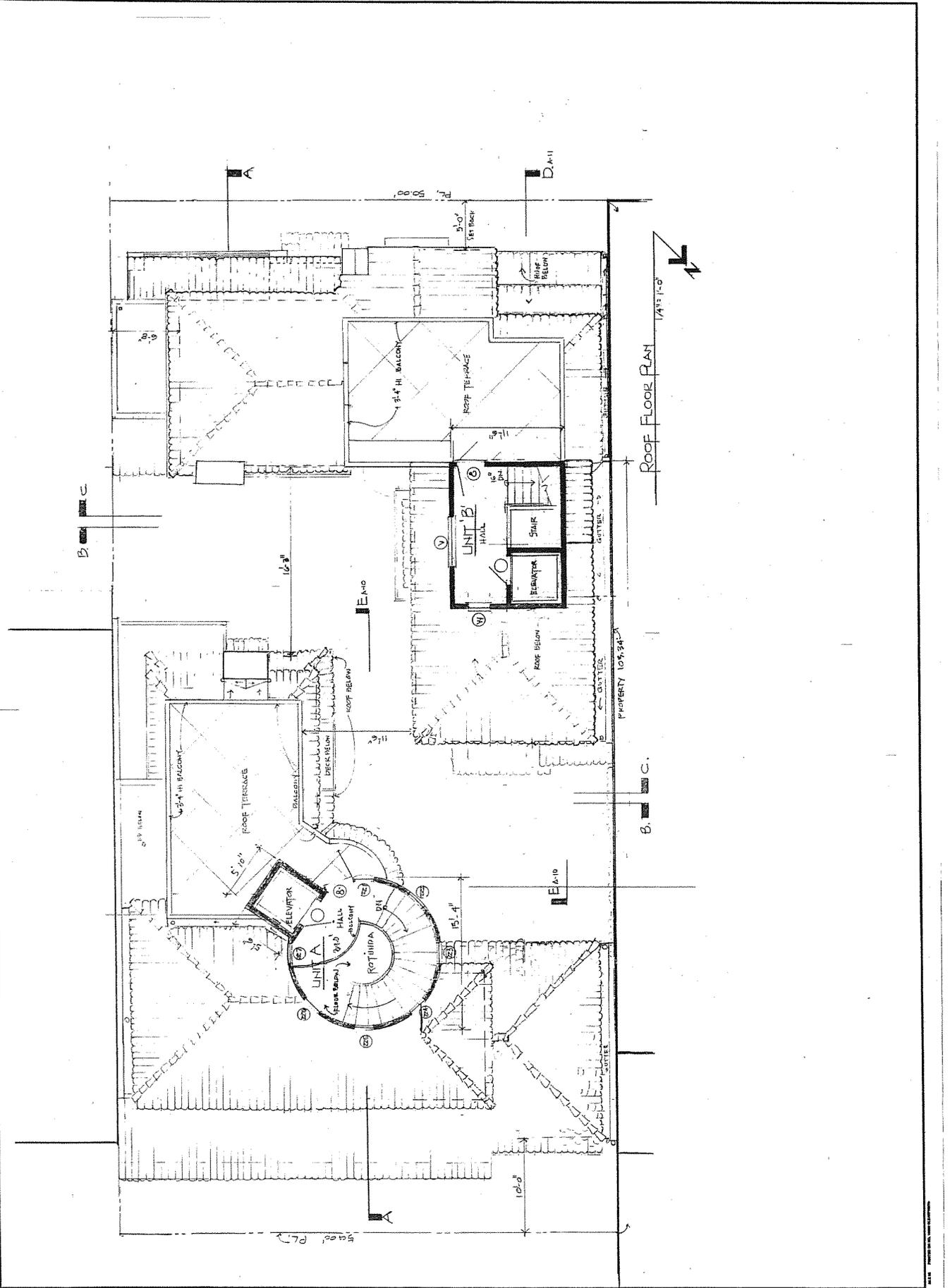
JOEL EWING AIA
 ARCHITECT
 1187 COAST VILLAGE ROAD
 SUITE 104
 MONTICELLO, CA 95030-2794
 (925) 752-1234 FAX (925) 752-1234

JAMES P. McDONALD
 GENERAL CONTRACTOR
 1728 CHESTNUT AVE #2
 SAN FRANCISCO, CA 94133
 (415) 774-2714

ED F. BUCKLEY III
 Licensed Civil Engineer
JAMES P. McDONALD
 Licensed Professional Geologist
 1728 CHESTNUT AVE #2
 SAN FRANCISCO, CA 94133
 (415) 774-2714

Scale: 1/4" = 1'-0"
 10'-0"

Sheet	A-4
Project	
Job Office	
Drawn	J.P.M.
Checked	J.P.M.
Date	12/1/88



RECEIVED
JAN 13 2014
CITY OF SANTA BARBARA
PLANNING DIVISION

January 10, 2014

Planning Department Staff Hearing Officer
City of Santa Barbara
630 Garden Street
Santa Barbara, California

Reference: 128 Anacapa Street
APN # 033-083-022
MST 2012-00332

Dear Planning Staff Hearing Officer:

We are pleased to learn that our project development application is deemed complete and we can proceed with the process.

We are also pleased to learn that staff supports the project as currently proposed, albeit with several concerns.

With this letter, I am also submitting the required plan reductions. 1 set of 8 1/2" x 11", and 3 sets of 12" x 18", and a 8 1/2" x 11" color photo of the site.

We feel that the size of our units are not overly spacious. We consider our B unit to be of average size, and our A unit, which is the unit that I intend on living in with my family, is a bit larger. The overall size of the project is consistent with the neighborhood, and confirmed by the Architectural Board of Review. In addition I plan on bringing substantiating photos of the neighboring buildings to the January 22 meeting, although if Peter Lawson recommends, I will include them in this submittal. They will be numerically marked to coincide with an included plot plan for ease of location.

We do have several windows on our southern property line. We do not rely on these windows for

EXHIBIT C

light, but only to enjoy the beautiful views. If these windows had to be blocked, these rooms would still have adequate natural lighting. I am submitting photos of two of the city's many buildings with windows on the property line. One is the Abblitts building with three of its walls directly on the property line, and the other is 121 Gray Avenue. They are marked A1, A2, and B1, B2 respectively.

We have 25% open space that will be beautify landscaped, and made readily available to all residents for their enjoyment.

If you have any questions, please feel free to call me at your convenience, at 805-895-2714.

Respectfully submitted,

Jim McDonald

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**5. 128 ANACAPA ST****OC/SD-3 Zone**

(5:15) Assessor's Parcel Number: 033-083-022
 Application Number: MST2012-00332
 Owner: James B. McDonald
 Designer: J. Ewing Design

(Proposal to construct two detached single-family residential condominium units on a 5,000 square foot vacant lot. Both buildings would be three-stories with roof terraces and attached two-car garages. Unit A would be 2,246 square feet, with an attached 422 square foot garage. Unit B would be 2,836 square feet with an attached 446 square foot garage. Staff Hearing Officer review is requested of a Tentative Subdivision Map (TSM) and a Coastal Development Permit (CDP).)

(Comments only; project requires environmental assessment and Staff Hearing Officer review.)

Actual time: 5:23 p.m.

Present: J. Ewing, Designer; David Black, Architect; and James McDonald, Owner.

Public comment opened at 5:37 p.m. As no one wished to speak, public comment was closed.

A letter of expressed concerns from Paula Westbury regarding was acknowledged.

Straw vote: How many Board members find the project's mass, bulk, scale, and height acceptable as presented? 2/4 (failed).

Motion: Continued indefinitely to the Full Board with comments:

- 1) Provide a more complete photographic survey of the adjacent and surrounding neighborhood; especially of neighboring building of similar mass, bulk, scale, and height for determination of neighborhood compatibility; and provide more details of the proposed stair element. Provide more adjacent street-level elevation information.
- 2) The project's mass, bulk, scale, and height are not compatible with the neighborhood. Applicant to reduce the size of the fourth floor; study reducing the size of the elevator tower elements.
- 3) Study alternatives to the windows on the south elevation that may prevent future construction completed on that side of the building.
- 4) Study the massing, detailing, and the fenestration, particularly on the street elevation side; especially regarding the top of the arches and the height between the top of the arch and the construction above it.
- 5) Some Board members found the size of the units should be reduced in order to reduce the bulk and the impact to the building.
- 6) Some Board members found that a more street-friendly frontage would be acceptable. A building of this size should have a more sophisticated and well-developed design and detailing.
- 7) Some Board members found that the south side elevations were too busy and need to be more coherent (aesthetically harmonious or consistent), and simplified.

Action: Hopkins/Wittausch, 6/0/0. Motion carried. (Zink absent).



City of Santa Barbara

CEQA CERTIFICATE OF DETERMINATION

To: File: MST 2012-00332
Project Address (Name): 128 Anacapa Street

From: Peter Lawson, Associate Planner, 805-564-5470 x 4565, PLawson@SantaBarbaraCA.gov.

Subject: Certificate of Determination for Exemption from Environmental Review under CEQA Guidelines Section 15183

Project Location: City of Santa Barbara, County of Santa Barbara

General Plan Designation(s): Ocean Related Commercial /Medium High Residential

Assessor's Parcel Number(s): 033-083-022 **Zone(s):** OC/S-D-3

Project Applicant: James McDonald

Project Description: The project consists of a one-lot subdivision to create two residential condominium units and the construction of the two detached residential units, each with a two-car garage. The subject lot is 5,085 square feet in size and is currently vacant. The net sizes of the two units, including garages, are 3,202 square feet (Unit A) and 2,668 square feet (Unit B). Each unit would be three stories with a roof-top deck, and have access to all common open yard space at the ground level. Grading for the project would comprise 140 cubic yards of excavation and 90 cubic yards of import. Access to the site is directly from Anacapa Street..

Project Environmental Findings: The City of Santa Barbara evaluated the proposed project and made the following determinations:

1. The project is consistent with density established for the site in the City of Santa Barbara General Plan.
2. A Program Environmental Impact Report was certified for the 2011 General Plan, which identified environmental effects of future citywide development under the General Plan, including significant effects, mitigated effects, and insignificant effects.
3. Pursuant to CEQA and CEQA Guidelines (Public Resources Code Section 21083.3 and California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15183), environmental review for this project shall be limited to examination of any significant project-specific environmental effects not analyzed in the prior Environmental Impact Report for the 2011 General Plan.
4. Project-specific impacts:
 - The project will not result in significant project-specific environmental effects.
 - Potentially significant project-specific environmental effects will be substantially mitigated by uniformly applied development standards, as described in *Preliminary Review* documentation. The project will not result in significant project-specific effects.
5. Environmental effects were previously analyzed in the Environmental Impact Report for the 2011 General Plan.
 - Relevant mitigation measures from the General Plan Program EIR have been made part of the project.
 - No mitigation measures from the General Plan Program EIR are relevant or have been made part of the project.
6. A mitigation monitoring and reporting plan [was was not] adopted for this project.
7. A Statement of Overriding Considerations was adopted by City Council for the 2011 General Plan (Resolution 11-079), finding that the significant environmental effects of citywide development under the 2011 General Plan were outweighed by the benefits of the Plan and therefore deemed acceptable. The Statement of Overriding Considerations remains applicable for the current project.
8. Findings were made pursuant to the provisions of CEQA.

Exempt Status: Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines (Projects Consistent with Community Plan or Zoning) and CEQA Statute (Section 21083.3 of California Public Resources Code)

The Program Environmental Impact Report for the 2011 General Plan and the record of current project permit review process may be viewed by the public at the City Planning Division office at 630 Garden Street, Santa Barbara.

	Associate Planner	1/22/2014
Signature (City of Santa Barbara)	Title	Date
	Exhibit E	

CERTIFICATE OF DETERMINATION

128 ANACAPA STREET (MST2012-00332)

PAGE 2

The discretionary applications requested for the project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create two (2) residential condominium units (SBMC Chapters 27.07 and 27.13); and
2. A Coastal Development Permit (CDP2012-00007) to allow the subdivision and proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).