



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: April 23, 2014
AGENDA DATE: April 30, 2014
PROJECT ADDRESS: 35 N. Calle Cesar Chavez (MST2014-00486)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RLB*
 Kelly Brodison, Assistant Planner *KAD*

I. PROJECT DESCRIPTION

The project consists of the demolition and reconstruction of two existing one-story storage buildings (Building C is currently 3,154 square feet and would be reconstructed at 3,626 square feet; Building D would be rebuilt at 3,206 square feet) in approximately the same locations and permitting an “as-built” 1,341 square foot storage building (Building B). There is also an existing 875 square foot office building (Building A) and twenty-one parking spaces to remain on the 28,350 square foot site.

II. REQUIRED APPLICATIONS

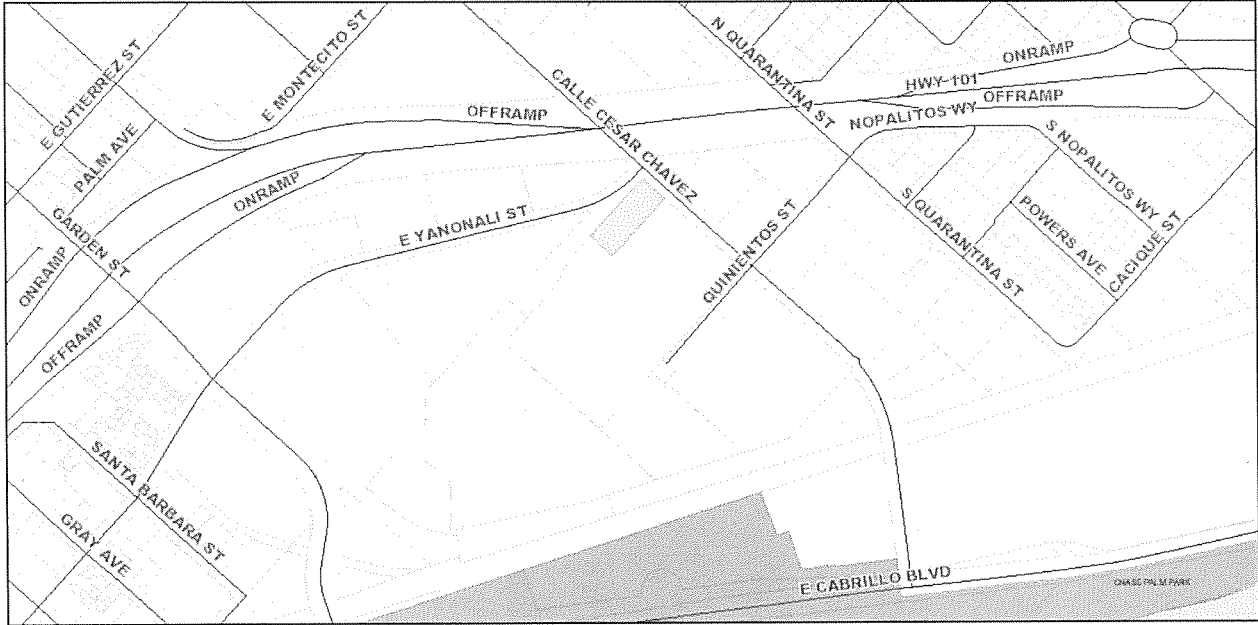
The discretionary applications required for this project are:

- A. A Coastal Development Permit (CDP2013-00003) to allow the proposed development in the Appealable and Non-Appealable Jurisdictions of the City’s Coastal Zone (SBMC §28.44); and
- B. A Development Plan to allow the construction of 1,813 square feet of nonresidential floor area (SBMC §28.85.030).

APPLICATION DEEMED COMPLETE: March 21, 2014
DATE ACTION REQUIRED: May 20, 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. In addition, the size and massing of the project are consistent with the surrounding neighborhood. 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.



35 N. Calle Cesar Chavez – Vicinity Map

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Rex Ruskauff		
Property Owner:	Verde Vista LLC		
Site Information			
Parcel Number:	017-113-004	Lot Area:	28,350 sq. ft.
General Plan:	General Urban-Ocean Related Industrial	Zoning:	OM-1 Ocean-Oriented Light Manufacturing
Local Coastal Plan: Ocean Oriented Industrial			
Existing Use:	Storage and warehouse	Topography:	~2% Average Slope
Adjacent Land Uses			
North – Rescue Mission		East – Warehouse building	
South – Vercal Building		West – El Estero Waste Water Treatment Plant	

B. PROJECT STATISTICS

	Existing	Proposed
Building A	875 sq. ft.	No Change
Building B (as-built)	1,341 sq. ft.	No Change
Building C	3,154 sq. ft.	3,626 sq. ft.
Building D	3,106 sq. ft.	3,106 sq. ft.

V. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

The applicant is providing the required parking on site as described below:

Office Space (Building A) 1/250 = 3.5 spaces required
 Storage (Building B) 1/500 = 2.7 spaces required
 Boat Storage/Repair (Buildings C & D) 1/500 = 13.5 spaces required
 Total required parking spaces = 19.7 spaces = 20 spaces required

	Requirement	Existing		Proposed	
Lot Coverage					
-Building	N/A	7,135 sq. ft.	25.17%	8,948 sq. ft.	31.56%
-Paving/ Driveway	N/A	20,712 sq. ft.	73.06%	16,813 sq. ft.	59.2 %
-Landscaping	N/A	503 sq. ft.	1.77%	2,620 sq. ft.	9.24%

Once the project is complete, the existing and proposed buildings would be used for boat storage and/or repair and related office use, consistent with the allowed uses and development standards of the OM-1 (Ocean-Oriented Light Manufacturing) Zone. There are no setback requirements or minimum distance between buildings for nonresidential development on this site in the OM-1 Zone, and the height limit is 45 feet unless deemed a Community Benefit Project.

1. OM-1 OCEAN-ORIENTED LIGHT MANUFACTURING

The OM-1 Ocean Oriented Light Manufacturing Zone strives to provide for appropriate ocean dependent and ocean-related industrial uses in close proximity to the Harbor/Wharf Complex. The City recognizes that many lots and buildings within the OM-1 zone have uses that are non-conforming to the zone but are allowed to be maintained. The establishment of ocean-oriented uses is encouraged and the proposed use of the site for boat storage and repair conforms to the requirements of the zone.

2. DEVELOPMENT PLAN APPROVAL

Santa Barbara Municipal Code Chapter 28.85, which became effective on April 11, 2013, regulates the City's Nonresidential Growth Management Program. In order to approve a development plan, the Staff Hearing Officer must find that the proposed project is consistent with the Zoning Ordinance, the principles of sound community planning, will not have a significant adverse impact on the neighborhood's aesthetics and character, and is consistent with the policies of the City's Traffic Management Strategy.

Under Chapter 28.85, square footage from Small and Minor Addition categories can be combined and used together for non-residential development projects. The 2,000 square foot limit per lot of Small Additions, combined with the 1,000 square foot limit per lot of Minor Additions, means that the total new non-residential square footage available per lot from these categories is 3,000 square feet.

Other than the "as-built" 1,341 square-foot storage building (Building B), no additions to the project site have taken place since the implementation of Measure E or the recently adopted Nonresidential Growth Management Ordinance. Therefore, the Small and Minor Addition categories are still available to this lot. This proposal consists of legalizing the "as-built" storage building (Building B) and replacing two existing warehouse buildings (Buildings C and D) in the same location. Building C will be 472 square feet larger than the existing structure and Building D will remain the same size. There are no changes proposed for Building A. Therefore the total amount of non-residential square footage requested is 1,813 square feet.

Transportation Planning Staff concluded there are no anticipated project-specific traffic impacts associated with the additional square footage because the proposed Industrial/boat storage use has a very low trip generation rate. In addition the City Transportation Planning Staff found the project consistent with policies of the City of Santa Barbara Traffic Management Strategy as expressed in SBMC 28.85.050, and that the project will result in the addition of a negligible amount of additional traffic to area streets, which will not result in any traffic impacts.

B. LOCAL COASTAL PLAN CONSISTENCY

The project site is located in Component 5 of the City's Local Coastal Plan (LCP). This area is bordered by the existing Southern Pacific railroad right-of-way to the south, Garden Street to the west, U.S. 101 to the north, and Salsipuedes Street to the east and is designated Ocean Oriented Industrial, General Industrial, and Hotel and Related Commerce II. The LCP describes this area as a low-lying area which was once an estero and was filled with debris from structures destroyed in the 1925 earthquake. Coastal issues in Component 5 include potential seismic hazards related to liquefaction; recreational opportunities in the waterfront; visitor-serving commercial possibilities; ocean-oriented industry related to the harbor area; and adequate public services related to circulation, transit, and parking facilities. Tsunami and flooding hazards are also potential problems, in addition to the earthquake hazard which is present throughout the City's downtown area.

Building supply firms and storage facilities are major uses in the immediate area, and a large land area is occupied by the City's Wastewater Treatment Plant. The existing surrounding zoning is primarily M-1 light manufacturing; C-2 commercial zoning flanks Milpas Street.

Recognizing that there are limited areas designated and appropriate for industrial development in the City, the proposed boat storage and repair use is consistent with the LCP goals for this area. In addition, the proposed architectural style is compatible with the architecture of the industrial buildings in the neighborhood.

1. POTENTIAL TSUNAMI IMPACTS

The site is identified in the City's MEA as within the tsunami "run-up" area. Available data indicates that the probability of significant tsunami event in the Santa Barbara coastal area is low. In 2009, the California Emergency Management Agency (CalEMA) and the California Geological Survey completed inundation maps for all the at-risk portions of the California coastline. These maps show the maximum inundation predicted from an event, either historical or based on a scenario, from many different sources. Assumptions included credible source scenarios for both distant and local events, at mean high tide, to produce a worst case scenario inundation line. Run-ups go to about 10 feet in elevation onshore for the maximum distant event, and up to 20+ feet from a potential local off-shore earthquake/landslide source. Based on these projections and review of local mapping, a tsunami generated from a distant event (significant earthquake) would potentially reach the site, as it is located at approximately ten feet above sea level. In the unlikely case of a significant local off-shore event (earthquake triggering undersea landslide), the site could be surrounded by sea water at a depth of about ten feet, but because the buildings are large, primarily open, industrial buildings with relatively large openings and used primarily as storage or repair uses, potential impacts would likely be less than significant. Due to the project's location in the flood zone the new buildings will be constructed using water resistant materials and construction methods for everything below the Base Flood Elevation (approximately 13.4 feet above sea level).

2. SEA LEVEL RISE POTENTIAL IMPACTS

Additionally, sea level rise (SLR) has been a growing concern at both a global and local level. The most recent available data indicates that during the estimated 75-year life expectancy of the proposed project, a rise in sea level would range from a minimum of 17 inches to a maximum of 66 inches (National Resource Council 2012 & Ocean Protection Council 2013, Sea Level Rise Projections for Year 2090). Based on these projections and review of local SLR mapping, although there would likely be an increase in occurrences of significant storm events over the next 75 years, the site would not be significantly impacted.

C. GENERAL PLAN CONSISTENCY

The project site is located in the East Beach Neighborhood, which is bounded on the north by Highway 101; on the south by Cabrillo Boulevard; on the east by the City Limits; and on the west by Santa Barbara Street. The East Beach Neighborhood is one of the more diverse

neighborhoods in the City from a land use perspective. The area between Santa Barbara Street and Milpas Street is currently developed with a diverse mix of industrial, manufacturing, hotel-motel, residential and public facility uses.

1. LAND USE ELEMENT

The City's recently adopted General Plan land use map is not yet in effect in the Coastal Zone. Therefore, the previous General Plan Land Use Designation of Ocean Oriented Industrial acts as the Local Coastal Plan Land Use Designation for this project. General Plan policies support Ocean Related industrial uses as an important land use in the City. Also, the site is zoned OM-1 (Ocean-Oriented Light Manufacturing). The proposed use of boat storage and repair is consistent with the uses permitted under the current General Plan designation.

As described above, the areas surrounding the project are developed with non-conforming uses such as the Santa Barbara Rescue Mission, the City's Wastewater Treatment Plant, the McCormix Building, and the Vercal Building. This project proposes to remove the historically non-conforming uses of a cabinet maker and an auto repair business and to replace those uses with buildings for boat storage bringing the site into compliance with the General Plan Land Use Designation of Ocean Related Industrial.

The proposed project is also consistent with General Plan Policies to preserve and encourage the long-term integrity of light manufacturing uses (LG8), to protect industrial zoned areas (EF15), properly treat and reduce stormwater runoff generated on-site (ER20), development in areas designated as tsunami hazard zones shall be designed to minimize the potential for tsunami-related damage to the extent possible, and appropriately design structures in flood-prone areas (S46),

VI. STORM WATER MANAGEMENT PLAN (SWMP) COMPLIANCE

The project is required to comply with Tier 3 Storm Water Management Requirements and therefore, must construct storm water Best Management Practices (BMPs) onsite that will meet the treatment, volume reduction and peak runoff reduction requirements. Due to the fact that no increase in hardscape/footprint is being proposed this project is required to meet the water quality treatment requirement. The applicant is proposing three on-site retention basins to comply with this requirement in order to treat the one-inch, 24-hour storm for the entire project site.

VII. ENVIRONMENTAL REVIEW

The proposed 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 potential designated and analyzed by the Program EIR. City Staff have reviewed the project and determined that all project-specific environmental effects are substantially mitigated by the imposition of uniformly applied development policies and standards. Therefore, no further environmental analysis is required for this project pursuant to the California Environmental Quality Act (Public Resources Code 21082.3 and CEQA Guideline Section 15183). City Council environmental findings adopted for the General Plan remain applicable for this project.

VIII. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) on four separate occasions (meeting minutes are attached as Exhibit D). At the first meeting some Board members appreciated the simplicity of design for the industrial buildings while others found that additional character giving elements were needed along the street sides of the buildings. The Board stated their appreciation that the buildings would be set back from the property lines and requested additional landscaping at the front of the buildings.

As the project proceeded through the Development Application Review Team process the Board stated their appreciation for the added detail on the front of the buildings, and the added setbacks, green screen, eaves and awnings. The ABR requested additional landscaping and permeable paving along Calle Cesar Chavez Street and additional fenestration for the two new buildings.

On February 18, 2014, the Board determined the project was consistent with the Project Compatibility Criteria, stating that the project design is consistent with the surrounding area and neighborhood, the size, mass and height are appropriate for the site, and that the open space and landscaping have been greatly improved. The project will return to the Full Board for further review of the landscape plan and details after SHO action on the project.

IX. FINDINGS

Staff recommends that the Staff Hearing Officer make the following findings:

A. CEQA ENVIRONMENTAL DETERMINATION

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. DEVELOPMENT PLAN APPROVAL FINDINGS (SBMC §28.85)

1. The proposed development complies with all provisions of SBMC Title 28.

As discussed in section V.2., the proposed boat storage and repair use conforms to the allowed uses of the OM-1 Zone, which allows for Ocean Oriented Light Manufacturing, and the proposed development complies with all provisions of the Zoning Ordinance.

2. The proposed development is consistent with the principles of sound community planning.

The proposed development is consistent with the principles of sound community planning as determined by the project's consistency with the City's General Plan land use designation and applicable policies, LG8 to protect industrial zone areas, EF15 properly treat and reduce stormwater runoff generated on-site (ER20), development in areas designated as tsunami hazard zones shall be designed to minimize the potential for tsunami-related damage to the extent possible, and appropriately design structures in flood-prone areas (S46),

3. The proposed development will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk or scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in Sections 22.22.145 or 22.68.045 of the Municipal Code.

The proposed buildings are similar in height and size to the nearby structures on Calle Cesar Chavez and Yanonali Streets. Also, the project was reviewed by the Architectural Board of Review and the proposed buildings were found acceptable for the surrounding area.

4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (as approved by City Resolution No. 13-010 dated as of March 12, 2013) as expressed in the allocation allowances specified in SBMC Section 28.85.050.

As described above, the project includes 1,813 net new square feet of boat storage and repair, comprised of the as-built building (Building B) and an addition to Building C. Staff used the City of Santa Barbara traffic model rates for industrial uses to calculate the anticipated amount of additional traffic generated as a result of the proposed project. If approved, the project will result in the addition of a negligible amount of additional traffic to area streets and is not anticipated to result in any traffic impacts.

C. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act, because the project adequately addresses the applicable coastal issues for this area, described further in Section V.B 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, which is further described in Section V.B. of the Staff Report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated January 8, 2014
- D. ABR Minutes
- E. Applicable General Plan Policies

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

35 N. CALLE CÉSAR CHÁVEZ
COASTAL DEVELOPMENT PERMIT, DEVELOPMENT PLAN
APRIL 30, 2014

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

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

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee.
3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

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

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on April 30, 2014, is limited to approximately 8,950 square feet of building area and consists of the demolition and reconstruction of two existing one-story storage buildings (Building C is currently 3,154 square feet and would be reconstructed at 3,626 square feet; Building D would be rebuilt at 3,206 square feet) in approximately the same locations and permitting an "as-built" 1,341 square foot storage building (Building B), and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara. The existing 875 square foot office building and twenty-one parking spaces will remain on-site.
2. **Use Limitations.** Due to potential parking impacts, uses other than those allowed in the Ocean - Oriented Light Manufacturing (OM-1) 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 shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
 6. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
 7. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The 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 (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

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

- D. **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 D.1.e. “Calle Cesar Chavez and Yananali Street Public Improvements” shall be submitted to the Public Works Department for review and approval.
- b. **Dedication.** Easements, as shown on the approved site plan and described as follows, subject to approval of the easement scope and location by the Public Works Department
 - (1) A 128 square foot area for landing for existing access ramp.
- c. **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.
- d. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The proposed project includes four (4) retention basins totaling 4,071 cubic feet of storage. The Owner shall submit a hydrology report 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, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased

runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

Calle Cesar Chavez and Yanonali Street Public Improvements. The Owner shall submit Public Works plans for construction of improvements along the property frontages on **Calle Cesar Chavez and Yanonali Streets**. 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: remove existing driveway apron on Calle Cesar Chavez closest to intersection and construct new curb, gutter, and sidewalk, dedicate property for the existing access ramp, utility pole on Yanonali Street supplying telecommunication to the property shall be removed once the utility has been undergrounded, trench will be completed with asphalt concrete or concrete pavement on aggregate base or 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, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, and storm drain stenciling. Any work in the public right-of-way requires a Public Works Permit.

- e. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site. The Haul Routes shall be approved by the Transportation Manager.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all

conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

E. **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. **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, and telephone number, construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
2. **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 Manager with a Public Works permit.
3. **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.
4. **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.

- F. **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. **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.
- G. **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 may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
 3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
 4. **Site Maintenance.** The existing site/structure(s) shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.

5. **Litigation Indemnification Agreement.** In the event the 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.

NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The Staff Hearing Officer action approving the Development Plan shall expire four (4) years from the date of approval per Santa Barbara Municipal Code §28.85.090, unless:

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

NOTICE OF 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.

**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.

January 8, 2014

Susan Reardon
Staff Hearing Officer
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Re: Minor Coastal Development Permit

Susan,

I am requesting on behalf of my clients, Mark Rabatin and Jaime Melgoza, a Coastal Development Permit to replace two of the four buildings at 35 North Calle Cesar Chavez and to as-built permit an existing structure on site. The site is in a largely industrial area on the corner of Calle Cesar Chavez and Yanonali streets. It is 28,350 square feet of flat land with four existing buildings on it totaling 8,948 square feet. It is bounded by the Rescue Mission (OM-1, S-D-3) to the north, the Pat Scott Masonry (M-1, S-D-3) building to the east, the Vercal Building (OM-1, S-D-3) to the south and the El Estorial Waste Water Treatment (OM-1, S-D-3) plant to the west.

Building A is an 875 square foot, single story office building at the northern property line, and there are no proposed changes as part of this application. Building B, along the southern property line is proposed to be as-built permitted and represents 1,341 new square feet of building area. The two buildings proposed to be replaced Identified as buildings C and D on the northeast and southwest sides of the property respectively. Building C will be a slightly different foot print from the existing building to create a rectangular footprint and add 427 square feet of new building area. The proposed location of building C is being relocated 9'-6" off the north property line to provide additional landscaping on the street side, currently building C is right up to the northern property line. Building D is being replaced at the exact same size, but is proposed to be relocated 6 feet to the east to create a larger landscape area at the southwest corner of the property. Building B is proposed to be as-built permitted and represents 1,341 new square feet of building area.

Site Drainage:

The site is in the flood plane with a base flood elevation of approximately 3.4 feet above the current finish grade. The proposed buildings will be constructed in conformance with FEMA standards. As far as the City Storm Water Management Program (SWMP), we are aware that the project is required to comply with Tier 3 measures. We are requesting to defer the required hydrology calculations / drainage report until after the hearing and if approved, be a condition of approval for the CDP. There is no grading proposed as part of this project, and proposed finish floors will be close to existing grade.

Parking:

The "required" parking is 21 stalls and is being provided on site. Parking requirements may change depending on the actual tenant and will be revised as required with the tenant improvement plans under a separate building permit.

STUDIO
architecture & design

Rex Ruskauff, Architect
6152 Pedernal Ave
Goleta, CA 93117



ph 805.899.4864
rex@sbcoxmail.com

EXHIBIT C

Existing Conditions:

Currently existing on the property is a small office, a storage building, a cabinet shop and an auto repair business. Our proposal would replace the cabinet shop building and the auto repair building with buildings that are more suitable business that comply with the zoning, OM-1, S-D-3.

Office Building – Building A	875 s.f.
Storage Building – Building B	1341 s.f.
“Cabinet Shop” – Cabinet C	3626 s.f.
“Auto Repair Building” – Building D	<u>3106 s.f.</u>
Total	8948 s.f.

(“Cabinet Shop” and “Auto Repair” are the existing uses. The proposed uses are Boat Storage / Repair in conformance with the zoning designation.)

The “Cabinet Shop”, Building C, is in need of being replaced due to its deteriorated condition and the fact that it is a raised dock building with the finish floor 3’ above grade. This is an issue for any business because of accessibility but particularly a business that is serving the boating industry. As a cabinet shop, it is not compatible with the zoning. The new building will be marketed to ocean serving industry.

The “Auto Repair” building, Building D, is proposed to be replaced due to its deteriorated condition. Auto repair is also not compatible with the OM-1 zone and the new building will also be marketed to ocean serving industry. Both buildings are proposed as “empty shell” buildings and any tenant specific improvements will be done under separate build permits.

Exterior Lighting:

The new exterior lighting will be limited to the arm mounted shielded industrial lights as shown on the elevations. Existing exterior lighting for the remaining two buildings and site is proposed to remain.

Smoke and Odors:

It is not known at this time if the future tenants will create smoke or odors. If the tenants sell product only it is conceivable that there would be little or no smoke / odor. However if there is boat repair done on site, there would probably be resin odors associated with fiberglass repair. Until there is a tenant, it is not possible to answer this with any certainty.

Noise:

Similar to the response for smoke and odors, I cannot fully answer this. Being in the OM-1 Ocean Oriented Light Manufacturing, it is conceivable that there could be some noise associated with the repair of boats.

Geological:

A soils report has been prepared and included with this submittal.

Resource / Constraint Studies:

To my knowledge, there have been no biological assessment reports, archaeological reports or historic structures reports done for this property.

Trails / Easements:

There are no recreational trails or easements across this property.



Creeks:

This property is not located adjacent any creek.

Water / Sewer:

This property is currently served by City Water and Sewer and no new connections are required for the two new buildings.

Demolition / Construction:

Demolition should take no more than 3 weeks, after which the foundation can begin. The conceptual foundation design is for driven piles connected by grade beams and a slab on grade. There is no grading with the exception of digging the grade beams. Once the foundation and bulkhead wall is in, the metal building can be erected. As a pre-engineered building, start to finish should be very fast. All totaled, the expected demolition / construction time should be approximately 9 months. As far as expected equipment, there will be an excavator for demolition and digging of the grade beams, dump trucks to haul off the debris, a pile driver for the driven piles, concrete delivery trucks and a crane to stand up the structural frame. As far as workers on site, I would estimate that there would be as few as 4 and as many as 12 depending on the particular task at hand. Staging would take place entirely on site.

Staff Contact:

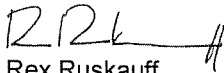
My clients and I had a meeting with Danny Kato to discuss the process. Out of that discussion, came the plan to apply for a Minor Coastal Development Permit to replace the two buildings. The project has before the Architectural Board of Review on two occasions, January 22, 2013 and February 4, 2013. It received positive comments at the meeting of the 4th with the Board generally liking the simplicity of the design of the proposed industrial buildings. It is my client's intent to market the new lease space to ocean / marine serving businesses.

Hazardous Materials:

Included with this application is a Phase 1 Environmental Site Assessment for the property that was prepared by Padre Associates, Inc. in March of 2008. In the conclusions section, the report states residual groundwater contamination associated with "offsite sources", particularly the adjacent card-lock fueling facility. There did not appear to be any contamination associated with the previous or current uses on site. There was an underground storage tank that was removed in 1988. The report also suggests that there may or may not be asbestos-containing materials and a report should be done by a California certified asbestos consultant. I can assure you that prior to demolition of the buildings, Santa Barbara County Air Pollution Control District will have to sign off on the demolition permit and that they will most likely require an asbestos survey that either clears the building or identifies asbestos containing material and how it should be abated.

I look forward to meeting with you and if you have any additional questions or need additional information, please do not hesitate to call or email me. 805.899.4864 / rex@sbcoxmail.com

Sincerely,



Rex Ruskauff,
Architect,
C23229

STUDIO
architecture & design



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Goleta, CA 93117

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Architectural Board of Review

Minutes

January 22, 2013

Motion: Continued two weeks to Full Board with comments:

- 1) Some Board members like the simplicity of design for the industrial building; others find that, particularly on the street-facing façades, additional character giving elements need to be incorporated. +
- 2) Pulling the building back from Mason Street to provide better sight lines is appropriate. As much new landscaping at the front of the buildings on the street sides or elsewhere is strongly encouraged.
- 3) Provide better photo documentation of the rear of the site where Building D is proposed, and it is suggested to pull the building back from the property line so that windows could be added to the south facing elevation.
- 4) Provide a conceptual landscape plan.

February 4, 2013

Motion: Continued indefinitely to the Staff Hearing Officer with comments:

- 1) The Board appreciates the additional detail provided on the front of the building, setbacks, green screen, eaves and awnings, and the articulation of the additional side door.
- 2) Provide additional landscaping and some permeable paving off the Calle Cesar Chavez Street side of the proposed project.
- 3) Provide a detailed landscape plan.
- 4) For Building C, some Board members would like to see additional fenestration on the first floor.
- 5) For Building D south elevation, provide additional fenestration elements to add character to the building.
- 6) The proposed green screen should turn and run along the west side of

Building D.

- 7) Provide plate and ridge heights to all building elevations on the plans.

June 24, 2013

Motion: Continued two weeks to Full Board with comments:

- 1) Show the location of the trash enclosure, and the required ADA path of travel.
- 2) Provide the additional landscaping areas as discussed and sketched on the plans at this meeting (along north property line, south of building A, vine pockets along south property line).
- 3) Study the character of Building D along the rear property line for architectural enhancement. Provide plate and ridge height details.
- 4) Provide details of how the non-permitted Building B will be fire-rated. Provide articulation and look for opportunities to enhance the character of the existing structure; and provide composition elevations of the two combined units.
- 5) Show the possible location of the back-flow device, and provide some significant landscaping for screening.
- 6) Provide information and photos for fountain and benches.
- 7) Study widening the landscaping along the drive aisle and provide a consistent paving material along the front elevation; study providing additional landscaping trees.
- 8) Study the possibility of providing landscaping in the parkway along the Yananoli Street (between the sidewalk and curb).

July 8, 2013

Motion: Continued indefinitely to the Staff Hearing Officer for return to Full Board with comments:

- 1) Provide a landscape plan by a licensed landscape architect or licensed architect.
- 2) Remove the paving in the front along Calle Cesar Chavez, except at the curb cuts.
- 3) Provide enhanced landscaping at the patio area.
- 4) When returning with a color board and further building details, some Board members have concerns about the detailing for the false windows at the rear of the Building D.

February 18, 2014

The project returned to confirm that the Board made the Project Compatibility Analysis Criteria have been met with the following comments:

- 1) The project's design is consistent with the existing site and the industrial zone. The existing function will remain.
- 2) It is consistent with the architectural character of the existing property and neighborhood.
- 3) The size, mass, scale, and height are appropriate and close to what was there before. It is smaller than the adjacent warehouses.
- 4) There are no adjacent historic resources.
- 5) The buildings remain in the same locations and approximate heights and thus do not impact public vistas.
- 6) The open space and landscaping has been improved dramatically. Return with a landscape plan by a licensed landscape architect.

General Plan

Land Use Element (2011)

Land Use Policies

LG8. Manufacturing Uses. Preserve and encourage the long-term integrity of light manufacturing uses.

Possible Implementation Actions to be Considered

LG8.1 Narrow Commercial Uses. Narrow the range of permitted commercial uses to ancillary types in the M-1 zone for protection of industrial/manufacturing and related land uses.

LG8.2 Limit Residential. Better define residential uses in the C-M Zone to both encourage priority housing and to protect existing manufacturing and industrial uses.

Economy and Fiscal Health Element

Local Economic Policies

EF15. Protect Industrial Zoned Areas. Preserve the industrial zones as a resource for the service trades, product development companies, and other industrial businesses not precluding priority housing in the C-M, Commercial Manufacturing Zone.

Environmental Resources Element

Hydrology, Water Quality and Flooding Policies

ER20. **Storm Water Management Policies.** The City's Storm Water Management Program's policies, standards and other requirements for low impact development to reduce storm water run-off, volumes, rates, and water pollutants are hereby incorporated into the General Plan Environmental Resources Element.

Possible Implementation Actions to be Considered

ER20.1 Storm Water Guidelines. The City's Storm Water Management Guidelines provide information on implementation measures such as ground water recharge, pervious surfacing, bioswales, detention basins, and green roofs. Update measures for street sweeping, storm-drain stenciling, and public outreach for inclusion in conditions of approval or as mitigation measures. Encourage the conversion of excess street paving between sidewalks and streets to bioswales.

ER20.2 Wash-Down Policies. Prepare or update regulations to limit the practice of hosing down driveways, to conserve water and reduce pollutants carried through urban run-off and conserve water per State Water Resources Control Board regulatory guidelines for storm water management.

ER20.3 Floodplain Mapping Update. Update the Flood Insurance Maps (FIRM) floodplain boundaries for Special Flood Hazard Areas such as the Mission and Sycamore creek drainages and Area A near the Estero.

Safety Element

Geologic and Seismic Hazards

- S14. Tsunami (Seismic sea waves). New development in areas designated as a tsunami hazard zone shall be designed to minimize the potential for tsunami-related damage to the extent possible.

Possible Implementation Actions to be Considered

- S14.1 Minimize Open Storage Areas. Consider amending the Local Coastal Program to discourage land uses that require extensive areas of open storage within the designated tsunami hazard area, in order to reduce the amount of potential debris generated by a tsunami.
- S14.2 Minimize Structural Damage. To the extent possible, design new projects within the designated tsunami hazard zone to divert water to acceptable locations using structures such as walls, compacted terraces and berms, and parking structures, in order to minimize damage to structures intended for human occupancy. Encourage retrofits to existing development.

Flood Hazards

- S46. Development in Flood Hazard Areas. The potential for flood-related impacts to health, safety, and property may be reduced by limiting development in flood-prone areas. New development or redevelopment located within a designated 100-year floodplain shall be required to implement appropriate site and structure designs consistent with regulatory requirements that minimize the potential for flood-related damage, and shall not result in a substantial increase in downstream flooding hazards.