City of Santa Barbara
California

STAFF HEARING OFFICER / PLANNING COMMISSION
JOINT CONCEPT REVIEW STAFF REPORT

REPORT DATE: May 21, 2014

AGENDA DATE: May 28, 2014

PROJECT ADDRESS: 1135 San Pascual Street (MST2013-00377)

TO: Staff Hearing Officer and Planning Commission

FROM: Planning Division, (805) 564-5470
Renee Brooke, AICP, Senior Planner RLB
Allison De Busk, Project Planner AdB

I. PROJECT DESCRIPTION

The project consists of the construction of a new two-story building containing three 1,294 square foot three-bedroom units, each with an attached one-car garage, on an 11,250 square foot lot located at the southwest corner of West Anapamu and San Pascual Streets. The project site is currently developed with a single-family residence and detached garage. The existing one-story 1,152 square foot two-bedroom residence and 385 square foot garage would remain and are proposed to be rehabilitated, and a 300 square foot bedroom addition is proposed for the residence. The project site is adjacent to Old Mission Creek.

This is a concept review. The purpose of the concept review is to allow the Staff Hearing Officer and Planning Commission, and the public, an opportunity to review the proposed project design at a conceptual level and provide the Applicant and Staff with feedback and direction regarding the proposed land use and design. The opinions of the Staff Hearing Officer and Planning Commission may change or there may be ordinance or policy changes that could affect the project that would result in requests for project design changes. **No formal action on the development proposal will be taken at the concept review meeting, nor will any determination be made regarding environmental review of the proposed project.**

REQUIRED APPLICATIONS

The discretionary applications that would be required for this project are:

A. A Modification to allow the side yard deck (which is greater than ten inches above grade) to encroach into the required 6-foot interior setback (SBMC §28.87.062 and 28.92.026.A); and

B. A Tentative Subdivision Map for a one-lot subdivision to create four (4) residential condominium units (SBMC Chapters 27.07 and 27.13).

II. BACKGROUND Instructions

The project site is located in the Westside neighborhood. The Westside is bounded on the north and east by Highway 101, on the south By Carrillo Street and the base of the Mesa Hills,

and on the west by the base of the hills containing Bel Air Knolls. The Westside neighborhood is developed with a mix of single family, duplex, and multi-family units. As described in the General Plan, the area between Highway 101 and San Andres Street, including the subject parcel, has the highest density with a Medium High Density General Plan designation and R-3 zoning. The subject parcel is located across Anapamu Street from Bohnett Park and the Westside Boys and Girls Club.

There are several site constraints that should be considered as part of any development of the subject parcel:

1. Old Mission Creek runs adjacent to the western property line; the eastern bank is on the subject parcel.
2. The site is a narrow (50 feet in width) corner lot with two street frontages and, therefore, has two front setbacks.
3. The project site has been identified as having low levels of soil contamination (lead and hydrocarbons).
4. Several existing oak trees are on site, which are desirable to retain.
5. Although not deemed historic,[1] the existing residence is a good representation of the original development pattern of the neighborhood, and its retention is desirable.

The project was initially submitted for staff review as a three-unit condominium project that included adding a second story to the existing residence, demolishing the existing garage and constructing a new two-car garage, and constructing a new two-unit building that included two, two-car garages. Staff had significant concerns with the site planning for that proposal. It was designed to avoid having cars back out onto the street (consistent with the City's Parking Design Standards (SBMC §28.90.045.A)), but in doing so, required a significant amount of paving and included a driveway within 25 feet of the creek top of bank. Staff also requested a biological assessment of habitat significance and project impacts in order to assess the appropriate creek setback. Staff recommended that the applicant re-design the project to address the lack of open space, excess paving, encroachments into the minimum creek setback, and overall site layout (refer to Exhibit C – DART #1 Letter and plans). Staff suggested that the Applicant consider the recently adopted Average Unit-Size Density (AUD) Incentive Program as a way to provide not only an additional housing unit, but also more flexibility in site design given the reduced parking requirements.

When the project was resubmitted, it was as a four-unit condominium project utilizing the AUD Ordinance regulations. This reduced the required parking from six spaces (three covered and three uncovered) to four spaces (covered or uncovered), and the spaces were designed to back out onto the street. Although this proposal would require a waiver of the City's Parking Design Standards, staff is supportive of the request on this parcel. A biological assessment / habitat restoration plan was submitted (Exhibit E), which concluded that a 25-foot setback from

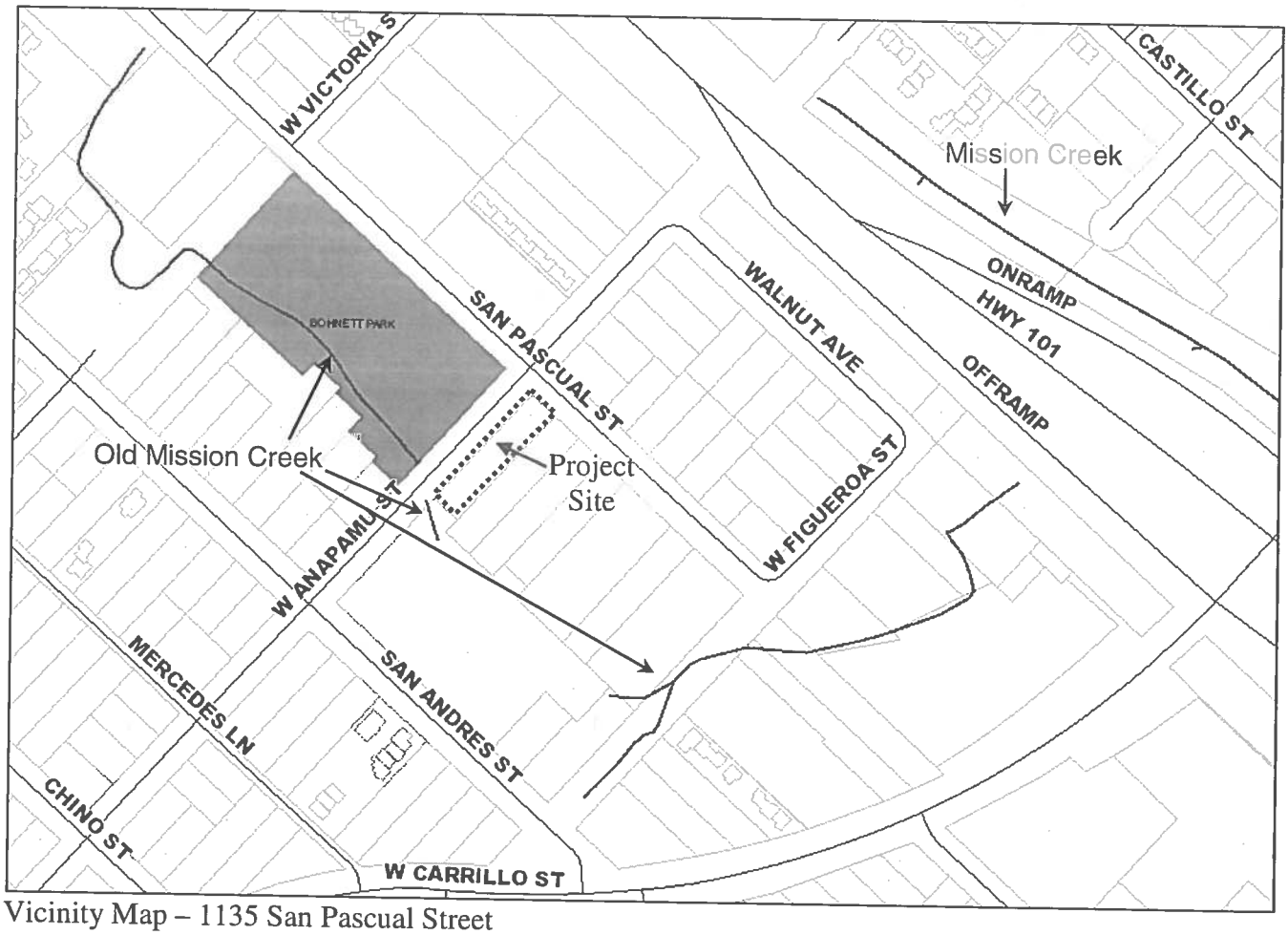
[1] Per City Historian: The Craftsman bungalow was constructed prior to 1928. The building still has most of its original windows, siding and features so that it retains a high amount of integrity, but does not rise to the level of being individually eligible as a Structure of Merit. There are two other craftsman bungalows on W. Anapamu St.; however, most of the surrounding context has been altered so that the building could not contribute to a historic district. Therefore, the property is not a historic resource.

the top of creek bank was adequate; however, staff continues to have concerns with the proposed creek setback (refer to Exhibit D – DART #2 Letter).

The Applicant felt that staff's creek setback recommendation was unfounded, given the recommendations from the biologist, the creek's existing condition and the fact that the creek is completely underground immediately north (under W. Anapamu Street) and south of the project site.

A conceptual review was recommended by staff as a way to get early feedback from decision-makers as to an appropriate creek setback. Because the Planning Commission typically has review authority for subdivisions adjacent to creeks[2], and because the project could be appealed to, or called up by, the Planning Commission, staff thought that a joint concept hearing would be valuable.

The plans submitted for this concept review are the same as those reviewed in the DART #2 Letter and the same as those reviewed by the Architectural Board of Review on April 28, 2014.



Vicinity Map – 1135 San Pascual Street

[2] Old Mission Creek is not one of the creeks identified on the *Creek and Tributaries Map for tentative Subdivision Maps the Require Planning Commission Action* (SBMC §27.03.010.B); therefore, the Staff Hearing Officer has the review authority for this four-lot subdivision.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Rich Ridgeway		
Property Owner:	1135 San Pascual, LLC		
Site Information			
Parcel Number:	039-201-003	**Lot Area**:	11,250 square feet (net and gross)
General Plan:	Medium High Density Residential	**Zoning**:	R-3 (Limited Multiple-Family Residence)
Existing Use:	single-family residence	**Topography**:	2% (excluding creek bank)
Adjacent Land Uses			
North – W. Anapamu St., Boys and Girls Club and Bohnett Park		**East** - Residential	
South – Residential		**West** – Old Mission Creek and Residential	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,152 square feet	1,294 square feet (Unit 1) 1,294 square feet (Unit 2) 1,294 square feet (Unit 3) 1,452 square feet (Unit 4) 5,334 square feet
Garage	385 square feet	296 square feet (Unit 1) 296 square feet (Unit 2) 296 square feet (Unit 3) 385 square feet (Unit 4) 1,273 square feet
Accessory Space	None	None

IV. ZONING ORDINANCE CONSISTENCY

The subject property is zoned R-3 (Multiple Family Residential), which provides two residential density options for development depending on the number of units proposed: the Average Unit-size Density Incentive Program (AUD) and base density. This four-unit project is proposed using the AUD Program. With a maximum density of 27 units per acre, use of the AUD program would allow up to six units on this parcel with a maximum average size of 905 square feet. To provide four units, the maximum average unit size is 1,360 square feet. AUD provides incentives such as reduced parking (one space per unit), setbacks, and open space and would allow for a four-story building on this site.

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	10'	13' (San Pascual) 0 feet (Anapamu, garage)	No change to existing 10' (Anapamu, new)
-Interior	6'	8'	6' (to new triplex) 0' to new raised deck*
-Rear	6' (1st floor) 10' (2nd floor)	144'	36' (1st and 2nd floors)
Distance Between Buildings	10' (main bldg)[3] 5' (any bldg)	11'	15' (main bldgs) 5' (garage)
Building Height	45', 3 stories base density / 4 stories AUD	17'-6", one-story	No change to existing 25'-6" new triplex, two-stories
Vehicle Parking	1 space per unit[3]	1 space (garage)	4 spaces (garage)
Bicycle Parking	1 per unit[3]	N/A	4 (in garages)
Maximum Average Unit Size[3]	1,360 sf	N/A	1,334 sf
Maximum Number of Units	3 (base density) 7 (AUD)	1	4 (AUD)
Density	15-27 du/acre	4 du/ac (1 unit)	16 du/ac (4 units)
Outdoor Living Space	15% of net lot area (1,688 sf)	56.7% (6,380 sf)	16.8% (1,900 sf)
Lot Coverage			
-Building	N/A	1,510 sf 13%	4,450 sf 39.5%
-Paving/Driveway	N/A	20 sf 1%	1,630 sf 14.5%
-Landscaping	N/A	9,720 sf 86%	5,170 sf 46.0%

*Modification requested

A. INTERIOR SETBACK MODIFICATION

The project requires an interior setback modification because the proposed wood deck located behind Units 1 and 2 would be up to 12 inches in height above existing grade. The decks are being proposed at this height due to the slope of the property and the grade change to the adjacent property to the south, to preserve the existing oak trees by minimizing grading, and to obstruct contact with the soil and line up with the mat foundation[4] proposed for construction of the residences, which is in response to the soil contamination on site.

[3] Per AUD Ordinance, SBMC §28.20.070.

[4] A large, thick, usually reinforced concrete mat that transfers loads from a number of columns, or columns and walls, to the underlying rock or soil. Can be considered a large footing extending over great area, frequently an entire building.

Decks no more than ten inches in height can encroach into required setbacks. Given the minimal encroachment above the allowed ten inches, the topography of the site, as well as the protection of the existing oaks, staff is supportive of this setback modification request.

B. Mission Creek Setback (SBMC §28.87.250)

More than 50 years ago, Mission Creek was routed to the east side of Highway 101, and the channel that remained became known as Old Mission Creek. The watercourse of Old Mission Creek currently serves significantly less drainage area than it did prior to the realignment of Mission Creek, and receives greatly reduced flows. However, Old Mission Creek is subject to the Mission Creek setback identified in SBMC §28.87.250, which was developed to address impacts associated with flooding. The required setback is a minimum of 25 feet from the calculated top of bank. The applicant has submitted calculations identifying this calculated top of bank, and the proposed development would exceed the code-required 25 feet from the calculated top of bank.

However, for the subject parcel, the physical top of bank (as opposed to the calculated top of bank) serves as a more appropriate starting point for establishing setbacks for biologic and water quality purposes.

Additionally, with regard to flood hazards, the Applicant is currently working with the Public Works Department to calculate the 25- and 100-year storm flows for the existing condition and the proposed development, per the City's subdivision Ordnance (SBMC Title 27). The City requires that storm drain design is based on a 25-year storm event and that the 100-year storm is able to pass overland through the site without impact to adjacent private properties.

V. DISCUSSION / ISSUES

A. Creek Setback

The creek that runs along the western property boundary is identified as Old Mission Creek (Reach M-2B). This reach consists of the tributary portion of Mission Creek west of Highway 101. It conveys runoff and groundwater seepage from the west side (beginning near W. Sola/San Pascual) through Bohnett Park and through a culvert under Highway 101, discharging into Mission Creek near the intersection of Carrillo Street and Mission Creek. Old Mission Creek is not within any mapped FEMA Flood Hazard Zones

Planning Division staff have struggled with determining an appropriate creek setback for this site given the competing priorities of housing and creek protection, as well as the fact that the creek transitions into a culvert immediately south of the project site. Immediately north of the project site, the creek runs under the Anapamu Street bridge, and further upstream is the site of a major creek restoration project that was constructed by the city in 2003 at a cost of $800,000. This project was over 1.5 acres and included over 500 linear feet of stream channel.

The Creeks Division has recommended a *minimum* setback of 50 feet from the top of bank for this site based on several factors, including:

- Existing development on the project site is set back approximately 125 feet from the top of bank.

- The majority of surrounding development has a setback greater than that proposed for the project.
- Providing a 50-foot buffer allows for the growth of two rows of mature trees between the new structure and the creek, which will reduce the intensification of use (pets, noise, lighting, etc.).

The Applicant's biologist indicated that a 25-foot setback with restoration of the eastern creek bank would be adequate, based on hydrologic, biochemical, plant habitat and animal habitat functions (refer to Exhibit E - Riparian Habitat Restoration/Enhancement Plan). The creek enters a 330 foot long concrete culvert immediately downstream of the subject property. The biologist identifies the portion of the creek on the subject property as a habitat fragment, and notes that the current use by homeless people is a source of trash and bacterial pollution. The biologist's conclusion is that the proposed 25-27 foot setback buffer is adequate to ensure protection of the creek ecosystem functions and, with habitat restoration, will improve the degraded condition of the creek and the hydrogeomorphic (hydrologic, biogeochemical, plant habitat and animal habitat) functions of the habitat.

The City's General Plan, Environmental Resources Element, provides policies for protection and restoration of creeks and their riparian corridors to improve biological values, water quality, open space and flood control in conjunction with climate change adaptation. It includes implementation actions that call for setbacks of greater than 25 feet from top of bank for new structures adjacent to creeks and consideration of the Santa Barbara County Flood Control District's general recommendation of setbacks for new development of 50 feet from the top of natural creek banks. For new development closer than 50 feet to the top of bank, it calls for creek bank stabilization through planting of native trees and shrubs on and above creek banks. It also calls for siting new development outside riparian woodlands and conditions of approval for habitat restoration of native oak woodlands.

Staff generally discourages reducing existing building setbacks along creeks where reasonable. The existing single family house is set back approximately 135 feet and the existing garage is set back approximately 125 feet from top of bank, and the existing creek setback area is landscaped primarily with non-native vegetation. Buildings along Old Mission Creek have varying setbacks, with some less than 25 feet (approximately 21%), some between 25-50 feet (approximately 22%), and most (approximately 57%) more than 50 feet. Refer to Map below for a visual depiction of setbacks in the 1300 block of San Pascual St.

In response to the applicant's DART #2 submittal, planning staff recommended that the project provide a setback greater than 25 feet based on General Plan Policy ER17 related to creeks (refer to Exhibit G for all applicable General Plan policies); however, a specific recommendation was not provided. Part of the reasoning behind staff's recommendation was that increasing the setback would provide room for planting an additional row of trees, which would provide additional habitat area and a more significant physical buffer between the creek and the increased level of human activity associated with the new development. Subsequently, the applicant submitted an updated Habitat Restoration/Enhancement Plan

that includes additional trees within the proposed 25-foot setback area. Refer to the discussion below for additional information.

Map - Aerial Photo

B. RIPARIAN HABITAT RESTORATION

The Applicant has proposed habitat restoration/enhancement as part of the development of the site (Exhibit E – Riparian Habitat Restoration/Enhancement Plan). This restoration would include removal of non-native vegetation and trash, planting new native trees and vegetation on the creek bank and in the setback area, and maintaining these improvements.

Originally, the Habitat Restoration/Enhancement Plan did not include removal of the eucalyptus trees located on the subject property because most of the trees (7 of 11) are on the adjacent property and the canopies are intertwined, and the conclusion was that it would minimally improve habitat quality to remove only the four eucalyptus on the subject property.

However, in response to staff's recommendation to remove the four eucalyptus trees, the Habitat Restoration/Enhancement Plan was updated to include removal of these trees and an updated planting plan was provided that now includes the planting of five additional oak trees and one additional sycamore tree within the creek setback area.

C. Housing

As discussed in the Land Use Element of the General Plan, one of the main goals of the 2011 General Plan Update was to encourage smaller rental and workforce units close to transit, and within easy walking or biking distance to commercial services and recreational opportunities. This was implemented through adoption of the Average Unit-Size Density (AUD) Incentive Program. The City's Housing Element also includes policies that encourage housing on infill sites.

Although the proposed units are being developed as condominiums, they fall within the size requirements of the AUD Program, and the project site is an in-fill lot located close to commercial and recreational opportunities, and transit. The applicant would be required to pay an in-lieu fee to the City's Affordable Housing Inclusionary Fund pursuant to the City's Inclusionary Housing Ordinance (SBMC §28.43.070).

Realistically, if the proposed development were to be set back 50 feet from the top of bank, it would result in the loss of a unit, or possibly the addition of a third story or demolition of the existing residence. Staff is very supportive of keeping the existing residence, and finds that a two-story development on this corner lot is appropriate. However, this is not an affordable or rental project, and the constraints of the creek may be an appropriate reason to reduce the number of units proposed on the site. If the number of units on the lot is reduced to three, the project would not qualify under the AUD Ordinance, and six parking spaces would be required.

D. Soil Contamination

The project site contains soil contaminated with elevated levels of lead and polycyclic aromatic hydrocarbons (PAHs). A Corrective Action Plan (CAP) has been prepared for the project site to address said contamination, and has been reviewed and approved with conditions by the Public Health Department. The CAP proposes to mitigate potential exposures to contaminated soil by capping the site with a mixture of structures, hardscape and limited plantings in clean topsoil above geotextile filter fabric to create a physical separation from the underlying contaminated soil. One of the benefits of capping the site rather than excavating the contaminated soil is that it protects the existing oak trees from damage due to grading.

E. Storm Water Management

This project would be classified as a Tier 2 Project because there is less than 4,000 square feet of new/redeveloped impermeable area because the new driveway is proposed to be permeable.

VI. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) on April 28, 2014 (meeting minutes are attached as Exhibit F). The ABR had very favorable comments about the project design and size and stated that the requested modification would have no adverse visual impacts.

VII. CONCLUSION

Staff and the applicant are seeking feedback from the Staff Hearing Officer and Planning Commission on this conceptual proposal related primarily to the proposed creek setback, but also to its overall supportability (including requested modification) and compatibility with the surrounding neighborhood. **Please note that this review is not meant to imply any approval of, or formal position on, the proposed project.**

Exhibits:

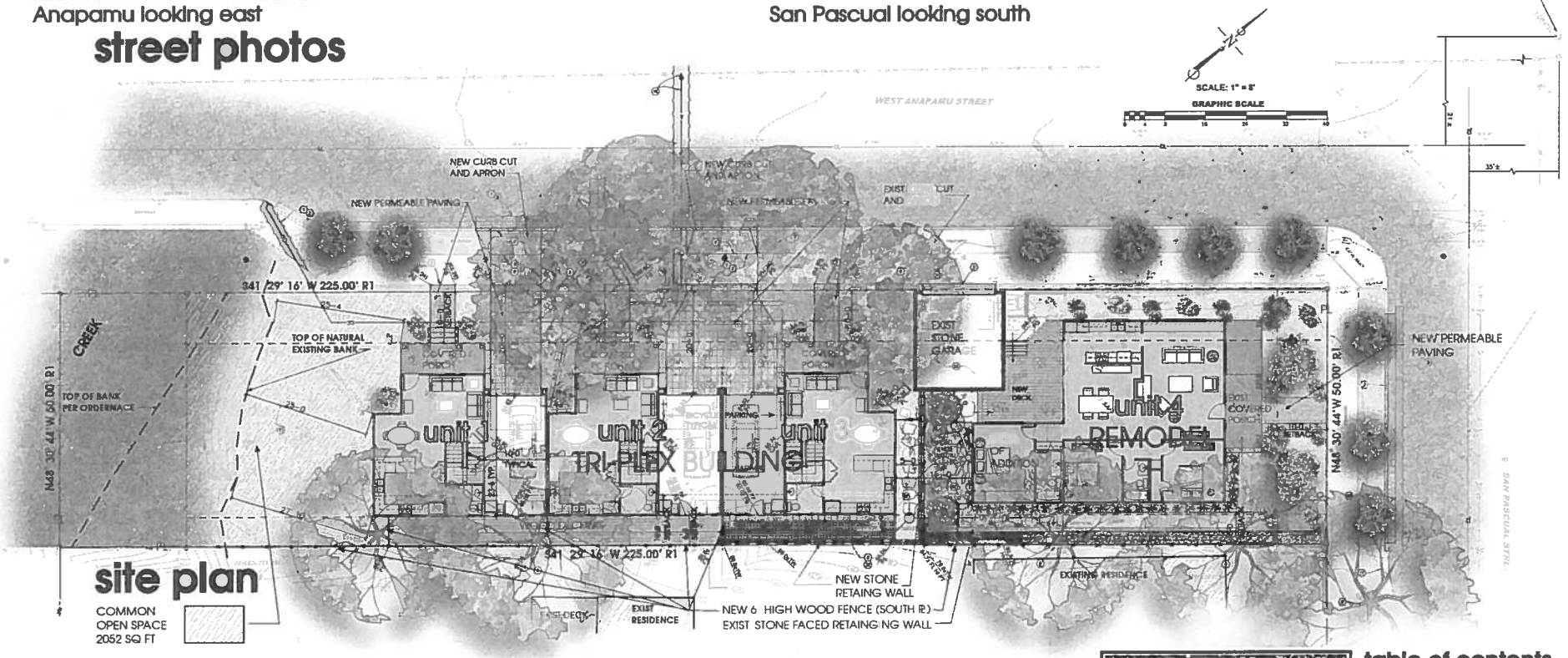
A. Site Plan
B. Applicant's letter, received May 14, 2014
C. DART #1 Letter dated October 8, 2013, including plans
D. DART #2 Letter dated March 20, 2014
E. Riparian Habitat Restoration/Enhancement Plan prepared by Watershed Environmental and dated May 9, 2014
F. ABR Minutes, April 28, 2014
G. Applicable General Plan Policies

EXHIBIT A

Anapamu looking east

San Pascual looking south

street photos



site plan

COMMON OPEN SPACE 2052 SQ FT

PROJECT ADDRESS:
1135 San Pascual Street, Santa Barbara, CA

COUNTY ASSESSOR'S PARCEL NUMBER:
APN 039-201-003

LAND USE ZONE:
R-3

PROPERTY OWNER:
1135 San Pascual LLC
c/o Richard Ridgway-Investec
200 E Carrillo, Suite 200, Santa Barbara, CA 93101
805-962-8989

ARCHITECT:
Richard T. Thorne-Architect, architecture and planning
309 Avila Way, Santa Barbara, CA 93108
805-969-9879

APPLICABLE CODES:
California Building Code, California Energy Code,
FIRE: NEW Tri-plex building shall be fire-sprinklered

LOT SIZE:
11,250 sq. ft. NET AND GROSS

AVERAGE SLOPE OF LOT
2% (Average from top of creek bank to front of lot)

GRADING:
Cut - 125 CY approx
Fill - 125 CY approx

CONSTRUCTION TYPE/OCCUPANCY GROUP
Type V-N/ Group R

HIGH FIRE AREA: No

FLOOD PLAIN: No

SCOPE OF WORK: SWMP 22.68.045 PROJECT
Grading, Utilities, Landscaping,
Remodel/ Addition of existing residence,
3 new units with attached Garages.

EXISTING FLOOR AREA/USE:
1152 Sq. Ft./ Single Family Residence

NEW FLOOR AREA/USE:
300 Sq. Ft./ Single Family Residence
1294 x 3 = 3882 Sq. Ft. NEW Tri-plex

GARAGES:
EXIST Single Family - 385 Sq. Ft.
NEW Tri-plex (3)@ 296 Sq. Ft. = 888 Sq. Ft.

PARKING:
EXIST - one (1) covered
NEW - Three (3) Covered

PATIO/DECKS:
NEW Single Family - 222 Sq. Ft.
NEW Tri-plex (3) @ 50 Sq. FT. = 150 Sq. Ft. (2nd floor)
NEW Tri-plex (3) @ 183 Sq. Ft. = 549 Sq. Ft. (1st floor)

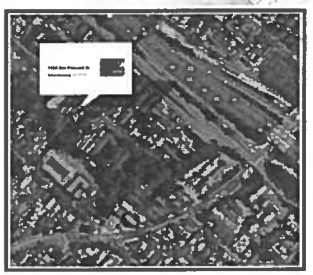
TOTAL FLOOR AREAS

SINGLE FAMILY RESIDENCE-	1st Floor-	1452 Sq. Ft.
TRI-PLEX Unit 1 -	1st Floor-	575 Sq. Ft.
	2nd Floor-	719 Sq. Ft.
TRI-PLEX Unit 2 -	1st Floor-	575 Sq. Ft.
	2nd Floor-	719 Sq. Ft.
TRI-PLEX Unit 3 -	1st Floor-	575 Sq. Ft.
	2nd Floor-	719 Sq. Ft.
TOTAL SQ. FT.		3882 Sq. Ft.

LOT COVERAGE.

Buildings-	Existing-	1510 Sq. Ft.	13%
	Proposed-	4450 Sq. Ft.	39%
Paving/Driveways-	Existing-	20 Sq. Ft.	<1%
	Proposed-	1630 Sq. Ft.	14%
Landscaping-	Existing-	9720 Sq. Ft.	86%
	Proposed-	5170 Sq. Ft.	45%

project data



vicinity map

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ANAPAMU TRI-PLEX

1135 SAN PASCUAL STREET, SANTA BARBARA. CA APN 039-201-003

for: RICHARD RIDGWAY-INVESTEC
200 E CARRILLO, SUITE 200, SNATA BARBARA, CA 93101 - 805 962-8989

RICHARD T. THORNE•ARCHITECT architecture / planning

309 AVILA WAY, SANTA BARBARA, CA 93108 (805) 969-9879 FAX / MESSAGE

8-13-13 rev 1-20-14 rev. 1-30-14

1135 San Pascual - Project Description

The proposed project is located at 1135 San Pascual Street and currently has a small single family residence built at the corner of San Pascual and Anapamu. The balance of the 11,250 square-foot parcel is undeveloped and includes 225 feet of frontage on Anapamu Street.

The surrounding neighborhood is zoned R-3, and most of the neighboring parcels have multiple units built on each lot. To be consistent with the R-3 neighborhood, I am requesting a "one-lot subdivision for condominium purposes" which will include four (4) residential units under the City's AUD program. The proposed plan would be to add three (3) new 1,294 square-foot residential condominiums (in a triplex unit) on the rear two-thirds of the lot and do a remodel/addition to the existing 1,152 square-foot house by adding a new 300 square-foot master bedroom and bath. The free-standing stone one-car garage will be retained.

The property has been red-tagged by the City and the Santa Barbara County Environmental Health/Hazardous Waste Division as having low levels of lead and hydrocarbons in the soil. The previous owner, The United Boys and Girls Club, had plans to develop the site but discovered that the soil was contaminated prior to submitting an application for development to the City. A site remediation plan was developed for the Boys and Girls Club by Rincon Consultants, in conjunction with Environmental Health, which required the top three (3) feet of soil to be removed from much of the site. It would have been a major grading operation because many hundred yards of contaminated dirt was supposed to be hauled off to a "toxic waste" receiver site and then clean fill dirt was to be imported back onto the site. The Boys and Girls Club never formally submitted their development plans to the City.

After I purchased the property and discussed the remediation options with Paul McCaw of Environmental Health, he suggested that another method of mitigation might be more appropriate for this site. Since the levels of lead and hydrocarbons are not high and do not migrate or leach into

EXHIBIT B

groundwater, the encapsulation option was considered. In fact, Mr. McCaw recommended that we look into the recently approved City Housing Authority project at the corner of Olive and Cota Streets as an example of how encapsulation could work. It was decided that this method of mitigation would work better for this particular site because there are several large oak trees that border the perimeter of the lot. By encapsulating the contaminated soil in place, we are able to retain all of the large trees on the property. The Boys and Girls Clubs' previously approved "Corrective Action Plan" would have caused the removal of all three of the large oak trees that border the property because over 50% of the oak trees' root zone was going to be cut and hauled away to a toxic receiver site. In contrast, our recently approved "Corrective Action Plan" will disturb very little, if any, of the oak trees' root zone. We are not removing soil but rather we are encapsulating the contaminated soil in place.

We have proposed permeable pavers in the driveways, wood decks in the rear yards so that we don't have to do any grading near the trunks of the oak trees, and permeable fabric with clean soil on top in the landscape areas. The permeable pavers and wood decks create the required barrier for human to soil contact but also allow the soil around the oak trees to breath, and the rain water to pass through and percolate into the soil.

City Staff, Environmental Health, and the arborist support this encapsulation concept because it has the least impact on the trees and it involves a much smaller grading operation.

Because of the known soil contamination issues and the desire to encapsulate the contaminated soil, we had to develop a creative foundation solution. A soils report was prepared by Earth Systems Pacific, which recommends a MAT slab foundation. A MAT slab is extra thick, contains much more steel, and has shallower footings. The weight of the structure can then be distributed evenly over the entire slab area. Another reason we are proposing a MAT slab

foundation is because it requires very little grading under the foundation which also limits conflicts with the root zone of the oak trees which border the perimeter of the property.

An existing wood fence separates the subject property from the neighboring property to the east. There are currently two rental houses on the neighboring parcel. The common wood fence is old and is not built on the property line. I have discussed the fence situation with my neighbor, and I have agreed to re-build the fence on the property line once the construction of the new triplex has been completed.

The neighboring property is approximately 2-3 feet higher in elevation along our common property line until it drops off down towards the creek at the southern edge of their property. I have discussed my proposed development plans with my neighbor, and we have agreed that I will limit the number of second story windows facing east towards their houses. This way there should be very little conflict between neighbors looking into each other's homes.

The project went before the Architectural Board of Review last month and received very positive comments from all of the Board members. They appreciated the architectural detailing as it related to the existing single family bungalow that is being retained at the front of the lot. The Board liked the articulation of the front porches, second floor decks, and overall size, bulk and scale of the proposed triplex.

The one big controversial issue remaining on this project, from Staffs' perspective, is my proposed building setback from "Old Mission Creek." City Staff asked me to have my consultants physically survey and locate the "actual" top of bank on my property. In addition, they asked me to determine the "theoretical" top of bank per Code Section 28-87.25 of the City's ordinance. The "actual" top of bank on my property is much further away from the creek than the "theoretical" top of bank so the "actual" is what we have used for set back purposes. It is interesting that the City Ordinance requiring a 25' setback applies only to Mission Creek and not to any other creeks. My

project once bordered Mission Creek, but Mission Creek was diverted to its current location north of the freeway many decades ago. Before the diversion, this section of creek conveyed a large amount of water, but since the re-alignment this remnant section no longer carries any significant water.

My project is proposing a building setback of 25' from the top of bank at its closest point. Creeks Division is asking for 50' and Planning Staff is suggesting something more than 25' but is looking for some direction from the decision makers as to how much more.

My project is located along a very degraded section of "Old Mission Creek." As mentioned earlier, the surrounding properties in the immediate area are all zoned R-3 and are developed at high densities. Almost all of those properties have buildings that are setback less than 25 feet. In fact, the properties directly upstream on either side of the creek beyond the Anapamu Street bridge have buildings that are constructed less than 15' from top of bank, including the City's own Boys & Girls Club building. The properties downstream are actually even worse. Immediately adjacent to my property, the creek enters a concrete culvert for approximately 330 feet. On the south side there is a large apartment complex with its parking lot and trash enclosures built directly on top of the creek. Most of the San Pascual properties on the north side of the creek going downstream from my property have been developed with multiple units that are built almost on top of the creek bank and hover over the neighboring parking lot.

In reality, the 50' segment of creek bordering my property is surrounded by concrete and asphalt in both directions. My biologist has designed a beautiful restoration plan that will rehabilitate the creek bank as well as the first 25 feet of flat area above the top of bank. My property will have one of the largest building setbacks of any development in the immediate area, and it will be very nicely landscaped with an appropriate riparian habitat. None of the other

properties along this section of creek have any landscaping except for Bohnett Park, which is on the other side of the Anapamu Street bridge to the north of the Boys and Girls Club.

Last year I submitted an application for a 3-unit project on the property. After reviewing my application, staff suggested that I consider re-designing my project to fit within the new AUD ordinance. I re-designed my project using the AUD guidelines, which allowed me to have an extra unit above base density. The units are smaller in square footage and only have one-car garages.

If the project is required to provide a much larger setback from the "Top of Bank," then the project will most likely lose the additional AUD unit and will no longer qualify for the AUD program. In addition, I will also be required to demolish the "old stone garage" which is one of the historically significant features of the original house that was built in the 1920s. The existing stone garage's interior dimension is only 16' x 19' which qualifies as a one car garage under the AUD ordinance. The stone garage would have to be removed if the project were developed at base density because the existing house would now be required to have a two-car garage (minimum 20' x 20') per City ordinance.

City of Santa Barbara
Planning Division

30-DAY DEVELOPMENT APPLICATION REVIEW TEAM (DART) COMMENTS – SUBMITTAL #1

October 8, 2013

√Rich Ridgway
Investec Real Estate
200 E. Carrillo Street, Suite 200
Santa Barbara, CA 93101

SUBJECT: 1135 SAN PASCUAL STREET, MST#2013-00377, APN: 039-201-003

DART MEETING DATE: Tuesday, October 15, 2013, from 1:15 p.m. to 2:00 p.m., 630 Garden Street, CD 2nd Floor Conference Room

Dear Mr. Ridgway:

I. INTRODUCTION

The City accepted the development application for the subject project for 30-day review on September 10, 2013. The project is a three-unit condominium development. The project consists of renovations and a second story addition to the existing single-family residence, demolition of the existing garage and construction of a new two-car garage attached to the existing residence, and construction of two new two-story, three-bedroom units with attached two-car garages. The project includes two driveways accessed from W. Anapamu Street.

The information reviewed by the DART included a Master Application dated September 10, 2013; a Project Description; Project Plans prepared by Richard T. Thorne and dated September 9, 2013; Preliminary Grading, Drainage and Utility Plan prepared by Flowers and Associates and dated August 26, 2013; a Landscape Plan prepared by Richard T. Thorne and dated August 2, 2013; a Tentative Map prepared by Waters Land Surveying and dated September 2013; a Corrective Action Plan prepared by Rincon Consultants, Inc. and dated July 11, 2013; a letter from Paul McCaw of County Public Health dated August 19, 2013 responding to the Corrective Action Plan; a Soils Engineering Report prepared by Earth Systems Pacific and dated August 20, 2013; a Preliminary Drainage Analysis prepared by Flowers and Associates and dated August 28, 2013; a copy of the 2003 previously approved mitigation plan prepared by Rincon Consultants; a Location and Elevation Survey prepared by Barry Waters and dated March 2013; a letter addressing oak tree impacts prepared by Quality Tree Care and dated September 9, 2013; and a Title Report dated July 31, 2013.

The City has 30 days from the date a development application is accepted for processing to determine if the application is "complete" (i.e. contains all of the required information necessary for project analysis and decision). During the 30-day application review period, the development application is forwarded to various City land development departments and divisions for their review, comments, and completeness determination. The City is required to

notify a project proponent within the 30-day application review period of its determination as to development application completeness.

If a development application is determined to be "incomplete," the City will specify in writing to the project proponent the additional information required. The application will be placed "on-hold" until the required information is received. Not later than 30 days from receipt of the additional information, the City will again determine if the application is "complete." If the application remains incomplete, the City will again transmit its determination to the project proponent and specify the additional information required. If the City determines the application is "complete", processing will continue. Further processing includes environmental review of the proposed project, analysis for compliance with applicable plans, policies, ordinances, codes, etc., and action on the proposed project application by the appropriate decision-making body(ies).

Also, during the 30-day application review period, I was assigned as the lead contact regarding this project. Any questions or concerns you may have relative to the processing of the development application should be directed to me at (805) 564-5470 or by e-mail at ADebusk@SantaBarbaraCA.gov.

II. REQUIRED DISCRETIONARY APPLICATIONS

A. Requested Discretionary Applications

You have applied for the following discretionary approvals:

1. A Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC 27.07 and 27.13).

B. Additional Required Discretionary Applications

Based on the plans/information that you submitted, the following additional discretionary approvals are required. Additional information on these additional required applications is provided in Section V of this letter. The additional fees for these applications are listed in Section IX of this letter. You may wish to redesign your project to avoid these additional applications:

1. A Front Setback Modification to allow a conforming second story addition to a residence with a nonconforming front setback from W. Anapamu Street (SBMC §28.92.110);
2. A Front Setback Modification to allow parking and second floor elements to encroach into the required front setback along W. Anapamu Street (SBMC §28.92.110);
3. An Interior Setback Modification to allow decks to encroach into the required six-foot interior setback (SBMC §28.92.110); and
4. An Open Yard Modification to reduce the amount of open space provided (SBMC §28.92.110).

III. STAFF SUPPORTABILITY

Staff has reviewed the subject application and is not able to support the project as currently proposed. Staff is generally supportive of adding units to the project site. However, we do not

currently support the project because of encroachments into the required Old Mission Creek setback, lack of open space, amount of hardscape and overall site design. Additional feedback on these issues is provided in Sections V and VII of this letter.

IV. COMPLETENESS DETERMINATION

The purpose of this letter is to notify you that the development application for the subject project is "incomplete," and additional information is required. The required additional information is specified below.

V. ADDITIONAL INFORMATION REQUIRED FOR APPLICATION COMPLETENESS

Staff has identified the following information as necessary in order to adequately review the proposed development project. **Subsequent applications will not be accepted without this information.**

A. Planning Division

1. **Biological Resources Report.** A biological assessment of habitat significance and project impacts, prepared by a qualified biologist, is required. The biological assessment should include a recommendation on an appropriate creek bank setback given the site characteristics. The assessment should also take into consideration potential creek bank erosion in recommending an appropriate creek bank setback for this site. The assessment could also include the restoration and maintenance plan identified below.

   The Planning Commission typically recommends a *minimum* setback of 25 feet from the top of creek bank, and often requires larger setbacks based on site specifics. Please be aware that this setback applies to parking and maneuvering areas too, not just buildings.

2. **Creek Restoration/Maintenance.** A creek restoration and maintenance plan for the area within the creek setback area is required. The plan should include measures for removing existing non-native vegetation and preparing the site for revegetation, as well as replanting the site. Only native riparian trees and plants from local genetic stock should be installed in the creek setback area (indicate plant source).

3. **Creek Setback.** Old Mission Creek is subject to the Mission Creek setback identified in SBMC §28.87.250. The required setback is a *minimum* of 25 feet from the calculated top of bank. The top of bank should be clearly identified and labeled on the site plan. Paving and vehicular access areas are currently proposed within this required setback and require formal approval from the Chief of Building and Zoning.

   In addition, City General Plan policies (ER17) recommend setbacks greater than 25 feet for new development and hard surfaces adjacent to creeks. Please refer to the attached excerpt from the City's updated General Plan, Environmental Resources Element. Planning staff does not support the proposed improvements within the creek setback because they are inconsistent with this policy.

Creeks Division Comments – The setback for the existing house is approximately 130 feet from the apparent top of bank. The Creeks Division strongly discourages reducing building setbacks along Mission Creek, especially when it includes intensification of use (going from a single family house to 3 condominiums). Given the large setback for the existing structure, the Creeks Division recommends a minimum 50 foot setback from the top of the bank of Old Mission Creek for all development including parking lots, patios, decks, etc.

4. **Fault Hazard Zones.** The project site is located in an "Apparently Active" fault hazard zone, as identified on the City's Potential Fault Hazard Zone Map. Provide a qualitative site-specific screening level investigation to address potential for surface deformation related to faulting on the site and potential mitigations as appropriate.

   A qualitative evaluation typically involves review of available data, air photo interpretation, and geologic reconnaissance, and may include the results of previous geologic evaluation(s) at or near the project site, with demonstration that the geologic site conditions are similar to and representative of the project site. If the proposed project site does not demonstrate fault surface deformation potential as part of this screening study, the results of the study are submitted with the project discretionary application. If fault surface deformation potential is identified on the project site, contact Planning staff for information on the additional evaluation required.

5. **Storm Water Management Program (SWMP).** The August 2013 Preliminary Drainage Analysis by Flowers and Assoc. appears to comply with the City's Tier 3 Storm Water Requirements. However, some clarifications need to be made:

   (a) Please better explain how the peak flows do not increase from the proposed project site, when impervious surfaces are increasing from 20% to 42%.

   (b) The Preliminary Grading, Drainage & Utility Plan has cross-section detail C, but the detail is not called out anywhere on the sheet.

   (c) Please also clarify in the Drainage Analysis why/where there are permeable and impermeable pavers sections proposed.

6. **Open Yard Area.** On the site plan or other separate exhibit (preferred), identify and provide calculations for the required open yard area. It appears as though you are using Method A (SBMC §28.21.08.A). If so, please show the required private outdoor living space and 10% open space. *[Please note that recent Ordinance amendments eliminated the requirement for common open area (SBMC §28.21.081.A.3) for projects with fewer than four units.]*

   The 10% open space requirement cannot include required front, interior or rear setbacks; parking or turnaround areas; or decks greater that 18" above grade at all points.

The private outdoor living space area included within decks/balconies is measured from the interior of surrounding walls; therefore, the area of the balconies for Units 1 and 2 is less than the required 96 square feet and the minimum dimension is less than the required 6 feet.

The current design does not appear to accommodate the minimum private outdoor living space (Units 1 and 2) or the 10% open space requirement. Staff would not support a modification to provide less than the required outdoor living space.

7. **Setbacks.** The site plan and floor plans shall identify all required setbacks with a dashed line. Setbacks are as follows:

   - Front (W. Anapamu and San Pascual St.) = 10 feet;
   - Interior = 6 feet (may be reduced to 3 feet for the garages only, if approved by the design review board);
   - Rear (opposite San Pascual) = 6 feet for ground floor, 10 feet for second and third floors.

8. **Setback Encroachments.** Please be aware of the following items that currently encroach into these required setbacks. These would require setback modifications as currently designed:

   (a) The wood decking located in the interior setback around the oak trees. This decking is identified as being approximately one-foot above existing grade. Pursuant to SBMC §28.87.062.B, only decks not exceeding 10" in height above existing grade may encroach into the setback.

   (b) The window pop-outs facing Anapamu Street, shown on the second floor of the duplex elevations. These are not identified on the floor plans, so those drawings need to be coordinated/corrected with the elevation drawings. Pursuant to SBMC §28.87.062.B, bay windows at least three feet above the finished floor and which do not provide additional floor space within the building, may encroach up to two feet into the front setback. As currently drawn, the bay windows do not appear to be three feet above the finished floor.

   (c) Parking is not permitted within setback areas. The plans identify cars parked on the driveway within the front setback. It is not clear if these "driveway" areas are intended as additional parking spaces or simply for maneuverability. In any case, to minimize the potential for areas not designated as parking from being used as parking, staff does not support paved areas larger than required for maneuverability to be located within required setbacks. Please update the plans to eliminate all excess driveway area.

9. **Modification for existing nonconforming residence.** Based on the floor plans submitted, it does not appear that there will be any changes to the portion of the existing residence located within the front setback along W. Anapamu Street.

However, the addition of a second story to an existing one-story residence that has a nonconforming setback triggers the need for a setback modification (even though the new second story complies with the required setback) because it changes the basic exterior appearance of the building (SBMC §28.87.030.D). Staff is supportive of this modification.

Please identify any additional improvements that may result in changes to the portion of the building located within the front setback. Please refer to SBMC §28.87.030.D for a list of allowed changes to this structure. Any changes beyond those listed would be covered by the setback modification, but must be identified on the plans and in your applicant letter. If it is likely that any, or all, of the existing structure would ultimately require demolition to accommodate a second story, indicate the extent of that work on the floor plans.

10. **Trash.** Show a trash enclosure on site plan. If trash and recycling are proposed to be stored indoors, show them on the site plan, indicate sizes, and make sure they are not in a required parking area. Trash and recycling containers must be equal sized.

11. **Design Review Compatibility Analysis**. Prior to an application being deemed complete, the project must receive a compatibility analysis by the Architectural Board of Review (ABR) pursuant to SBMC §22.68.045. The project will not be scheduled for a Staff Hearing Officer (SHO) hearing before this has been completed. Please schedule the project for these findings at the ABR. Please see staff's Advisory comments below regarding project design and site layout.

12. **Corrective Action Plan (CAP).** Has the required 30-day notice and comment period for the CAP, as identified in the August 19, 2013 letter from Paul McCaw, occurred yet? Please provide confirmation that this has been completed.

13. **Project Data.** On Sheet 1, please list:

    (a) The number of existing, required and proposed parking spaces (covered and uncovered).

    (b) Identify that this is a SWMP Tier 3 project.

14. **Site Plan.**

    (a) Indicate the height of all existing and proposed fences, walls, hedges and gates.

    (b) Dimension the existing sidewalk and parkway.

    (c) Identify existing curb cuts within 50 feet of the project site.

    (d) Label the creek and identify the creek top of bank.

    (e) Identify all required setbacks, including the minimum 25-foot setback from creek top of bank.

    (f) Identify the distance between buildings.

    (g) Include the outline of buildings and structures on adjacent properties.

15. **Floor Plan.**

(a) Please rotate the floor plan 180-degrees so that it has the same reference point as the site plan (both plans have ref. North facing up).

(b) Identify interior clear dimensions of garages.

(c) Include interior dimensions of balcony/deck.

16. **Elevations.**

(a) Please revise the elevation labels. Anapamu Street runs east-west, so please label the elevations that face Anapamu Street as "north elevation" and the elevations that face San Pascual as ""east elevation."

(b) Provide composite elevations showing both structures in one drawing.

(c) Identify existing and finished grades. Be sure the proposed clean fill (6"-2.5') is accounted for.

(d) Identify building height on ALL elevations.

(e) Show compliance with the Solar Access Ordinance (SBMC Ch. 28.11).

(f) Include the outline of buildings and structures on adjacent parcels (this can be shown on the composite elevation only if preferred).

17. **Landscape Plan.** The landscape plan should include additional information on all trees existing on site and in the parkway, whether proposed to remain or proposed for removal. Trees proposed for removal shall be indicated by an X through the tree. The additional information should include the species and diameter at breast height and the size of the dripline. This information is included on the Tentative Map but must also be shown on the landscape plan.

18. **Irrigation Information/Plan.**

(a) Provide information on the irrigation system proposed and location of proposed meter(s).

(b) Indicate total proposed water-wise and non-water-wise planting areas in square feet and as a percentage of total area landscaped with plants. (See the "Landscape Design Standards for Water Conservation" handout for more details.) Although this information is not required until Final Approval by the ABR, we suggest addressing it sooner in the process.

(c) Note that a "Compliance Statement for Low-Water Using Landscape Design" must be completed, signed and reproduced on the landscape plans at the time the plans are submitted for building plan check.

19. **Cross-Sections.** Provide some site sections to clearly demonstrate existing grade, proposed fill and finished floor heights in several key areas of the site.

20. **Photos.** Provide current color photographs of the site from the street, each elevation of the building(s), adjacent properties, surrounding neighborhood area and streetscape, to provide an accurate depiction of the location of the subject parcel(s).

Mount and label each photograph for submittal on foldable 8½" x 11" heavy paper (loose photographs are not acceptable). All photographs must be labeled with the project address and the relationship of the photograph to the project site. Digital photographs may be printed on 8½" x 11" regular white paper. While photos included as part of the plan set are helpful, they do not replace this requirement.

Include a composition panoramic view of the site within the context of the surrounding neighborhood. Photographs must be clear, visually legible, in color AND a minimum of 3"x5" size. Dark and/or discolored photographs are not acceptable. Polaroid or instamatic photographs are also not acceptable.

21. **Subdivision Order of Development**. There are two post-approval tracks: A-Track (Complete public improvements prior to recordation of the Final/Parcel Map) or B-Track (Record the Final/Parcel Map prior to completing public improvements). The A-Track is usually used for dry-lot subdivisions, where houses are not being built. The B-Track is usually followed for subdivisions where the houses/condominiums are proposed to be built. Based on the information provided in your application, Staff assumes that your project will be developed following the B-Track, and all public infrastructure shall be built after the recordation of the Final Map. Please confirm or provide additional information on your anticipated/proposed sequencing if this is not the case. Project conditions of approval will be developed based on the timing you identify.

22. Please relocate the gas meters to the side of the building or, if that isn't possible, provide better screening so that they are not as visible from the street.

23. Please submit a copy of this letter, indicating how each of the comments contained herein have been addressed.

24. If, when you resubmit your DART application, your project changes in any way from the current proposal (change in the number of dwelling units, floor area, parking spaces, building height, window location, etc.), please provide a concise explanation of all of the changes. Be advised that changes to the project may result in additional requests for information, and if deemed significant, may require submittal of a revised application (at staff's discretion) and associated fees.

B. Engineering Division

Plans should identify the retirement of two cobra head street lights on utility poles located on the south side of W. Anapamu Street and the installation of two new City street lights on City standard light poles.

C. Fire Department

1. Fire hydrants shall be located within 500 feet of all exterior walls by way of access. The hydrants shall be equipped with one (1) four inch (4") and one (1) two and a half inch (2 ½") outlet and flow a minimum of 750 gpm. Please show

all existing and proposed hydrant on the plans meeting these requirements. Please include identification numbers and flow data for existing hydrants.

2. Please note on the plans that the new units will be equipped with an automatic fire sprinkler system submitted under a separate permit.

3. If the square footage of the addition and the area being remodeled exceeds 75% of the existing square footage of the existing residence, an automatic fire sprinkler system will be required. If applicable, please note on the plans the automatic fire sprinkler system will be submitted under a separate permit.

D. Transportation Division

1. Reduce the amount of paving for the project. We can meet to discuss the approximate areas of paving reduction.

2. There was a proposal reviewed in February of this year that included three curb cuts along W. Anapamu Street, but a reduced amount of paving over what is currently proposed. Please describe the evolution of the project and why this current design was selected.

3. Two of the six parking spaces (the parking spaces closest to the street for Units 1 and 3) are not accessible in one maneuver. We are not supportive of the spaces not functioning in one maneuver.

VI. ENVIRONMENTAL REVIEW

In order to complete environmental review for this project, as mandated by the California Environmental Quality Act, staff will need the information identified in Section **V** of this letter.

Once the formal application has been deemed complete, Staff will begin the environmental review of the subject project. A final determination on the appropriate level of environmental review will be made once all necessary information has been submitted.

VII. ADVISORY COMMENTS (THIS MAY INCLUDE INFORMATION OR SUBMITTALS THAT WILL BE REQUIRED AT SOME FUTURE DATE)

A. Planning Division

1. **Project Design/Site Layout.** Staff has concerns with the proposed project as it relates to the site layout. These are advisory comments at this time; however, staff strongly recommends that you consider them (and revise the plans as appropriate) prior to submitting the project for design review.

   (a) Staff has concerns that the project is not oriented toward the street and therefore doesn't provide a pedestrian-friendly facade. Staff recommends orienting the duplex units toward the street. Provide a pedestrian pathway (separate from the driveway) to the front entry to Units 1 and 2 so that they gain direct access from Anapamu Street. Creating a more traditional front porch entry, similar to the existing residence, is encouraged.

   (b) Staff has concerns that too much of the site is devoted to paving/hardscape. This is due in part to the contaminated soil and the

need to encapsulate the site, but is also a reflection of the proposed site plan. While staff does not endeavor to design the plan for you, some options that you may want to consider include:

- Consolidating the two driveways into one, located toward the center of the site, with three parking stalls on each side of the driveway.
- Re-orienting Unit 1's garage so that it backs out onto the street. Although this is not typically the preferred design, in this case it could significantly reduce paving, which may be a beneficial trade-off.
- Consider carports or uncovered spaces if adequately screened from the street, as they may require less paving.
- Moving Unit 1's garage inboard (closer to San Pascual) so that a more traditional driveway approach (and therefore less paving) can be provided.
- Reducing the distance between Unit 2 and 3's garages to the minimum required.

(c) Similarly, staff has concerns that the project does not provide adequate landscaping and/or open space areas. Pursuant to ABR Guidelines (2.2.1.A), landscaping shall provide for a generous overall percentage of plant landscaping relative to building coverage and hardscape. Paved areas should be minimized and planting areas maximized. While we understand the site constraints relative to soil contamination, staff is concerned with both the amount of hardscape proposed for the project and the lack of landscaping.

(d) Staff does appreciate the care taken to preserve existing oak trees on site.

2. **Average Unit-Size Density (AUD) Program.** The City recently adopted the AUD Ordinance, which allows increased densities for smaller average unit sizes, and includes incentives for providing this increased density and smaller units. For the project site, four units could be permitted if the average unit size was reduced to 1,360 square feet or less. Under that scenario, four covered parking spaces and four covered and secure bicycle parking spaces would be required. Given staff concerns regarding the amount of paved parking areas provided, this option could provide for an additional unit and more flexibility in site design.

3. **Inclusionary Housing Fee.** The project is subject to the City's Inclusionary Housing in-lieu fee pursuant to SBMC §28.43.030. The amount of the fee is determined at the time of project approval; however, it is currently estimated at $26,350.

This fee is calculated using the base In-Lieu Fee of $310,000 for each unit. Because the units average between 1,400 and 1,600 square feet, there is 15% reduction in the fee to $263,500. The fee is then pro-rated at 5% because the

project is less than 10 units=$13,175. So, the total fee for the two additional units on site would be $13,175 x 2 = $26,350.

Alternatively, you can choose to provide one of the project's units as an owner-occupied Middle-Income price-restricted unit. If this is your preferred option, please indicate as such in your resubmittal.

4. **Additional Fees.** Please be aware that projects that require a third or subsequent DART submittal are required to pay one-fourth (¼) of the highest application fee for the project. In this case, the fee would be $2,090.00.

   Tree Removal. SBMC Chapter 15.24 (Preservation of Trees) regulates tree removal and the degree of pruning allowed for privately-owned trees. The removal of trees in a required front setback or City right-of-way requires a permit from the Parks and Recreation Department. Approval from the Street Tree Advisory Committee and Parks and Recreation Commission is required prior to application completeness. Please contact Parks and Recreation Staff for further information, if applicable.

5. **Solar Energy.** Solar energy system installations are encouraged to be considered early in the review process (General Plan Policy ER6). In this way, building roof forms can be designed to optimally integrate panels with the building. Regardless of whether a solar energy system is currently proposed, we recommend that all projects show a "potential future solar energy system installation location" of at least 300 square feet with good sun exposure, and free of rooftop equipment, for potential future installation, if physically feasible. Please refer to the City of Santa Barbara Solar Energy System Design Guidelines for information on solar energy system designs, which are eligible for design awards presented by the City Council.

6. **Historic Assessment.** The City's Urban Historian, Nicole Hernandez, visited the subject property on September 23, 2013 and made the following assessment:

   "The Craftsman bungalow was constructed prior to 1928, when a permit was issued for an addition over the garage. The building has most of its original windows and siding and features so that it retains a high amount of integrity, but does not rise to the level of being individually eligible as a Structure of Merit. There are two other craftsman bungalows on West Anapamu St.; however, most of the surrounding context has been altered so that the building could not contribute to a historic district. The property is not a historic resource."

   Therefore, no additional historic assessment is required. Staff strongly encourages you to retain the existing windows, siding and original features of this residence.

7. **SHO**. Staff has determined that the project is subject to review by the Staff Hearing Officer (SHO) in accordance with SBMC §27.03.010 because this portion of Old Mission Creek is not shown on the City of Santa Barbara Creek and Tributaries Map for Tentative Subdivision Maps that Require Planning Commission Action.

B. Engineering Division

Civil drawings shall be required to create a flow line on the west side of San Pascual Street for adequate drainage.

C. Building & Safety Division

1. A receipt for payment of School District Development fees will be required for new habitable square footage before permit issuance.

2. Any demolition or alteration of the existing structure requires that a Project Clearance form be completed, submitted to County APCD for their signature and then turned in to this office.

3. All utility conductors including electrical service, telephone service and cable television must be placed underground from their point of origin at the utility pole to the service meter or termination point at the structure. This requirement applies to the following (Santa Barbara Municipal Code Chapter 22.38):

   (a) a new free standing structure which has utility service;

   (b) all new construction exceeding 500 sq. ft. and 50% of the existing floor area;

   (c) improvements exceeding 50% of replacement value within a 2 year period; or

   (d) a building, which has utility service, that is moved to another location or relocated on the same parcel.

VIII. ADDITIONAL APPLICATIONS REQUIRED

Based on the information submitted, the subject project requires the following additional applications for the following reasons:

A. Planning Division

See Section II.B for additional discretionary land use approvals

B. Engineering Division

Following Staff Hearing Officer approval:

Apply for water and sewer service for the new units. All work in the City right of way will require a Public Works permit.

IX. FEES

Please be informed that fees are subject to change at a minimum annually. Additionally, any fees required following Planning Commission Approval will be assessed during the Building Plan Check phase and shall be paid prior to issuance of the building permit. Based on the information submitted, the subject project requires the following additional fees for the following reasons:

A. Planning Division

Prior to the application being deemed complete:

Modification Fee $2,220.00
Modification Fee, Each Additional (*if applicable*) $1,125.00

Following Staff Hearing Officer approval:

Plan Check Fee ..... TBD
Inclusionary Housing In-Lieu Fee (Paid prior to Certificate of Occupancy) ..... TBD
LDT Recovery Fee ..... 30% of all Planning Fees

B. Engineering Division

Following Staff Hearing Officer approval:

Fee ..... TBD

C. Transportation Division

Following Staff Hearing Officer approval:

Plan Check Fee $167.00
Traffic AMP Benchmark Fee $112.00
Parking Design Waiver (if approved) $226.00

D. Building & Safety Division

Following Staff Hearing Officer approval:

Fee ..... TBD

X. NEXT STEPS:

Please make an appointment with me to submit the required additional information, specified in Section **V** of this letter, at the Planning and Zoning Counter. This information should be submitted within 30 days of the date of this letter[1].

If the additional information required is not received within 120 days of the date of this letter, this will constitute an "unreasonable delay" of the proposal. An additional 60-day extension may be granted by staff upon request during the initial 120-day period. Otherwise, the application shall be "closed" and the processing fees forfeited[2]. If you wish to pursue the project, a new, full and complete application as specified in the Submittal Requirements handout for the appropriate hearing body and payment of all applicable fees will be required.

In addition, please be advised that once the subject development application is deemed "complete," you will be notified to provide a reduced (8½" x 11") site plan, elevations, floor

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[1] In some instances, the requested additional information cannot be provided within 30 days of the date of the written transmission stating the requirement for additional information. Please contact me as soon as possible to discuss any anticipated delay.

[2] In some cases, an additional 180-day extension of time to submit the additional information may be approved by the Community Development Director.

plans, and/or Tentative Map (for subdivisions only) prior to the date of the scheduled Staff Hearing Officer hearing. Please note that you will also be required to post the public notice on the site in accordance to current noticing requirements.

XI. CONTACTS

The following is a list of the contact personnel for the various City departments and/or divisions working on the processing of your application:

Planning Division, 564-5470, ext. 4552..... Allison De Busk, Project Planner
Fire Department, 564-5702 ..... Jim Austin, Fire Inspector III
Engineering Division, 564-5363 ..... Mark Wilde, Supervising Civil Engineer or David Shoemaker, Senior Engineering Technician
Transportation Division, 564-5385 ..... Stacey Wilson, Associate Transportation Planner
Building & Safety Division, 564-5485..... Curtis Harrison, Senior Plans Examiner

XII. CONCLUSIONS/GENERAL COMMENTS

Your application has been deemed "incomplete;" however, you may appeal the decision to require additional information. An appeal must be filed at the Community Development Department's Planning and Zoning Counter within 10 days of the date of this letter. The appeal must consist of written notification indicating your grievance with the determination that your application is "incomplete" and the appropriate appeal fee. The appeal will be scheduled for review by the appropriate decision making body and you will receive notice of the hearing date.

These comments constitute your DART review. The project is scheduled for review at a meeting on (Insert Date) at h:mm a.m./p.m. with staff from the Planning, Transportation, Engineering, Building and Safety Divisions and the Fire Department. Please review this letter carefully prior to our scheduled meeting date. We will answer your questions on the DART comments at that time. If you do not feel it is necessary to meet with Staff to discuss the contents of the letter or the project, please call me at (805) 564-5470 by (Insert Date). If we do not hear from you by this date, we will assume that you will be attending the scheduled meeting. If you have any general or process questions, please feel free to contact me.

Sincerely,

Alli DeBusk

Allison De Busk
Project Planner

Attachments:
1. General Plan Environmental Resources Element Policy ER17

cc: (w/o attachments)
√ Richard T. Thorne, 309 Avila Way, Santa Barbara CA 93108
Planning File
Mark Wilde, Supervising Civil Engineer

David Shoemaker, Senior Engineering Technician
Karen Gumtow, Environmental Services Specialist
Joe Poire, Fire Battalion Chief
Jim Austin, Fire Inspector III
Steve Foley, Supervising Transportation Planner
Stacey Wilson, Associate Transportation Planner
Curtis Harrison, Senior Plans Examiner
Autumn Malanca, Water Resources Specialist
George Johnson, Creeks Supervisor

ER16.3 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.

ER17. **Creek Setbacks, Protection, and Restoration.** Protection and restoration of creeks and their riparian corridors is a priority for improving biological values, water quality, open space and flood control in conjunction with adaptation planning for climate change.

Possible Implementation Actions to be Considered

ER17.1 Creek Setback Standards. Establish updated creek setback and restoration standards for new development and redevelopment along all creeks, and prepare or update guidelines for restoration, increase of pervious surfaces and appropriate land uses within designated creek side buffers.

a. Develop setback standards of greater than 25 feet from the top of bank for new structures and hard surfaces adjacent to creeks and wetlands.

b. At a given site, creek buffers should be adequate for protection from flood, erosion, and geologic hazards, and to provide habitat support.

c. In developing creek setback and restoration standards, consider applicable creek standards in surrounding jurisdictions and the Santa Barbara County Flood Control District general recommendation for new development setbacks of 50 feet from the top of bank of major creeks with natural creek banks, with a reduction up to 25 feet where "hard bank" protection is present.

d. For new development that is closer than 50 feet to the top of the bank of any major stream, creek bank stabilization shall be provided through planting of native trees and shrubs on creek banks and along the top of banks to minimize erosion and the potential for bank failure.

e. When the City determines that a structure must be constructed within proposed creek setbacks or where a project would be exposed to unusually high risk of bank erosion or collapse, non-intrusive bank stabilization methods such as bio-engineering techniques (e.g. revegetation, tree revetment, native material revetment, etc.) shall be used where feasible rather than hard bank solutions such as rip-rap or concrete.

ER17.2 Creekside Development Guidelines. Establish design guidelines for development and redevelopment near creeks, such as measures to orient development toward creeks, and better incorporate creeks as part of landscape and open space design. Utilize native riparian palettes for landscaping along creeks, and prohibit the use of non-native invasive plants. Encourage public creekside pedestrian paths where appropriate to increase connectivity and provide pocket parks and signage to improve public awareness and enjoyment of the City's creeks.

ER17.3 Creek Naturalization. Prohibit the placement of concrete or other impervious material into, or piping of, major creeks and primary tributaries except for water supply projects or flood control projects that are necessary for public safety, or to maintain or repair a structure that protects existing development. These protection measures shall only be used for water supply or flood control purposes where no other less environmentally damaging method is available and the project has been designed to minimize damage to creeks, wetlands, water quality, and riparian habitats. Whenever feasible, existing concrete lining shall be removed from creek channels, and reaches of drainages that have been previously under-grounded shall be "daylighted."

ER17.4 Surface Water Drainage Restoration. Set a goal to restore or daylight a total of at least .5 miles of surface water drainages over the life of Plan Santa Barbara. Priority areas for restoration include segments of Mission Creek consistent with sound flood control practices, the reach of Arroyo Hondo Creek through City College, the tributary to Arroyo Burro Creek west of Las Positas Road, and the segment of Arroyo Burro Creek adjacent to La Cumbre Plaza.

Food and Agriculture Policies

ER18. **Farmers Markets.** Continue to support local farmers markets, and expand locations to include neighborhood locations consistent with Sustainable Neighborhood Plans, expand infrastructure to support them, and expand hours of operations.

ER19. **Gardener Education.** Continue to support the City/County/SBCC Green Gardener training program, and expand community and school educational programs for producing gardens year-round using sustainable gardening practices. Encourage the use of fruit trees in landscaping where appropriate.

ER20. **Food Scrap Recovery and Composting Program.** Continue and expand the City program for diversion of food scraps from landfill disposal, to be composted for use as soil amendments so long as economically viable.

ER21. **Public and Private Food Gardens.** Provide for infrastructure to support local community gardens. With neighborhood support, develop publicly-available edible landscaping in existing and new parks. Reserve space for public gardening within the urban core area to be maintained by the community. Design for green roofs and urban rooftop gardens in residential development Downtown.

ER22. **Food Gardens for Schools.** Work with the Santa Barbara School Districts to develop organic gardens at schools and a healthy and waste-free lunch program:

a. To educate students about where food comes from, and the nutrient and energy cycles from garden to table and back again;

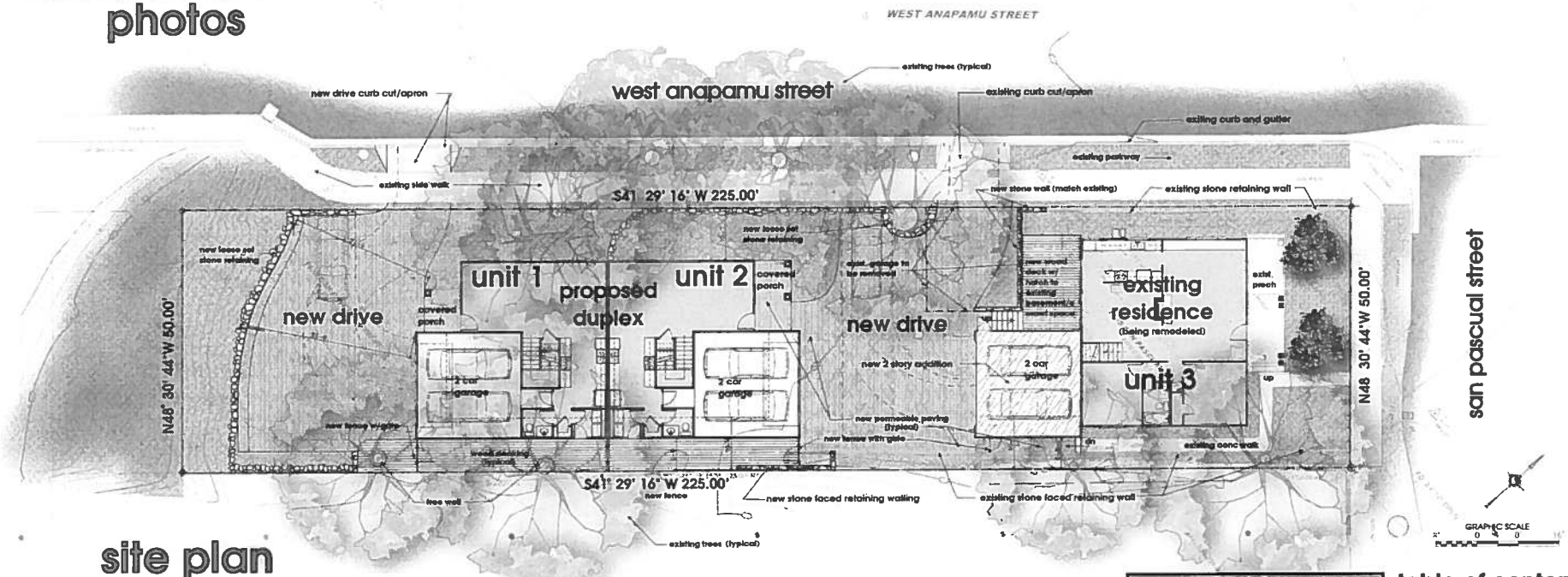
b. To encourage the development of healthy eating habits, and;

c. To provide healthy local food.

Anapamu looking east

San Pascual looking south

photos



site plan

PROJECT ADDRESS:
1135 San Pascual Street, Santa Barbara, CA

COUNTY ASSESSOR'S PARCEL NUMBER:
APN 039-201-003

LAND USE ZONE:
R-3

PROPERTY OWNER:
1135 San Pascual LLC
c/o Richard Ridgway-Investec
200 E Carrillo, Suite 200, Santa Barbara, CA 93101
805-962-8989

ARCHITECT:
Richard T. Thorne-Architect, architecture and planning
309 Avila Way, Santa Barbara, CA 93108
805-969-9879

APPLICABLE CODES:
California Building Code, California Energy Code,

LOT SIZE:
11,250 sq. ft. NET AND GROSS

AVERAGE SLOPE OF LOT:
4.9% ±(Average from top of creek bank to front of lot)

GRADING:
Cut - 80 CY approx
Fill - 150 CY approx
Import - 70 CY approx

CONSTRUCTION TYPE/OCCUPANCY GROUP
Type V-N/ Group R

HIGH FIRE AREA: No

FLOOD PLAIN: No

SCOPE OF WORK:
Grading, Utilities, Landscaping, Remodel/ Addition of existing residence, 2 new Duplex units with attached Garages.

EXISTING FLOOR AREA/USE:
1152 Sq. Ft./ Single Family Residence

NEW FLOOR AREA/USE:
340 Sq. Ft./ Single Family Residence
1545 x 2= 3090 Sq. Ft. NEW Duplex

GARAGES:
NEW Single Family - 427 Sq. Ft.
NEW Duplex (2) - 854 Sq. Ft.

PATIO/DECKS:
NEW Single Family - 211 Sq. Ft.
NEW Duplex (2) - 98 Sq. Ft. (2nd floor)
NEW Duplex (unit 1) - 54 Sq. Ft. (1st floor)
NEW Duplex (unit 2) - 94 Sq. Ft. (1st floor)

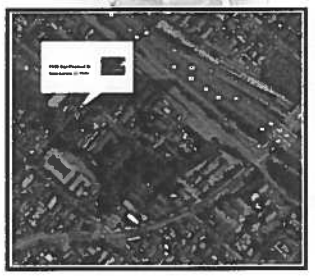
TOTAL FLOOR AREAS:

SINGLE FAMILY RESIDENCE-	1st Floor-	1152 Sq. Ft.
	2nd Floor-	340 Sq. Ft.
DUPLEX Unit One-	1st Floor-	727 Sq. Ft.
	2nd Floor-	818 Sq. Ft.
DUPLEX Unit Two-	1st Floor-	727 Sq. Ft.
	2nd Floor-	818 Sq. Ft.
TOTAL SQ. FT.		4582 Sq. Ft.

LOT COVERAGE:

Buildings-	Existing-	1392 Sq. Ft.	12%
	Proposed-	3887 Sq. Ft.	34%
Paving/Driveways-	Existing-	12 Sq. Ft.	<1%
	Proposed-	3137 Sq. Ft.	27%
Landscaping-	Existing-	9846 Sq. Ft.	87%
	Proposed-	4226 Sq. Ft.	36%

project data



vicinity map

table of contents

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1	SITE PLAN, PROJECT DATA, PHOTOS, VICINITY MAP
2	DUPLEX- FIRST AND SECOND FLOOR PLANS
3	DUPLEX- ELEVATIONS AND ROOF PLAN
4	RESIDENCE REMODEL-EXIST. FLOOR PLAN, NEW FIRST AND SECOND FLOOR PLAN
5	RESIDENCE REMODEL- ELEVATIONS AND ROOF PLAN EXIST. FRONT ELEVATION PHOTOS

ANAPAMU DUPLEX

1135 SAN PASCUAL STREET, SANTA BARBARA. CA APN 039-201-003

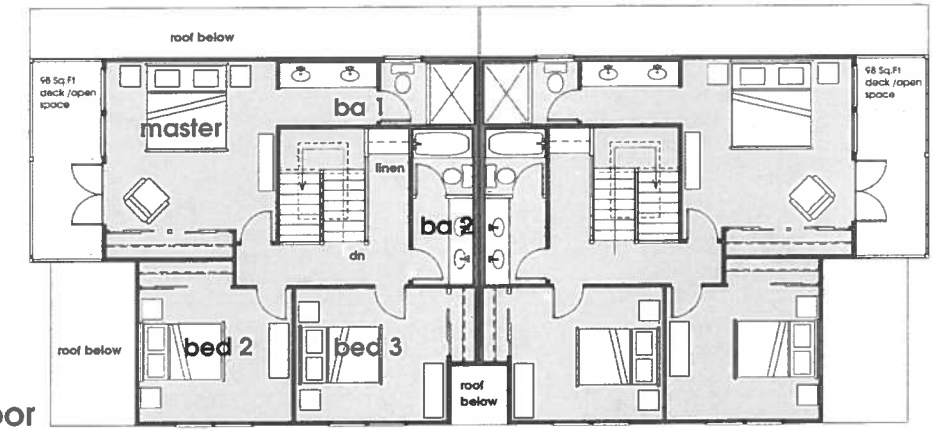
for: RICHARD RIDGWAY-INVESTEC
200 E CARRILLO, SUITE 200, SNATA BARBARA, CA 93101 - 805 962-8989

RICHARD T. THORNE-ARCHITECT architecture / planning

309 AVILA WAY, SANTA BARBARA, CA 93108 (805) 969-9879 fax / telephone richard@rtthorne.com

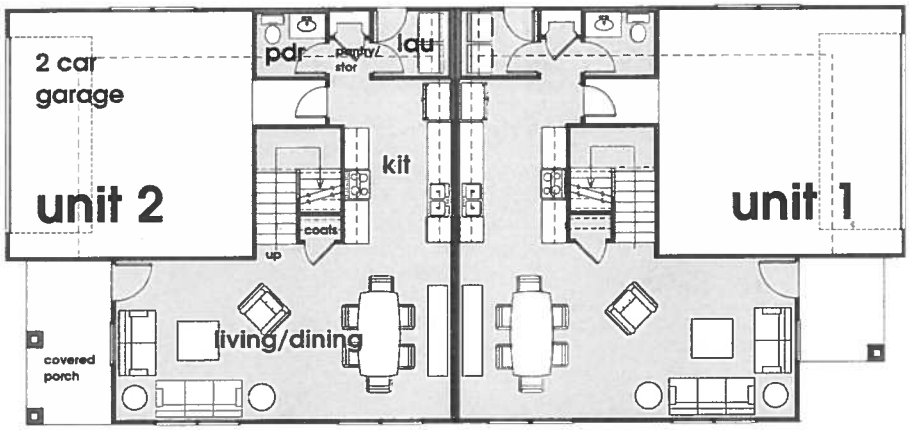
8-13-13 rev. 8-19-13 rev. 9-9-13

second floor



818 sq ft

first floor



818 sq ft 2nd floor
727 sq ft first floor
1545 sq ft total

floor plans

1/4"=1'-0"

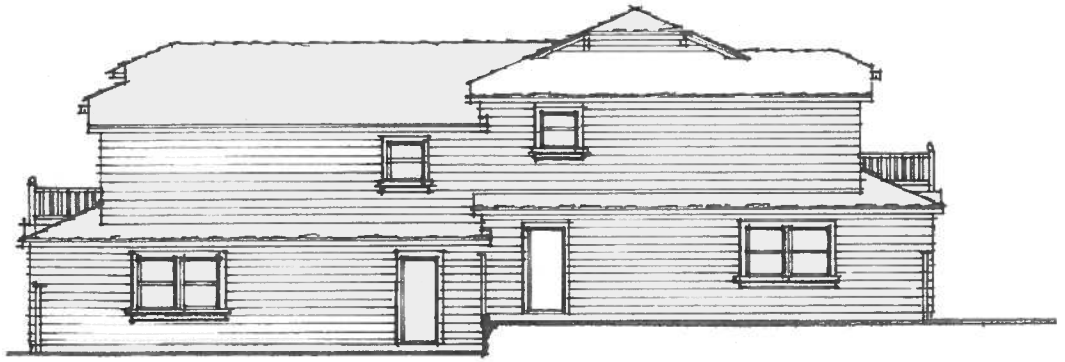
ANAPAMU DUPLEX

1135 SAN PASCUAL STREET, SANTA BARBARA. CA APN 039-201-003

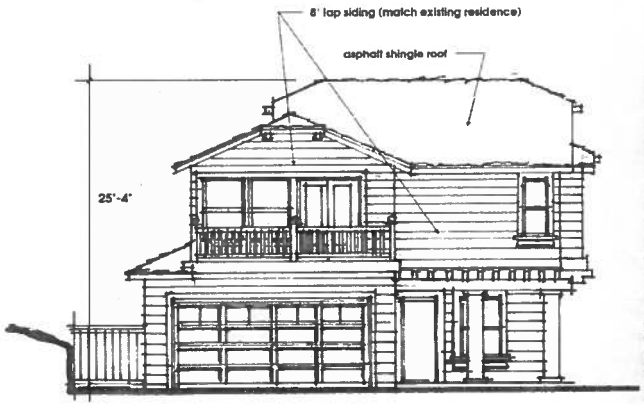
for: RICHARD RIDGWAY-INVESTEC
200 E CARRILLO, SUITE 200, SNATA BARBARA, CA 93101 - 805 962-8989
RICHARD T. THORNE•ARCHITECT architecture / planning

8-2-13

south elevation 1/4" = 1'-0"

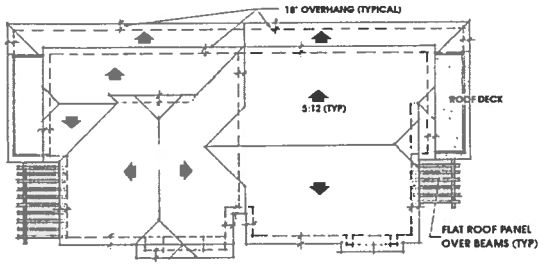


east elevation 1/4" = 1'-0"



north elevation 1/4" = 1'-0"

west elevation 1/4" = 1'-0"



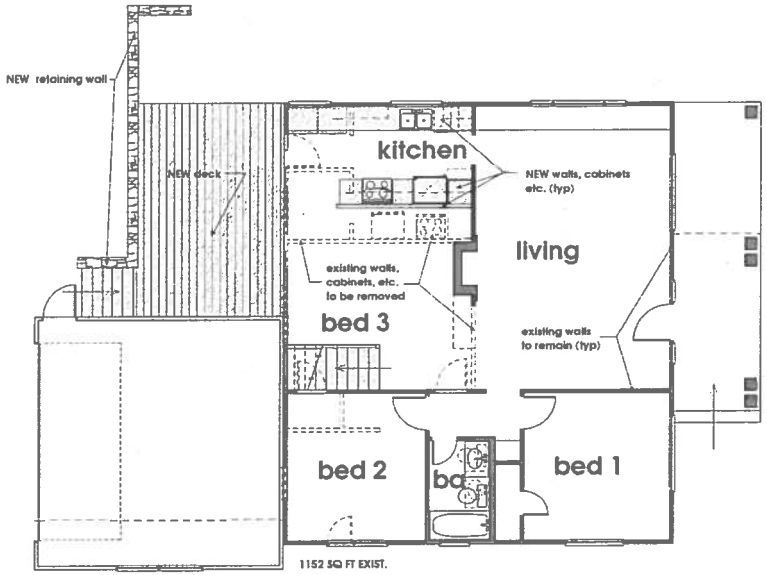
roof plan 1/8" = 1'-0"

ANAPAMU DUPLEX

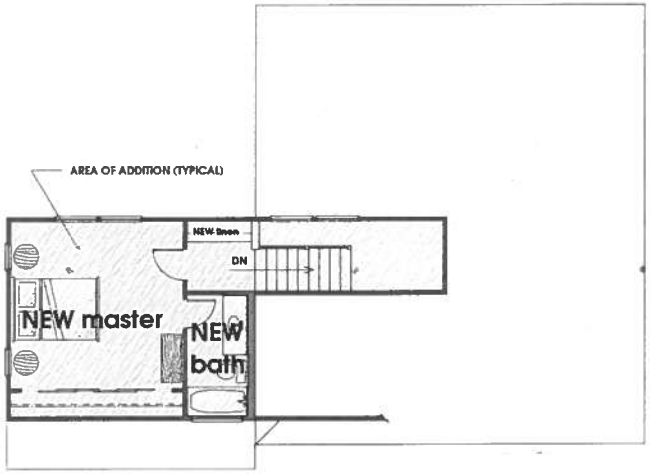
1135 SAN PASCUAL STREET, SANTA BARBARA. CA APN 039-201-003

for: RICHARD RIDGWAY-INVESTEC
200 E CARRILLO, SUITE 200, SNATA BARBARA, CA 93101 - 805 962-8989
RICHARD T. THORNE•ARCHITECT architecture / planning
320 AVILA WAY, SANTA BARBARA, CA 93105

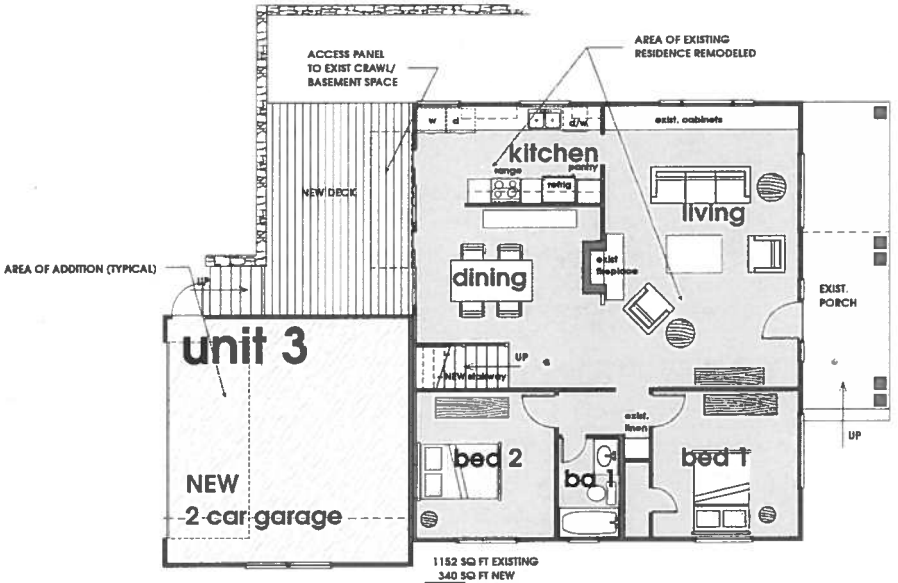
8-2-13



EXIST. floor plan 1/4"=1'-0"



second floor plan 1/4"=1'-0"



first floor plan 1/4"=1'-0"

RESIDENCE REMODEL

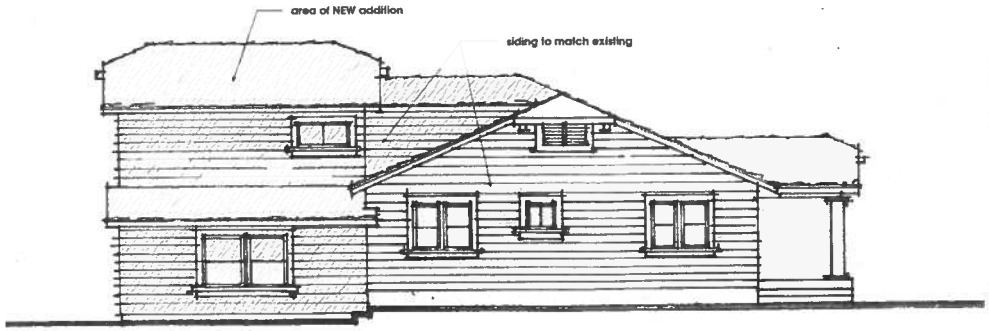
1135 SAN PASCUAL STREET, SANTA BARBARA. CA APN 039-201-003

for: RICHARD RIDGWAY-INVESTEC
200 E CARRILLO, SUITE 200, SNATA BARBARA, CA 93101 - 805 962-8989
RICHARD T. THORNE-ARCHITECT architecture / planning
20n AVILA WAY, SANTA BARBARA CA 93108 (805) 969-5773 fax

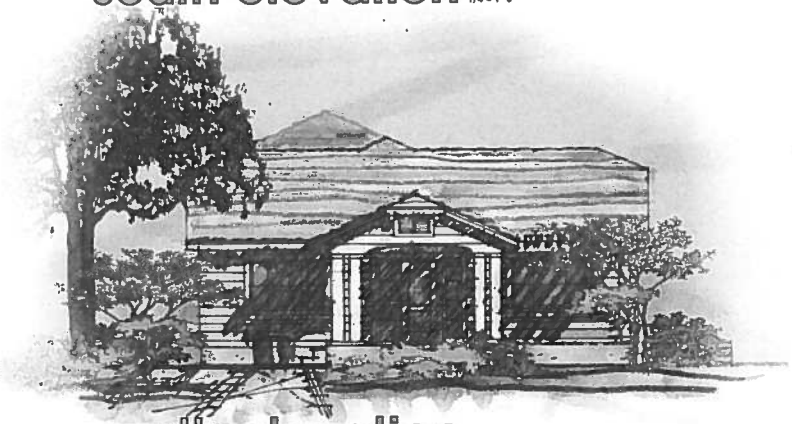
8-2-13 rev. 8-19-13

west elevation 1/4"= 1'-0"

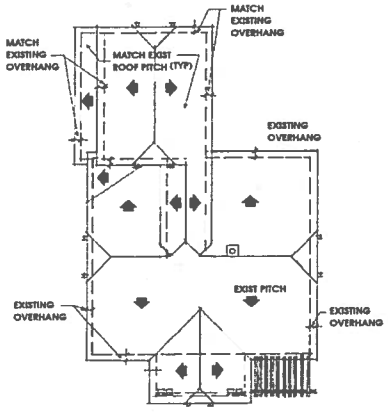
south elevation 1/4"= 1'-0"



east elevation 1/4"= 1'-0"



north elevation 1/4"= 1'-0"



roof plan 1/8"=1'-0"

RESIDENCE REMODEL

1135 SAN PASCUAL STREET, SANTA BARBARA. CA APN 039-201-003

for: RICHARD RIDGWAY-INVESTEC
200 E CARRILLO, SUITE 200, SNATA BARBARA, CA 93101 - 805 962-8989
RICHARD T. THORNE•ARCHITECT architecture / planning

8-2-13

City of Santa Barbara
Planning Division

30-DAY DEVELOPMENT APPLICATION REVIEW TEAM (DART) COMMENTS – SUBMITTAL #2

March 20, 2014

Rich Ridgway, Manager
1135 San Pascual, LLC
1135 San Pascual Street
Santa Barbara, CA 93101

SUBJECT: 1135 SAN PASCUAL, MST#2013-00377, APN: 039-201-003

DART MEETING DATE: Tuesday, March 25, 2014 from 1:15 p.m. to 2 p.m.
630 Garden Street, CD 2nd Floor Conference Room

Dear Mr. Ridgeway:

I. INTRODUCTION

The City received the development application for the subject project for 30-day review on February 21, 2014. This 2nd DART submittal is in response to staff's incomplete letter dated October 8, 2013.

The current project has been modified in response to staff's previous concerns regarding open space, encroachment into the creek setback, excess paving and site design, as well as information about the recently adopted Average Unit-Size Density Ordinance. The previously proposed three-unit condominium project has been revised to a four-unit condominium project that involves construction of a new triplex with three one-car garages and three units of 1,294 square feet each, retention of the existing one-car garage, and a 300 square foot addition to the existing single-family residence.

The information reviewed by the DART included a DART Response Letter prepared by Richard Ridgeway and dated February 7, 2014, a Soils Engineering Report prepared by Earth Systems Pacific and dated January 15, 2014, a Screening Level Analysis for Fault Surface Deformation Hazard prepared by Earth Systems Pacific and dated December 5, 2013, a Corrective Action Plan (CAP) prepared by Rincon Consultants, Inc. and dated January 24, 2014, a letter from Paul McCaw at County Public Health dated February 18, 2014 responding to the CAP, a Preliminary Drainage Analysis prepared by Flowers & Associates and dated December 13, 2013, and project plans consisting of architectural plans, grading/drainage plans, landscape plan and Tentative Map.

II. REQUIRED DISCRETIONARY APPLICATIONS

A. Requested Discretionary Applications

You have applied for the following discretionary approval:

1. A Tentative Subdivision Map for a one-lot subdivision to create four (4) residential condominium units (SBMC Chapters 27.07 and 27.13).

B. Additional Required Discretionary Applications

Based on the information that you submitted, the following additional discretionary approval is required. The additional fee for this application is listed near the end of this letter. You may wish to redesign your project to avoid this additional application.

1. A Modification to allow the side yard deck (which is greater than 10 inches above grade) to encroach into the required 6-foot interior setback (SBMC §28.92.110).

III. STAFF SUPPORTABILITY

Staff has reviewed the subject application and is not able to support the project as currently proposed. While Staff cannot currently support the project because of the proximity of the proposed building to the creek, we do appreciate and support the revised project using the Average Unit-Size Density Incentive Program. Please refer to Advisory comments below for additional information.

IV. COMPLETENESS DETERMINATION

The purpose of this letter is to notify you that the development application for the subject project is "incomplete," and additional information is required. The required additional information is specified below.

V. ADDITIONAL INFORMATION REQUIRED FOR APPLICATION COMPLETENESS

Staff has identified the following information as necessary in order to adequately review the proposed development project. **Subsequent applications will not be accepted without this information.**

A. Planning Division

1. **Site Plan.** These items were previously identified, and although your DART response letter indicates that they have been provided on the Site Plan, I did not see them.
   (a) Dimension the existing sidewalk and parkway (along San Pascual and Anapamu).
   (b) Identify existing curb cuts within 50 feet of the project site.
   (c) Label the creek and identify the creek top of bank.

2. **Street Trees.** Please remove the Purple leaf plum trees from the landscape plan and site plan along both Anapamu and San Pascual Streets. These are not the designated street trees for the area and would not be approved as proposed.

   The designated street tree for the 600 block of W. Anapamu is Acacia melonoxylon, Black Acacia. Minimum spacing is 20 feet on center and, based on the minimum distances described below, there may be room for two trees unless there are underground utilities or other structures that impact placement. We anticipate that a tree could be located between the existing garage and the

corner, and another tree could be located between the Unit 1 driveway and the creek.

The designated street tree for San Pascual is Platenus acerifolia, London Plane Tree, which requires more parkway space than would be available in this location. Therefore, no street trees are required at this time. However, staff will recommend a condition of approval that requires installation of a street tree if the designated species is officially changed prior to approval of building or public improvement plans for the project.

General distances necessary for any tree placement:

Corner = 50 feet
Street Light = 20 feet
Driveway apron = 10 feet
Underground utility or fire hydrant = 6 feet

3. **Landscape Plan.** Please update the Landscape Plan to include the Restoration Plan. The ABR will need to see all landscape information on one sheet. Also, please remove the plants on the west side of Unit 1 that conflict with the Restoration Plan.

4. **Tenant Displacement Assistance Ordinance (TDAO).** The TDAO assists those tenants who are displaced due to their unit being demolished, eliminated, or lost as a result of a land use change. Because the proposal involves the elimination of a rental unit, this ordinance applies to your project. This ordinance requires that you provide notice to all tenants 60 days prior to filing an application. For purposes of the TDAO, an application includes any application to ABR, HLC, Staff Hearing Officer or Planning Commission (DART application), or the Building and Safety Division for a building permit or demolition permit. **Please provide evidence of noticing compliance as required by this ordinance.**

   The current median rent for a 2-bedroom house is $2,760.00. For a complete copy of the TDAO, please refer to Chapter 28.89 of the Municipal Code, or find the TDAO handout on the City's website at www.santabarbaraca.gov/services/planning/forms/planning.asp.

   I apologize that this information was not provided to you during the last DART review. If you have questions about timing, please contact me to discuss.

5. **Storm Water Management Program (SWMP).** Considering the proposed permeable pavers as pervious area, the project has less than 4,000 sq. ft. of new or redeveloped impervious area. Therefore, this project can be a Tier 2 SWMP project if permeable pavers are installed per the Storm Water BMP Guidance Manual specifications. However, if at any point during project or plan check review the permeable pavers are no longer proposed, the project must meet the Tier 3 storm water requirements.

   Please update the plans as follows:

(a) Remove the permeable synthetic filter fabric from the permeable paver cross-section detail.

(b) Please route all roof drains to the permeable pavers for treatment.

6. **Riparian Habitat Restoration / Enhancement Plan.**

(a) The Restoration Plan describes a decomposed granite (DG) path to be installed between the top of bank and the new condominiums. Please remove the DG path from the creek setback area. A possible substitute would be a path delineated with walk-on bark. Please note that decomposed granite is considered an impermeable surface.

(b) Please provide more information about the proposed semi-permeable membrane mentioned in the Restoration Plan and include its composition. Please state the purpose of this membrane.

(c) Please verify that the erosion control blanket for the creek bank will not contain any plastic. Plastic can be harmful to wildlife and does not biodegrade.

(d) Table 3 does not list Santa Barbara honeysuckle, which is a special status species and was identified approximately 340 feet upstream of the project site in 2006 per the City's Master Environmental Assessment Maps.

(e) Overall, the planting plan is acceptable. Please include the following plant species to increase diversity: Clematis ligusticifolia, Keckiella cordifolia, Symphoricarpos albus, and Venegasia carpesioides.

(f) It appears the Habitat/Restoration Plan does not include planting on the lower bank of the creek (last three feet) near the water's edge (toe of bank). Please include the following plant species in this area to increase diversity and reduce erosion: Baccharis salicifolia, Leymus triticoides, and Scirpus microcarpus.

(g) Remove the bench from the creek setback area. It is not an improvement that would be supported by staff.

(h) *Advisory Comment*: Please include removal of the 4 large blue-gum eucalyptus trees as part of the restoration plan. These trees are non-native and invasive. It is very difficult to establish native plants under the direct canopy of blue-gum eucalyptus trees. Leaving the eucalyptus trees in place will seriously degrade the value of the proposed restoration within the creek setback area. We also suggest trimming the neighboring eucalyptus trees, which hang over the subject property, to afford the restored area more sunlight and reduce leaf litter.

As noted in the Plan, an Arborist will need to be consulted regarding the removal of these trees to ensure the structural integrity of the remaining trees is not compromised. Please provide an Arborist Report that addresses removal of these trees.

(i) *Advisory Comment*: We suggest plant spacing of 2.5 feet for the herbs. This allows for better plant coverage and accommodates for typical losses due to plant mortality. Please adjust the plant numbers accordingly.

7. **Top of Creek Bank.** The existing top of bank (TOB) is labeled at three locations on the landscape plans (two locations on the site plan). Please accurately identify the TOB, the toe of the bank and the calculated TOB (as defined according to the Mission Creek Ordinance SBMC §28.87.250). The determination should be performed by a licensed surveyor/engineer and included on the site plans. If the calculated TOB is closer to the centerline of the creek than the actual TOB (as appears to be the case for this project), then the actual TOB will be used to establish creek setback distances (as you have identified on your plans).

8. The Preliminary Grading Plan indicates a fence through the middle of the creek area (which would not be permitted). Refer to Legend Number 22. Please delete the fence from the Preliminary Grading Plan.

9. The plans indicate multiple property lines in the area of the creek. Please be clear as to which is the subject property's boundary. A small parcel to the west of this property is shown on the plans and can appear to be part of the project site. This is especially confusing on the Landscape Plan.

10. **Design Review Compatibility Analysis.** Prior to an application being deemed complete, the project must receive a compatibility analysis pursuant to SBMC §22.68.045 (ABR). The project will not be scheduled for a hearing until this has been completed. Please schedule the project for these findings at the ABR.

11. Please submit a copy of this letter, indicating how each of the comments contained herein have been addressed.

12. If, when you resubmit your DART application, your project changes in any way from the current proposal (change in the number of dwelling units, floor area, parking spaces, building height, window location, etc.), please provide a concise explanation of all of the changes. Be advised that changes to the project may result in additional requests for information, and if deemed significant, may require submittal of a revised application (at staff's discretion) and associated fees.

B. Engineering Division

The following comments affect the Tentative Map Sheet TM-1 received by the City on February 21, 2014. Some of these items may be addressed by adding data or sheets from the Preliminary Grading, Drainage & Utility Plan to the Tentative Map. If you need further direction on how to best comply with these requirements, please contact me before resubmitting plans.

1. Please show and note Basis of Elevation (using City datum) per Santa Barbara Municipal Code (SBMC) Section 27.07.030 (b) (1).

2. Please show Basis of Bearing per SBMC Section 20.07.030 (b) (1).

3. Please show identification of adjoining subdivisions and parcels per SBMC Section 27.07.030 (b) (1). Check for Parcel Map 9 PM 7. Please show adjacent property lines between APN 039-201-024 & 039-201-004.

4. Please add the Subdivision Number per SBMC Section 27.07030 (b) (1).

5. Please extend contours at 5 foot intervals (smaller interval may be required by the Chief of Building and Zoning) One Hundred feet (100') beyond the boundary of the subdivision as necessary to determine adequacy of the proposed subdivision design per SBMC Section 27.07.030 (b) (3).

6. Please add width and cross sections of improvements of existing and proposed streets per SBMC Section 27.07.030 (b) (4).

7. Please show proposed street lights and location (if any) per SBMC Section 27.07.030 (b) (4). Street lights for subdivision should meet the Public Works design guidelines for type of light, spacing and locations.

8. Please show existing culverts and drain pipes in contiguous areas (south west of the subdivision) by location, size, material, elevations and reference to City record drawings (if found) per SBMC Section 27.07.030 (b) (5).

9. Please show the approximate boundaries of land subject to overflow, inundation, and flood hazards for the 10 year, 25 year and 100 year flood (these base years from Public Works Design Guideline Standards) per SBMC Section 27.07.030 (b) (5). This should be shown for existing condition and proposed project. This will require additional contours offsite to show no impact on adjacent properties. This may also require showing proposed rough grading plan or grading limits and the impact or no impact of the grading on areas of inundation.

10. Please show the FEMA flood zone designation(s).

11. Please show the proposed sewer system including elevations at proposed connections per SBMC Section 27.07.030 (b) (6). This may require potholing and verification of location and depth of the existing lateral. Please also show invert elevations at the existing manhole in San Pascual Street. The 4 inch sewer in San Pascual Street at the frontage of this subdivision is a "Private Force Main" and should be noted as such.

12. Please show source of water supply with location, size and material per SBMC Section 27.07.030 (b) (6).

13. Please show proposed fire protection system per SBMC Section 27.07.030 (b) (6). If none, please state that fire sprinkler system is to be provided through domestic water meters. Show backflow devices as required per City Cross Connection Control.

14. Please show location of all existing public utility facilities showing type of utility, size and material per SBMC Section 27.07.030 (b) (9).

15. Please add statement of non-compliance per SBMC 27.07.040. If project has no non-compliance, please state on the Tentative Map.

16. Please show the record document information for "R1" that is show on the subdivision boundary lines.

17. Please add the survey date of the original survey.

C. Transportation Division

1. The single car garages need to be a minimum of 10'-6" wide, clear on the interior. This will require changes to the site and floor plans.

2. Show the limits of the new parkway on San Pascual.

3. Transportation Staff will support a waiver to allow vehicles to back out onto a public street from a property with more than two units.

VI. ENVIRONMENTAL REVIEW

In order to complete environmental review for this project, as mandated by the California Environmental Quality Act, staff will need the information identified in Section V of this letter.

Once the formal application has been deemed complete, Staff will begin the environmental review of the subject project. A final determination on the appropriate level of environmental review will be made once all necessary information has been submitted.

VII. ADVISORY COMMENTS (THIS MAY INCLUDE INFORMATION OR SUBMITTALS THAT WILL BE REQUIRED AT SOME FUTURE DATE)

A. Planning Division

1. **Creek Setback.** The City's General Plan includes several policies aimed at improving creek resources, biological habitat and water quality, as well as protection against flooding. Refer to Environmental Resources Element policies ER12, ER15, ER16, ER17 (attached).

The project site contains riparian woodland or forest habitat, plus it is located approximately 900 feet upstream of a previously identified breeding location for southwestern pond turtles and approximately 340 feet south of identified Southern or Santa Barbara honeysuckle (a sensitive species).

Given the City's General Plan policies that recommend creek setbacks of more than 25 feet, staff recommends a creek setback greater than the currently proposed 25 feet.

Additionally, feedback from the City's Creek Division is provided below:

> The setback for the existing house is approximately 130 feet from the apparent top of bank. The proposed building setback is 25 feet. The Creeks Division strongly discourages reducing building setbacks along Mission Creek, especially when it includes intensification of use (going from a single family house to four condominiums). Given the large setback for the existing structure, the Creeks Division recommends a minimum 50 foot setback from the top of the bank of Old Mission Creek for all development including parking lots, patios, decks, etc.

Creeks Division strongly believes that 50 feet should be the minimum setback for development on the subject parcel. The Restoration Report indicates that 79% of all the structures on Old Mission Creek are 50 feet or greater from the top of bank. A setback of less than 50 feet is not consistent with surrounding land uses and marginalizes both the available space and buffer for wildlife.

We realize that development of the site includes a balancing of several City goals and policies. However, we think that three new units can be developed on the site while maintaining the existing residence and also providing a larger creek buffer than is currently proposed. However, it may require one or more units to be reduced in size in order to accomplish this. Additional setback area provides a greater separation from human activities and, ideally, would provide an additional row of trees in the creek buffer area, which would benefit birds, insects and other species in the creek area by providing a more significant physical buffer. Also, as noted above, staff recommends that the eucalyptus trees on the project site be removed.

2. **Restoration Plan.** In order to improve the creek habitat, consistent with General Plan policies ER12 and ER17, staff recommends that the creek banks be restored by removing non-native Eucalyptus and planting more appropriate species.

3. **Site Plan.** When printed in black and white, the site plan is very difficult to read because of all the shading and identification of landscaping, as well as the required Site Plan information. We recommend printing final versions in color for the Staff Hearing Officer and removing information that is not required. For example, it is helpful to see the driplines of existing trees that are proposed to remain, in order to visualize site constraints. However, seeing the grading notes called out adds clutter without providing additional information. These details are identified on the Grading, Drainage and Utility Plan and do not need to be on the Site Plan.

4. **Plans.** When you resubmit, all plans should be stapled together as a single set.

5. **Driveway.** We recommend installing some type of differentiation (such as landscaping) between the shared driveway garages to minimize "encroachment" issues between neighbors.

6. **Average Unit-Size Density (AUD) Incentive Program.** The AUD Program, effective August 30, 2013, replaces the previously existing Variable Density Program and allows increased residential densities to encourage smaller, more affordable units in certain areas of the City. The AUD Program is available in the following zones of the City: R-3, R-4, HRC-2, R-O, C-P, C-L, C-1, C-2, C-M, and OC Zones, as shown on the City of Santa Barbara Average Unit-Size Density Incentive Program Map (available on the City's website).

   The Average Unit-Size Density Incentive Program (SBMC Chapter 28.20) will be in effect for a period of either eight years or until 250 residential units have been constructed under the Program, whichever occurs first.

The project, as currently designed, complies with the AUD Program (average unit size of 1,334.5 square feet).

7. **Additional Fees.** Projects that require a third or subsequent DART submittal are required to pay one-fourth (¼) of the highest application fee for the project. In this case, the fee is $2,090.00.

B. Engineering Division

1. Please revise the Tentative Map to clearly show all existing features (except property lines, right of way lines and subdivision boundary) as gray scale and all proposed improvements in black.

C. Fire Department

1. When submitting plans for a construction permit please include the following data for the hydrant shown; hydrant number F09-016, residential type, 925 GPM. Also note the automatic fire sprinkler system will be submitted under a separate permit in accordance with NFPA standards.

D. Building & Safety Division

1. Before permit issuance, a receipt for payment of School District Development fees will be required for new habitable square footage.

2. Any demolition or alteration of the existing structure requires that a Project Clearance form be completed, submitted to County APCD for their signature and submitted to Building & Safety.

3. All utility conductors including electrical service, telephone service and cable television must be placed underground from their point of origin at the utility pole to the service meter or termination point at the structure. This requirement applies to the following (Santa Barbara Municipal Code Chapter 22.38):

   (a) a new free standing structure which has utility service;

   (b) all new construction exceeding 500 sq. ft. and 50% of the existing floor area;

   (c) improvements exceeding 50% of replacement value within a 2 year period; or

   (d) a building, which has utility service, that is moved to another location or relocated on the same parcel.

VIII. ADDITIONAL APPLICATIONS REQUIRED

Based on the information submitted, the subject project requires the following additional applications for the following reasons:

A. Planning Division

1. See Section II.B for additional discretionary land use approvals. A setback modification is required for the decks because they would be 12-inches above grade and therefore constitute an encroachment into the interior setback. Staff is supportive of this modification request.

B. Engineering Division

Following Staff Hearing Officer:

1. Application for a Public Works Permit (PBW) to construct improvements in the public right-of-way.

IX. FEES

Please be informed that fees are subject to change at a minimum annually. Additionally, any fees required following Planning Commission/Staff Hearing Officer Approval will be assessed during the Building Plan Check phase and shall be paid prior to issuance of the building permit. Based on the information submitted, the subject project requires the following additional fees for the following reasons:

A. Planning Division

Prior to the application being deemed complete:

Modification Fee $2,220.00
3rd DART Review Fee $2,090.00

Following Staff Hearing Officer approval:

Plan Check Fee ..... TBD
LDT Recovery Fee ..... 30% of all Planning Fees

B. Engineering Division (Estimated based on current Fee Resolution)

Following Staff Hearing Officer approval:

Public Improvement Plan Check Fees ..... Based on Engineers Estimate
Public Improvement Inspection Fees ..... Based on Engineers Estimate
Subdivision Map Review Fees $3,266.00
Technology Fee ..... 6% of the above Engineering Division Fees
Retail Water Service Connection Fee ..... To Be Determined (TBD)
Fireline Connection Fee ..... TBD
Water Meter Setting Fee ..... TBD
Water Buy-In Fees (Estimate Based on 3 New 5/8" Meters) $18,210.00
Sewer Buy-In Fees (Estimate Based on 3 New Dwelling Units) $14,931.00

C. Transportation Division

Following Staff Hearing Officer approval:

1. Plan Check Fee $167.00
2. Traffic AMP Benchmark Fee $112.00
3. Parking Design Waiver $226.00

D. Building & Safety Division

Following Staff Hearing Officer approval:

Plan Check Fee ..... TBD

X. NEXT STEPS:

Please make an appointment with me to submit the required additional information, specified in Section **V** of this letter, at the Planning and Zoning Counter. This information should be submitted within 30 days of the date of this letter[1].

If the additional information required is not received within 120 days of the date of this letter, this will constitute an "unreasonable delay" of the proposal. An additional 60-day extension may be granted by staff upon request during the initial 120-day period. Otherwise, the application shall be "closed" and the processing fees forfeited[2]. If you wish to pursue the project, a new, full and complete application as specified in the Submittal Requirements handout for the appropriate hearing body and payment of all applicable fees will be required.

In addition, please be advised that once the subject development application is deemed "complete," you will be notified to provide a reduced (8½" x 11") site plan, elevations, floor plans, and/or Tentative Map (for subdivisions only) prior to the date of the scheduled Planning Commission hearing. Please note that you will also be required to post the public notice on the site in accordance to current noticing requirements.

XI. CONTACTS

The following is a list of the contact personnel for the various City departments and/or divisions working on the processing of your application:

Planning Division, 564-5470, ext. 4552..... Allison De Busk, Project Planner
Fire Department, 564-5702 ..... Jim Austin, Fire Inspector III
Engineering Division, 564-5363 ..... Mark Wilde, Supervising Civil Engineer or Tom Scott, Project Engineer
Transportation Division, 564-5385 ..... Stacey Wilson, Associate Transportation Planner
Building & Safety Division, 564-5485..... Curtis Harrison, Senior Plans Examiner

XII. CONCLUSIONS/GENERAL COMMENTS

Your application has been deemed "incomplete;" however, you may appeal the decision to require additional information. An appeal must be filed at the Community Development Department's Planning and Zoning Counter within 10 days of the date of this letter. The appeal must consist of written notification indicating your grievance with the determination that your application is "incomplete" and the appropriate appeal fee. The appeal will be scheduled for review by the appropriate decision making body and you will receive notice of the hearing date.

These comments constitute your DART review. The project is scheduled for review at a meeting on March 25, 2014 at 1:15 p.m. with staff from the Planning, Transportation, Engineering, Building and Safety Divisions and the Fire Department. Please review this letter carefully prior to our scheduled meeting date. We will answer your questions on the DART

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[1] In some instances, the requested additional information cannot be provided within 30 days of the date of the written transmission stating the requirement for additional information. Please contact me as soon as possible to discuss any anticipated delay.

[2] In some cases, an additional 180-day extension of time to submit the additional information may be approved by the Community Development Director.

comments at that time. If you do not feel it is necessary to meet with Staff to discuss the contents of the letter or the project, please call me at (805) 564-5470 by Monday, March 24, 2014. If we do not hear from you by this date, we will assume that you will be attending the scheduled meeting. If you have any general or process questions, please feel free to contact me.

Sincerely,

Allison De Busk, Project Planner
Project Planner

Attachments:
1. Referenced General Plan Policies

cc: (w/o attachments)
1135, LLC, C/O Ridge Ridgway, Manager
Planning File
Mark Wilde, Supervising Civil Engineer
Tom Scott, Project Engineer II
Karen Gumtow, Environmental Services Specialist
Joe Poire, Fire Battalion Chief
Jim Austin, Fire Inspector III
Steve Foley, Supervising Transportation Planner
Stacey Wilson, Associate Transportation Planner
Curtis Harrison, Senior Plans Examiner
Jim Rumbley, Water Resources Specialist
George Johnson, Senior Planner, Creeks Division

May 9, 2014

Riparian Habitat Restoration/Enhancement Plan
1135 SAN PASQUAL
SANTA BARBARA, CALIFORNIA

Prepared for:
Investec Inc.
200 E. Carrillo Street, Suite 200
Santa Barbara, CA 93101-2144

Prepared by:
Watershed Environmental, Inc.
3324 State Street, Suite B
Santa Barbara, CA 93105

EXHIBIT E

Habitat Restoration Plan
1135 SAN PASQUAL
SANTA BARBARA, CALIFORNIA

TABLE OF CONTENTS

TABLES

FIGURES

ATTACHMENTS

1.0 INTRODUCTION

This habitat restoration plan was prepared by Mark de la Garza and Melodee Hickman of Watershed Environmental under contract to the property owner Mr. Rich Ridgway of Investec Inc. This version of the plan incorporates changes requested by The City of Santa Barbara in their March 20, 2014 30-day Development Application Review Team (DART) comments-Submittal #2. This restoration plan describes habitat restoration actions that will be undertaken by the property owner in the southern portion of the 11,250 sq. ft. parcel (APN 039-201-003) located at 1135 San Pascual Street, in the City of Santa Barbara (Figure 1). This habitat restoration plan also describes the existing conditions within the creek bank and creek setback area and assesses the adequacy of the proposed 25-27 ft. creek setback from proposed new residential development.

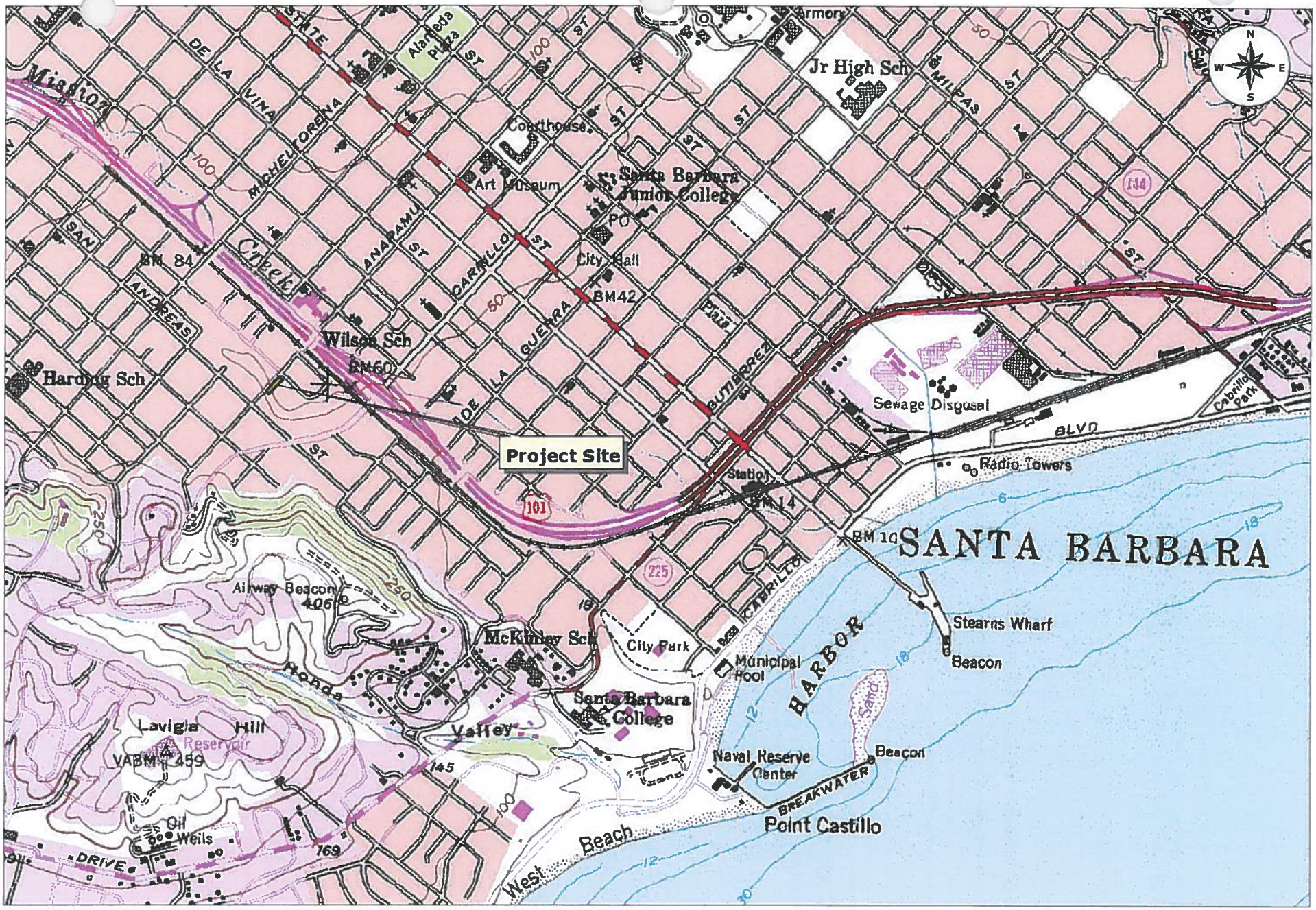
The parcel is zoned for multiple residential units (R-3 zoning) and is located in a residential neighborhood known as the "West Side". Adjacent land use is residential on three sides (north, south, and east), with the Westside Boys and Girls Club and Bohnett Park located to the west. The parcel is approximately 225 ft. long and 50 ft. wide and currently contains a small 1152 sq. ft. craftsman style single-family single story residence, a small one car detached stone garage, a concrete patio, and assorted landscape vegetation. The southern portion of the property extends partially down the historic (old) Mission Creek bank and is currently undeveloped.

2.0 PROJECT DESCRIPTION

The proposed project includes building a 4 unit condominium project on a R3 zoned lot (Figure 2). The existing 1,152 square-foot single family residence and stone single car garage will be retained on the northern portion of the lot and a new condominium triplex will be built on the southern portion of the lot. The existing single family residence will be remodeled and a new master bedroom and bathroom and wooden deck will be added to the southern part of the existing residence. The master bedroom and bathroom will add 300 sq. ft. of living space to the existing 1,152 sq. ft. single family residence.

The triplex condominium unit will be a two story structure containing three 1,294 sq. ft. condominiums with each unit having an attached enclosed single car garage. The condominiums will face West Anapamu Street and vehicle access to the garages will be provided from West Anapamu Street. Each of the condominiums will have a covered porch on the west side and the two southernmost units will have a wooden deck on the east side of the units (refer to Figure 2). The southern most of the three condominiums will be located 25 to 27 ft. from the actual topographic top-of-bank of Old Mission Creek and 36 to 50 ft. from the calculated top-of bank per City ordinance. The entire 2,052 sq. ft. area south of the southernmost condominium up to the southern property line including the 25 ft. creek setback and creek bank will be landscaped with native plant species. As part of the habitat restoration effort, all of the existing non-native vegetation in the creek setback area will be removed. The 2,052 sq. ft. creek buffer zone is designed to comply with the City of Santa Barbara 1997 *General Plan Conservation Element* biological resource protection policies and goals which include: preservation of creek and associated riparian habitat, improvement of wildlife habitat quality, improvement of creek water quality, and prevention of creek bank erosion. This habitat restoration plan describes the actions that will be taken by the project applicant to preserve and improve riparian habitat and prevent erosion in the southern portion of the property adjacent to Old Mission Creek.

Reserve Page
Figure 1. Location Map



Parel Boundary (APN: 039-201-003)

Figure 1. Location Map

Riparian Habitat Restoration/Enhancement Plan
1135 San Pasqual, Santa Barbara, CA

Watershed Environmental, Inc. 5/9/14

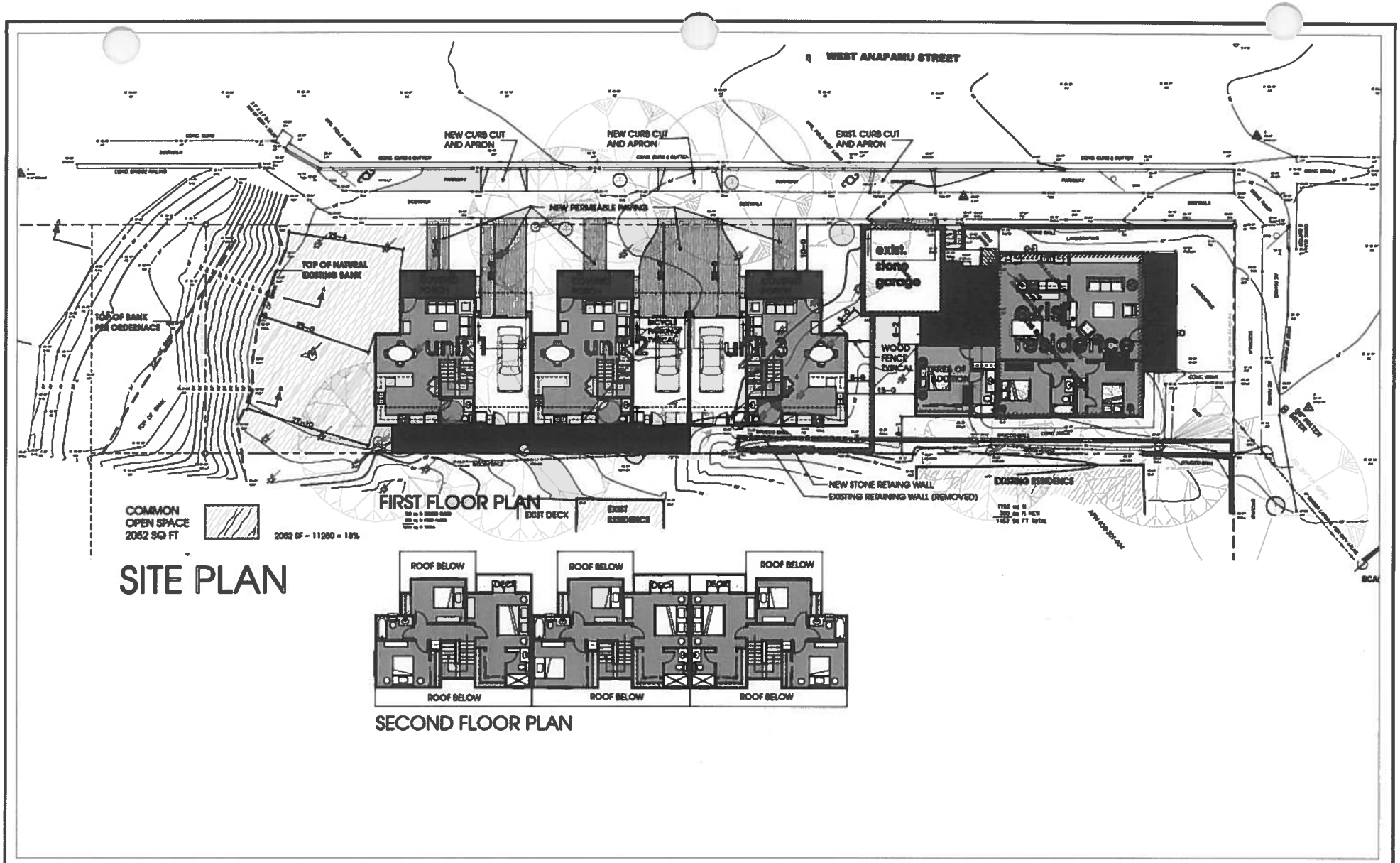


Figure 2. Site Plan

Riparian Habitat Restoration/Enhancement Plan
1135 San Pasqual, Santa Barbara, CA

Watershed Environmental, Inc. 5/9/14

3.0 STUDY METHODOLOGY

Watershed Environmental biologist Mark de la Garza and environmental analyst Melodee Hickman performed a survey of the proposed habitat restoration area on November 19, 2013. The survey was performed on foot and included measuring the Diameter at Breast Height (DBH) of all trees within and adjacent the 2,052 sq. ft. habitat restoration area. Field notes were used to record the types of vegetation currently existing in the habitat restoration area and existing conditions and human uses within the area. Photographs within the habitat restoration area were taken to document existing conditions at the time of our survey.

During the performance of our field survey, we also walked across the street to Bohnett Park to view the habitat restoration work that was performed by the City of Santa Barbara in 2002. The purpose of the Bohnett Park site visit was to view the planting pallet that was used in the City's habitat restoration effort, to see which plants are doing well, and to identify plants that would be expected to do well given the site conditions at that 1135 San Pasqual habitat restoration site.

4.0 ENVIRONMENTAL SETTING

4.1 Topography and Soils

The 2,052 habitat restoration area includes a 1,425 sq. ft. relatively flat (less than 2% slope) area located between the topographic top of bank and the proposed southern edge of the triplex condominium building and a 627 sq. ft. steeply sloping (20-25 percent) creek bank. The creek bank contains a variety of construction debris, including: concrete and brick rubble, steel posts, and wooden timbers. These materials appear to have been deposited a long time ago judging from the size of the trees that are growing through the rubble. The soils on the southern portion of the property are known to have low levels of hydrocarbon and lead contamination (City of Santa Barbara 2013). The property owner has meet with Mr. Paul McCaw with the City's Environmental Health Department to discuss remediation options and the owner and his engineering consultant (Rincon Consultants Inc.) have devised a Corrective Action Plan that minimizes grading onsite, and encapsulates the contaminated soil by covering it with a permeable fabric barrier and approximately 6 inches of clean fill soil. The Corrective Action Plan also has the added benefit of not requiring removal of the three large coast live oak trees that are in the southern portion of the property and is anticipated to cause very little disturbance to these three coast live oak trees.

4.2 Creek & Streams

Old Mission Creek is a 0.40 mile long remnant section of Mission Creek that begins near the intersection of West Sola and San Pasqual Streets flows through Bohnett Park and ends near the intersection West Figueroa Street and the Southern Pacific Railroad tracks. Old Mission Creek conveys storm water runoff, excess landscape irrigation water, and groundwater seepage from the adjacent neighborhoods and flows into Mission Creek via a culvert that runs under the train tracks and the 101 freeway and enters Mission Creek near the intersection of Carrillo Street and Mission Creek. Old Mission Creek has low volume perennial (year-round) surface water flow most of the year, except during and immediately following rainfall events, when it at times conveys large volumes of surface water runoff to Mission Creek.

In the immediate vicinity of the project site, the Old Mission Creek bed is approximately 10-15 ft. wide, with a sand, gravel, and concrete-rubble bottom. The

creek bank on the 1135 San Pasqual property is a mixture of rubble and soil with a surface layer (6-8 inches thick) of eucalyptus leaf litter. The creek bank on the 1135 San Pasqual property and the area beneath the West Anapamu Street/Old Mission Creek Bridge is occasionally used as a homeless encampment. The creek bank contains a camp site partially concealed by palm fronds and an area that is used as an outdoor toilet containing piles of human feces and toilet paper. The segment of Old Mission Creek west of the project site flows under the West Anapamu Street/Old Mission Creek Bridge, through Bohnett Park and ends at 1319 San Pasqual. The segment of Old Mission Creek east of the 1130 San Pasqual property flows into a 60-inch-diameter by 330 ft. long concrete culvert beneath a large asphalt parking lot that is part of the Palm Garden apartment complex and empties into an open creek channel at the eastern end of the parking lot.

4.3 Vegetation and Land Cover

Vegetation and land cover mapping was performed by identifying the vegetation/landcover types on the ground and mapping the aerial extent on a 1 in.= 8 ft. site plan of the property. The mapped cover types were then scanned and converted into Geographic Information System (GIS) shapefiles so that area calculations and figures could be generated. The majority of the vegetation growing on the property is considered to be landscape vegetation. A few of the trees and shrubs on the property are native, however most are vegetation on the property are non-native ornamentals that were planted as part of the landscaping. The southern undeveloped portion of the property is unmanaged and contains a mixture of invasive exotic plants including: kikuyu grass, fennel, black mustard, cheeseweed, smilo grass, and foxtail.

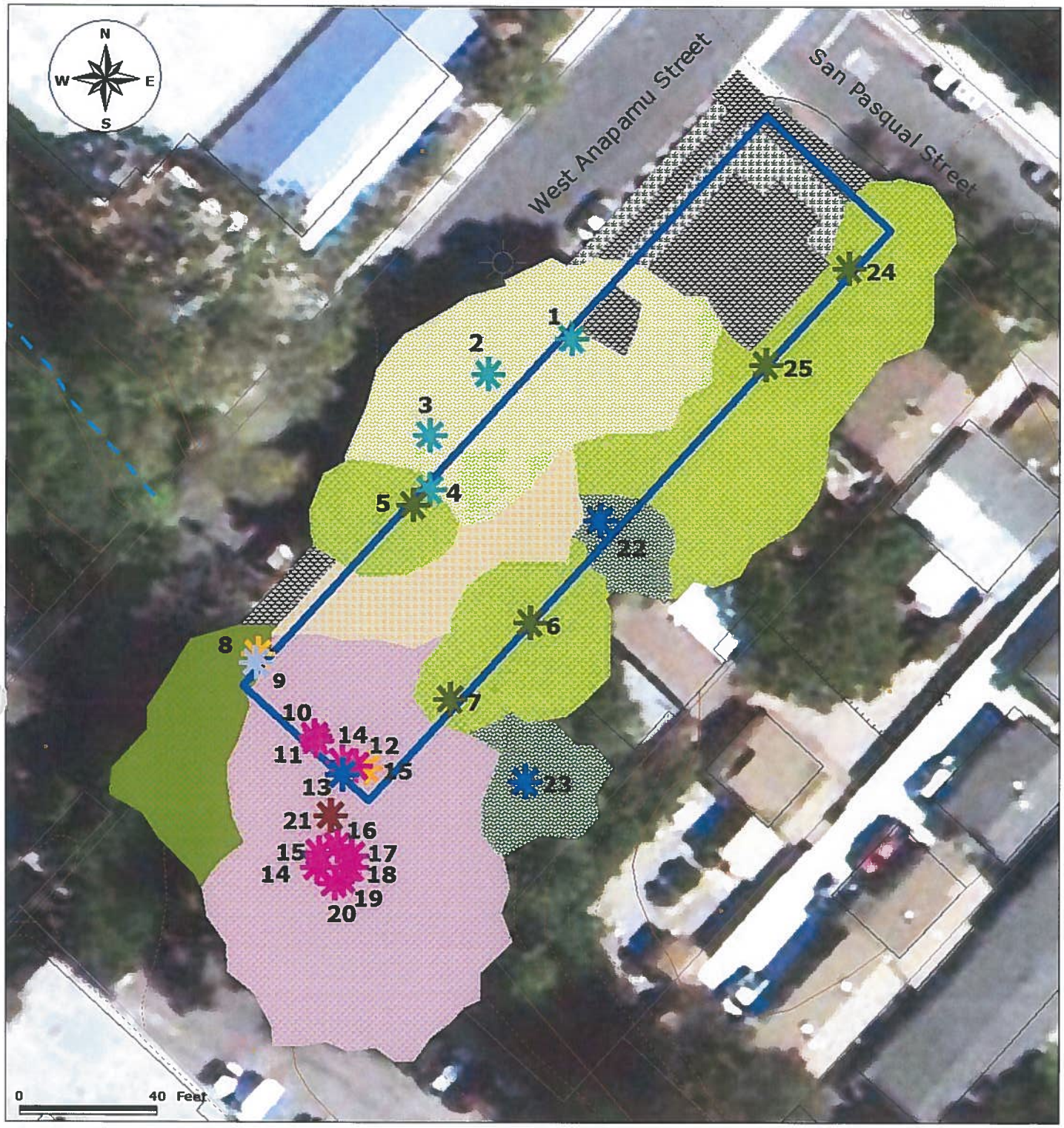
We identified a total of seven vegetation/land cover types on the property (Table 1).

Table 1. Vegetation/Land Cover

Type	Area* (sq. ft)
Acacia	3,583.10
Ash	639.13
Coast Live Oak	1,922.73
Developed	2,592.22
Disturbed (parking area)	996.22
Eucalyptus	1,309.06
Pittosporum	111.87
Total	**11,154.33**

**Area calculations are within the property boundaries only.*

A description of each of the vegetation/land cover types is provided below. Figure 3 depicts the location and distribution of vegetation and cover on the property and adjacent areas. Table 2 contains a list of plant species occurring on the property.



Existing Tree (Id)

- Ash
- Black Acacia
- Coast Live Oak
- Eucalyptus
- Pittosporum
- Walnut
- Palm

Vegetation/Landcover Type

- Ash
- Coast Live Oak
- Developed
- Disturbed/Non-Native Grassland
- Eucalyptus
- Mixed Riparian (Pittosporum, Walnut, Ash)
- Ornamental-Blk. Acacia
- Ornamental-Herbs/Shrubs

Project Site (APN #039-201-003)

Airphoto: GoogleEarth 4/18/13

Figure 3. Existing Vegetation & Landcover Types

Riparian Habitat Restoration/
Enhancement Plan
1135 San Pasqual,
Santa Barbara, CA

Watershed Environmental, Inc. 5/9/14

Table 2. Vegetation Species List

Scientific Name	Common Name	Native (N) Introduced (I)
Acacia melanoxylon	black acacia	I
Brassica nigra	black mustard	I
Cyperus eragrostis	umbrella sedge	N
Delairea (Senecio) mikanioides	Cape ivy	I
Eucalyptus globulus	blue gum eucalyptus	I
Foeniculum vulgare	fennel	I
Fraxinus uhdei	shamel ash	I
Genista monspessulana	French broom	I
Hordeum murinum subsp. *leporinum*	foxtail	I
Juglans californica	black walnut	N
Juglans regia	English walnut	I
Malva parviflora	cheeseweed	I
Pennisetum clandestinum	kikuyu grass	
Pittosporum undulatum	pittosporum	I
Plantago lanceolata	narrowleaf plantain	I
Prunus ilicifolia subsp. *lyonii*	Catalina cherry	N
Quercus agrifolia	coast live oak	N
Ricinus communis	castor bean	I
Stipa (Piptatherum) miliacea	smilo grass	I
Tropaeolum majus	Garden nasturtium	I
Vinca major	periwinkle	I
Washingtonia robusta	Mexican fan palm	I
Yucca elephantipes	yucca	I

Acacia
There are 4 black acacia (*Acacia melanoxylon*) trees along the western portion of the property near the existing residence and garage.

Ash
There is a shamel ash tree (*Fraxinus uhdei*) with a DBH of 8.7 inches in the southeastern portion of the creek bank and an ash tree growing along the eastern property line.

Coast Live Oak
Seven mature coast live oak trees *(Quercus agrifolia)* occur on the property. Four of these trees are single-trunk oaks with a DBH ranging from approximately 14 to 30 inches. Three of the trees have multiple trunks that branch below breast height and have cumulative DBHs of between 8 and 30 inches. There are also several oak saplings on the property. There is very little understory vegetation beneath them, mostly bare ground or weeds. The only notable exceptions to this are a few Catalina cherry (*Prunus ilicifolia* subsp. *lyonii*) shrubs growing on the creek bank.

Developed
Areas identified as developed include existing structures not beneath a tree canopy and landscaped areas such a lawn, planters, and walkways.

Disturbed
The area between the topographic top of bank and the southern edge of existing single family residence is disturbed and largely unmanaged. This areas contains invasive exotic vegetation including: kikuyu grass, fennel, black mustard, cheeseweed, smilo grass, and foxtail, and at the time of our November 2013 survey had about 60 percent bare ground. The disturbed area extends beneath the oak tree and black acacia tree canopy in the central portion of the property.

Eucalyptus
There are 4 blue gum eucalyptus *(Eucalyptus globulus)* trees growing on the banks of Old Mission Creek on the 1135 San Pasqual property. There is also a large multitrunk blue gum eucalyptus tree on the adjacent property to the south and a large single trunk eucalyptus tree on the adjacent property to the east (refer to Figure 3). The eucalyptus trees on the adjacent properties are large and have canopies that overhang the 1135 San Pasqual property and intermingle with the canopy of the eucalyptus trees that are on the 1135 San Pasqual property. Understory vegetation growing beneath the eucalyptus tree canopy along the creek bed and banks include periwinkle (*Vinca major*), smilo grass (*Stipa [Piptatherum) miliaceum*], umbrella sedge *(Cyperus eragrostis),* castor bean *(Ricinus communis),* fennel *(Foeniculum vulgare),* garden nasturtium *(Tropaeolum majus),* cape ivy *(Delairea (Senecio) mikanioides),* Catalina cherry (*Prunus ilicifolia* subsp. *lyonii*), shamel ash (*Fraxinus uhdei*), black walnut *(Juglans californica), yucca (Yucca elephantipes),* and pittosporum (*Pittosporum undulatum*). This area is considered to be a severely degraded riparian habitat due to presence of the blue gum eucalyptus trees, the accumulation of eucalyptus leaf litter, and past and current human disturbance.

Pittosporum
The street trees planted along the edge of San Pascual Street in the vicinity of the property are pittosporum (*Pittosporum undulatum*). One of the trees growing on the adjacent property to the east is overhanging the northeast corner of the study area. There is also a small pittosporum sapling growing between the West Anapamu Street Old Mission Creek Bridge and the northeast corner of the 1135 San Pasqual property (refer to Figure 3).

4.4 Wildlife

Wildlife species observed and/or detected onsite include black phoebe *(Sayornis nigricans),* acorn woodpecker (*Melanerpes formicivorus)*, American crow *(Corvus brachyrhynchos),* northern mockingbird *(Mimus polyglottos)*, Pacific tree frog *(Pseudacris regilla)*, raccoon *(Procyon lotor),* Virginia opossum (*Didelphis virginiana)*, and striped skunk *(Mephitis mephitis).* Domestic cats and dogs are also known to frequent the property.

The following amphibian and reptiles are expected to occur on the property and/or in the immediate vicinity: black-bellied slender salamander (*Batrachoseps nigriventris)*, western toad *(Bufo boreas),* Pacific tree frog (*Pseudacris* (=*Hyla*) *regilla),* southern alligator lizard (*Elgaria multicarinata),* bullfrog *(Lithobates catesbeianus)* and western fence lizard *(Sceloporus occidentalis).*

Other birds expected to frequent the site include: mourning dove *(Zenaida macroura),* Anna's hummingbird *(Calypte anna),* downy and Nuttall's woodpeckers *(Picoides pubescens, P. nuttallii)*, western flycatcher *(Empidonax difficilis),* northern mockingbird *(Mimus polyglottos)*, California thrasher *(Toxostoma redivivum),* scrub

jay *(Aphelocoma californica),* European starling *(Sturnus vulgaris),* California towhee *(Pipilo fuscus),* song sparrow *(Melospiza melodia),* white-crowned and golden-crowned sparrows *(Zonotrichia leucophrys, Z. atricapilla),* lesser goldfinch *(Carduelis psaltria),* purple finch *(Carpodacus purpureus),* American bushtit *(Psaltriparus minimus),* yellow rumped warbler *(Dendroica coronate)*, American robin *(Turdus migratorius),* and ruby crowned kinglet *(Regulus calendula).*

Other mammals expected to be found on and in the vicinity of the project site include: broad-footed mole *(Scapanus latimanus),* Botta's pocket gopher *(Thomomys bottae),* Merriam's chipmunk *(Tamias merriami),* western gray squirrel *(Sciurus griseus)*, deer mouse *(Peromyscus maniculatus),* brush mouse *(Peromyscus boylii),* California mouse *(Peromyscus californicus),* and black rat *(Rattus rattus).*

The assemblage of wildlife species observed and potentially occurring on the property is limited to those species adapted to an urban environment. The wildlife described above is not intended to be a complete list of all species potentially present on the property. Other species may periodically use and/or visit the site, but are not expected to breed or establish residency there.

4.5 Sensitive Species

Sensitive species considered in this assessment are those protected by the federal Endangered Species Act and/or the California Endangered Species Act, and those species meeting the California Environmental Quality Act definition of "rare." This includes all endangered, threatened, candidates for listing, or species of special concern listed by the federal and state governments and plants listed by the California Native Plant Society (CNPS) as List 1 or List 2, as well as plants listed by the Santa Barbara Botanic Garden (2007) as locally sensitive.

Several sensitive species are known to occur in Mission Creek. Given the fact that the site is adjacent to Old Mission Creek and that Old Mission Creek is a tributary of Mission Creek, we have included in our evaluation all the sensitive species known and potentially occurring in Mission Creek, as well as species mapped in the California Natural Diversity Database (CDFG 2013) within two miles of the property (Table 3).

Table 3. Sensitive Species Potentially Occurring in the Project Area and Evaluation of Occurrence Potential

Common Name	Scientific Name	Status	Occurrence Potential	Comment
Southern California steelhead	*Oncorhynchus mykiss*	Federally Endangered	None No potential for occurrence	Known to occur in Mission Creek (NMFS 2009); not known to occur in Old Mission Creek due to downstream migration barriers (culverts) between the project site and Mission Creek.
tidewater goby	*Eucyclogobius newberryi*	Federally Endangered	None No potential for occurrence	Known to occur the small lagoon at the mouth of Mission Creek (USFWS 2005); not known to occur in Old Mission Creek due to downstream migration barriers (culverts) between the project site and Mission Creek.
Southwestern pond turtle	*Clemmys marmorata pallida*	California species of special concern	None No potential for occurrence	Known to occur in upper Mission Creek not known to occur in lower Mission Creek below the Santa Barbara Museum of Natural History and not known to occur in Old Mission Creek (SBMNH 2013). Species has presumably been extirpated from Old Mission Creek. Urban development, channelized creek banks/bed, and storm drain culverts effectively prevent this species from reaching Old Mission Creek.
California red-legged frog	*Rana aurora draytonii*	Federally Threatened	None No potential for occurrence	No historic or current records of this species occurring in Mission Creek or Old Mission Creek (SBMNH 2013). Urban development, channelized creek banks/bed, and lack of deep pools effectively preclude this species from occurring in Old Mission Creek.
Santa Barbara honeysuckle	*Lonicera subspicata* var. *subspicata*	CNPS List 1B	Moderate potential for occurrence	This large perennial plant is known to occur approximately 340 ft. west of the project site on the banks of Old Mission Creek, but was not found on the 1135 San Pasqual Street property.
Santa Barbara morning glory	*Calystegia sepium* ssp. *binghamiae*	CNPS List 1B	None No potential for occurrence	This plant is typically found in freshwater marsh habitat. This plant was last seen near Veronica Springs in the early 1900s and is presumed to have been extirpated from Santa Barbara County (CNDDB 2013).

No sensitive species are known or anticipated to occur on the property. The lack of suitable habitat, surrounding urban residential development, and barriers to terrestrial and aquatic wildlife movement effectively prevent sensitive wildlife species from reaching and establishing residency in Old Mission Creek. No sensitive plants were found on the property during performance of the November 2013 biological survey.

5.0 SPECIAL STUDIES REQUIRED: ANALYSIS OF BUFFER ADEQUACY

The City of Santa Barbara 2013 Zoning Ordinance Title 28 Chapter 87.250 limits development within 25 feet of the top-of-bank of Mission Creek. The City Creeks Division Senior Planner Mr. George Johnson is interpreting this ordinance to include Old Mission Creek even though this is not explicitly stated in the ordinance (Personal Communication George Johnson 11/25/13). The 25 ft. wide minimum creek setback extends outward from the creek top-of-bank and is intended to: 1) prevent damage or destruction of developments by flood waters, 2) prevent detrimental flood impacts to adjacent or downstream properties, and 3) protect the public health, safety and welfare. The setback also provides wildlife habitat and a transition zone between development and riparian and aquatic habitat. The City of Santa Barbara considers this 25 ft. buffer zone from Mission Creek to be a minimum setback and has on occasion required larger (up to 100 ft.) setbacks from the top of bank on Mission Creek to ensure public safety, and environmental protection. We are not aware of any precedence for this setback policy being applied to Old Mission Creek.

In order to determine if the 1135 San Pasqual Project is meeting the City's biological resource protection goal to: '*Enhance and preserve the City's critical ecological resources in order to provide a high quality environment necessary to sustain the City's ecosystem*" we have looked at the distance that existing development (structures, roadways, and patios) is setback from Old Mission Creek and we have performed an analysis of the existing creek buffer zone conditions on the 1135 San Pasqual property versus the post-project ecosystem functions using the Hydrogeomorphic Assessment methodology developed by the US Army Corps of Engineers (Brinson et. al 1995) for riverine (i.e., rivers, creeks and riparian wetland habitat) wetlands.

5.1 Existing Development Setback from the flowline of Old Mission Creek

Using our ESRI ArcView Geographic Information System software and the data from the 2000 *Creek Inventory & Assessment Study* (City of Santa Barbara), parcel data from the County Assessors office, and the Santa Barbara County Flood Control topographic data, we were able to analyze the distance (linear ft.) that existing permitted buildings are from the flowline of Old Mission Creek. Many of these parcels have parking lots, patios, driveways and other paved surfaces that are located closer to the creek than the buildings that we were able to analyze. There are a total of 37 parcels that are adjacent to Old Mission Creek, including the parcel that contains the 330 ft. long culverted section of the creek and Bohnett Park. Table 4 provides a summary of existing building setbacks from Old Mission Creek.

Table 4. Summary of Existing Development Setbacks from Flowline of Old Mission Creek

Setback Distance	Number of Parcels with Structures in Setback Area	Percent of Parcels with a Building within Setback Area
Greater than 100 ft.	16	43.2
75-100 ft.	5	13.5
50-75 ft.	8	21.6
25-50 ft.	7	18.9
Less than 25 ft.	1	2.7

5.2 Analysis of Pre- and Post-Project Hydrogeomorphic Functions on the Project Site

Hydrogeomorphic riverine wetland functions include:

Hydrologic

- Dynamic Surface Water Storage
- Long-Term Surface Water Storage
- Energy Dissipation
- Subsurface Storage of Water
- Moderation of Groundwater Flow or Discharge

Biogeochemical

- Nutrient Cycling
- Removal of Imported Elements and Compounds
- Retention of Particulates
- Organic Carbon Export

Plant Habitat

- Maintain Characteristic Plant Communities
- Maintain Characteristic Detrital Biomass

Animal Habitat

- Maintain Spatial Structure of Habitat
- Maintain Interspersion and Connectivity
- Maintain Distribution and Abundance of Invertebrates
- Maintain Distribution and Abundance of Vertebrates

5.3 Hydrologic Functions

Hydrologic functions are limited to those that occur within the creek bed, creek banks, adjacent undeveloped areas, and in soil beneath these areas. The ACOE (Brinson et. al 1995) has identified five primary hydrologic functions:

1. Dynamic Surface Water Storage is the capacity of a wetland to detain moving water from overbank flow for a short duration when flow is out of the channel.
2. Long-Term Surface Water Storage is the capacity of a wetland to detain moving water from overbank flow for a short duration when flow is out of the channel
3. Energy Dissipation is defined as the allocation of the energy of water to other forms as it moves through, into, or out of the wetland as a result of

roughness associated with large woody debris, vegetation structure, micro- and macrotopography, and other obstructions

4. Subsurface Storage of Water is the availability of storage for water beneath the wetland surface.
5. Moderation of Groundwater Flow or Discharge is the capacity of a wetland to moderate the rate of groundwater flow or discharge from upgradient sources.

There are no wetlands on the creek banks or creek buffer area and very little ground cover vegetation. The creek is not known to flood or overtop the creek banks onto the 1135 San Pasqual property. However, if the creek were to flood or if the 60-inch diameter stormdrain culvert that conveys creek flow beneath the parking lot southeast of the project site were to become blocked, the creek would overtop the southern creek bank which is lower in elevation than the northern creek bank and flood the parking lot of the Palm Garden Apartments. Overbank flow across the surface of the asphalt parking lot would not provide any dynamic surface water storage or any long-term surface water storage. The proposed condominium project will not affect or change the dynamic surface water storage or long-term surface water storage functions of Old Mission Creek.

Energy dissipation occurs as surface water moves along the creek bed and the energy of the water is dissipated when hits concrete rubble and other debris that exist within the creek bed and creek bank. The man-made debris in the creek bed and existing structures (retaining walls, bridge abutments, etc.) along the creek banks provides a moderate amount of energy dissipation. The proposed project will not affect energy dissipation within the bed of Old Mission Creek. The flowline of the creek and the creek bed are physically located on the adjacent property to the south of the 1135 San Pasqual project site.

The soils in the southern portion of the 1135 San Pasqual property consist of fill material (silty sand containing concrete, metal, plastic debris) that is 19.5 to 21.5 feet deep. The fill material was probably placed after Mission Creek was realigned to its present location and may include demolition debris from the 1925 earthquake that destroyed much of downtown Santa Barbara. The native soil beneath the fill material is silty/clayey sand that is 2.4 to 10 ft. thick over laying soft sandstone bedrock (Earth Systems Pacific 2013). The creek bed adjacent to the 1135 San Pasqual property flows across the silty sand fill material mixed with concrete, metal, wood and masonry debris. This fill material ranges from loose to medium dense and does not appear to have been compacted or placed in structural lifts when it was placed. Surface water from the creek and from rainfall is able to rapidly percolate through the poorly consolidated fill material and to a lesser degree the underlying native sitly/clayed sand soil, but accumulates as a perched 3.5 to 10 ft. thick water table above the sandstone bedrock. The poorly consolidated fill soils on the property and in the project area provide an excellent medium for subsurface storage of water. The proposed project will not have any effect on subsurface water storage as the fill material that exist in the creek bed, creek banks, and southern portion of the project site will remain in place.

Old Mission Creek is a relic of Mission Creek that existed prior to Mission Creek being relocated and channelized in its current location. Old Mission Creek does not receive any surface water flow from Mission Creek but does still receive subsurface flow through alluvium as evidenced by the year round surface water flow of Old Mission Creek.

Almost all of the surface water flow in Old Mission Creek during the dry season is from subsurface discharge with a small component derived from excess landscape irrigation runoff. The existing conditions within Old Mission Creek function very well to moderate groundwater flow from upgradient sources. The proposed project at 1135 San Pasqual will not have any effect on the moderation of groundwater flow functions that Old Mission Creek currently provides.

5.4 Biogeochemical Functions

The ACOE (Brinson et. al 1995) has identified 4 primary biogeochemical ecosystem functions of riverine wetlands and associated riparian habitat:

1. Nutrient Cycling is the abiotic and biotic processes that convert nutrients and other elements from one form to another; primarily recycling processes.
2. Removal of Imported Elements and Compounds is the removal of imported nutrients, contaminants, and other elements and compounds.
3. Retention of Particulates is the deposition and retention of inorganic and organic particulates (>0.45 m) from the water column, primarily through physical processes
4. Organic Carbon Export is the Export of dissolved and particulate organic carbon from a wetland. Mechanisms include leaching, flushing, displacement, and erosion

Nutrient cycling occurs when dead organic matter falls on the ground and is broken down through the process of decomposition. During the decomposition process organic compounds are broken down and released into the atmosphere, soil, and water where they may be stored and become available for reuptake by plants and other organisms. The banks of Old Mission Creek on and adjacent to the 1135 San Pasqual property contain several large eucalyptus trees which drop substantial quantities of leaf litter on the creek banks in the creek bed and on the Palm Garden asphalt paved parking lot. The eucalyptus leaf litter that falls on soil accumulates and is the primary source of dead organic matter consumed in the nutrient cycling process. However, blue gum eucalyptus trees produce several allelochemicals (P-consiaryfumic chlorogenic, gentisic acids, phenolic acids, and terpenes) that are phytotoxins that reduce or eliminate competition from other plants by inhibiting plant growth and seed germination. These phytotoxin allelochemicals are released from fog drip off of leaves, leaching of leaf litter, and volatilization from live and dead leaves, and are adsorbed and retained by soil colloids (Bean and Russo 1986). The net effect of these eucalyptus phytotoxin allelochemicals is that most plants do not grow well beneath the eucalyptus tree canopy or in areas where eucalyptus leaf litter has been allowed to accumulate. The creeks banks of 1135 San Pasqual have a high level of nutrient cycling, that is unfortunately unavailable to most plants because of the eucalyptus phytotoxins and allelochemicals which inhibit plant growth.

5.5 Plant Habitat Functions

The ACOE (Brinson et. al 1995) has identified two primary plant habitat functions in riverine habitat 1) maintain characteristic plant community(s) and 2) maintain characteristic detrital biomass. Plant community functions include maintenance of plant species composition and the physical characteristics of living plant biomass with an emphasis on the dynamics and structure of the plant community(s). Maintenance of detrital biomass includes production, accumulation and dispersal of

dead plant materials from onsite and offsite sources including leaves, twigs, branches, tree trunks, and roots.

The existing plant community within the creek bed, banks and adjacent 25-27 ft. creek buffer zone from the actual topographic top-of bank on the 1135 San Pasqual property is dominated by non-native blue gum eucalyptus trees and other non-native vegetation. The native riparian plant community and species that were presumably once present along Old Mission Creek have been replaced by non-native species commonly found in disturbed areas and by ornamental landscape vegetation some of which appears to have been planted and some of which has escaped from neighboring parcels and is now well established on the 1135 San Pasqual property. The proposed project includes the removal of all non-native vegetation within a 2,052 sq. ft. area that includes the portion of the creek bank and 25-27 ft. wide creek buffer zone this is on the 1135 San Pasqual Street property and the planting of characteristic native riparian plant species.

The existing detrital biomass on the portion of the creek bank on the property consists primarily of eucalyptus tree leaf litter, bark, twigs, and branches. This material has been allowed to accumulate on the creek bank and provides a large quantity of dead plant biomass. The area between the topographic top-of-bank and the outer edge of the 25-27 ft. creek setback has very little detrital biomass and is considered to be disturbed by past land use activities. However, as previously described, detritus from blue gum eucalyptus trees contains phytotoxins and allelochemicals which inhibit seed germination and the growth of other plants except for those with special adaptations to these toxins. The proposed habitat restoration of the creek bank includes the removal of the four eucalyptus trees that are growing on the property, the removal of debris, eucalyptus leaf litter, the addition of clean potting soil at native plant planting locations, and the installation of a biodegradable single-net straw erosion control blanket (BioNet® S75BN™ or equivalent without polypropylene netting).

5.6 Animal Habitat Functions

There are four primary animal habitat functions in riverine ecosystems (Brinson et. al 1995):

1. Maintain Spatial Structure of Habitat is the capacity to support animal populations and guilds (a group of species that use the same resources) by providing heterogeneous (diverse or varied) habitats
2. Maintain Interspersion and Connectivity Interspersion is the degree of intermixing of different *habitat* types. Connectivity is the connection between habitat types. The functional capacity for aquatic and terrestrial organisms to enter and leave riverine habitat and the ability of for organisms to access contiguous habitat areas.
3. Maintain Distribution and Abundance of Invertebrates includes the capacity to maintain characteristic density and spatial distribution of invertebrates (aquatic, semi-aquatic, and terrestrial).
4. Maintain Distribution and Abundance of Vertebrates The capacity for riverine habitat to maintain characteristic density and spatial distribution of aquatic, semi-aquatic, and terrestrial invertebrates.

Blue gum eucalyptus trees have been shown to change the composition of insect and bird communities in locations where they are planted or become established (KQED

2013). Eucalyptus trees in riparian habitat outcompete and displace native trees which in turn effects bird and insect populations that are dependent upon the native vegetation that once existed. In addition eucalyptus leaves that fall or wash into streams and rivers have been shown to change the composition of aquatic macroinvertebrates, which alters the food chain. The change in macroinvertebrates is likely caused by the phytotoxins and allelochemicals chemicals released by eucalyptus leaves.

5.7 Analysis of Proposed Project Buffer Adequacy

No development of any kind is proposed on the creek bank, or within 25-27 ft. setback from the topographic top-of-bank (refer to Figure 4). The creek bank, and setback area between the structure and the actual topographic top-of-bank will be planted with native riparian vegetation. This will create a 2,052 sq. ft. riparian habitat restoration area on the property. The nearest structure will be approximately 55 ft. from the flow line of Old Mission Creek. During the course of our analysis, we found that 21.6% of the parcels adjacent to Old Mission Creek have buildings with a similar setback distance (between 50-75 ft.) from the creek flowline, 22% have a smaller (<50 ft.), setback and 57% have a larger (>75 ft.) setback (refer to Table 4). Our analysis was limited to permitted structures depicted on the City's AutoCAD topographic database, and did not include analysis of the distance of parking lots, patios, driveways and other paved surfaces from the creek. It is apparent from looking at aerial photographs available on Google Earth, that most of the parcels adjacent to Old Mission Creek have paved surfaces that are 50-75 ft. or closer to the flowline of Old Mission Creek. The project proposed setback from Old Mission Creek is more than adequate to ensure protection of the creek ecosystem functions and is consistent with City policies, and neighborhood characteristics.

Constraints

The main constraints to biological functions of the proposed buffer are surrounding land use and human disturbance. The creek in the vicinity of the project site is surrounded by pavement to the south and a bridge to the west. The creek itself enters a 60-in.-diameter by 330 ft. long concrete culvert immediately downstream (east) of the property and there is an asphalt paved parking lot on top of culvert. The creek bank on the southern end of the parcel is the only unpaved surface in the area and as such is a habitat fragment, isolated from upstream and downstream riparian habitat. The vegetation growing in this habitat fragment is predominantly non-native and is of little biological value to wildlife. The utilization of the creek bank by homeless people as an encampment and toilet causes significant disturbance to any wildlife in the area and is a source of trash and bacterial pollution.

Buffer water quality functions of erosion control and nutrient uptake are limited by the surrounding land use and existing condition of the property. The project site in the vicinity of the creek is poorly vegetated and contains large patches of bare ground. In addition, the soils are known to be contaminated with hydrocarbons. The primary source of water pollution to Old Mission Creek is surface water runoff from roadways. The City's street sweeping program is designed to help with this problem. Other sources of pollution in this urban environment include pesticide and fertilizer runoff from landscaping, sediment from construction sites, and human and animal waste.

Opportunities
The site is severely degraded. Any size buffer would be an improvement over the existing conditions, particularly if improvements to the buffer extend below the top of creek bank. The perennial surface water flow in Old Mission Creek also presents a unique opportunity for habitat restoration given that most of the coastal streams in Santa Barbara at lower elevations have intermittent flow. The establishment of a buffer and associated habitat improvements will also create an opportunity to discourage homeless people from using the area.

Considering that the City of Santa Barbara has performed riparian habitat restoration in Bohnett Park immediately upstream of the project and that cleanup and restoration activities are planned downstream, the establishment of a buffer on the property would contribute to the overall health of the system and provide wildlife a habitat link between these two areas.

5.8 Buffer Recommendations

The wildlife and habitat value of a 2,052 sq. ft. habitat restoration area and 25-27 ft.-wide buffer from the topographic top-of-bank is relatively small but significant in an urban area. The purpose of the buffer is to provide wildlife habitat and reduce the effects of human encroachment (i.e., noise, lights, odors, and trash). The project is anticipated to dramatically increase the wildlife and native plant habitat functions and will likely also result in a decrease in the amount of disturbance and pollution caused by homeless people who have set up an encampment on the creek bank.

The water-quality benefit of a 25-27 ft.-wide buffer will be an improvement over the existing conditions. The riparian restoration that will occur in this area will help trap sediment, remove nutrients and pollutants and is consistent with the Natural Resources Conservation Service minimum recommended 25-ft. buffer width.

It is our professional opinion that proposed 25-27 ft. wide buffer from the topographic top of bank will dramatically improve the creek wildlife and native plant ecosystem functions and will ensure protection riparian resources on this property.

6.0 HABITAT RESTORAITON/ENHANCEMENT MEASURES

Habitat restoration is usually a three-part process requiring site preparation, planting, and long-term maintenance. These activities are described below:

6.1 Site Preparation

Site preparation will include removal of all non-native vegetation, removal of eucalyptus leaf litter, removal of 4-6 inches of soil from the creek bank contaminated by eucalyptus phytotoxins and allelochemicals, removal of trash, debris, and human feces from the soil surface. Non-native trees and shrubs that are growing on the adjacent neighboring property will not be removed. The semipermeable membrane that will be installed in the southern portion of the property to encapsulate contaminated soil (see Rincon Consultants - *Corrective Action Plan*, and Earth Systems Pacific *Soils Engineering Report* for more details) will be extended down the creek bank to the property line, and approximately 4 inches of clean top soil will be placed over the entire habitat restoration area up to the southern property line. A biodegradable single-net straw erosion control blanket (BioNet® S75BN™ or equivalent without polypropylene netting).will be installed in the restoration area

between the topographic top of bank and the southern property line on the creek bank.

The property owner will be removing the 4 blue gum eucalyptus,shamel ash, and pittospoum trees and other non-native vegetation growing within the 2,052 sq. ft. habitat restoration area. However, there is a large 5 trunk eucalyptus tree growing on the adjacent property with a canopy that extends out over the southern portion of the habitat restoration area. The eucalyptus tree on the neighboring property will continue to shade and drop eucalyptus leaf litter and release eucalyptus phytotoxins and allelochemicals that are detrimental to the habitat restoration effort on the 1135 San Pasqual property.

6.2 Planting Pallet

The applicant is proposing to plant 472 native plants in the 2,052 sq. ft. habitat restoration area including three western sycamore trees and 5 coast live oak trees. The newly planted trees will replace the non-native eucalyptus, shamel ash and pittosporum trees that will be removed and will provide screening of the adjacent property to the south. A variety of native shrubs, herbs, and vines that produce seeds that are eaten by birds will be planted in the habitat restoration area. The vegetation that will be planted on the creek bank will stabilize the creek bank and will replace the non-native vegetation currently growing there. Habitat restoration extends to the southern property line and does not include the lower creek bank or creek bed which are off of the owners property.

The area between the topographic top of bank and the new condominium will contain several different planting areas, and a small native sedge lawn (see Attachment 1). The planters will contain native shrubs and herbs and will be mulched to suppress weed growth, retain moisture, and prevent erosion. Table 5 contains a list of the plants that will be installed within the creek setback/habitat restoration area.

Table 5. Planting Pallet for Creek Setback/Habitat Restoration Area

Common Name	Latin Name	Location	Quantity/Container Size
Trees			
Western Sycamore	*Platanus racemosa*	creek bank	3 15-gallon
Coast Live Oak	*Quercus agrifolia*	creek bank & along topographic top of bank	5 15-gallon
Shrubs			
Lemonade berry	*Rhus integrifolia*	creek bank	5 5-gallon
Bitter gooseberry	*Ribes amarum*	creek bank	4 1-gallon
Evergreen Current	*Ribes viburnifolium*	25-27 ft. buffer zone from top-of-bank	21 1-gallon
Common Snowberry	*Symphoricarpos albus* var. *laevigatus*	creek bank & along topographic top of bank	15 1-gallon

Common Name	Latin Name	Location	Quantity/Container Size
Herbs			
California blackberry	*Rubus ursinus*	creek bank	11 1-gallon
Hummingbird Sage	*Salvia spathacea*	25-27 ft. buffer zone from top-of-bank near base of coast live oak	22 1-gallon
Western sword fern	*Polystichum munitum*	25-27 ft. buffer zone from top-of-bank near structures	22 1-gallon
Island alum root	*Heuchera maxima*	25-27 ft. buffer zone from top-of-bank near structures	22 1-gallon
Heart leaved penstemon	*Kekiella cordifolia*	creek bank & along topographic top of bank	16 1-gallon
Canyon sunflower	*Venegasia carpesioides*	creek bank & along topographic top of bank	25 1-gallon
Dune sedge	*Carex pansa*	cmall lawn area within 25-27 ft. buffer zone from top-of-bank near structures	290 2-4 inch pots or plugs
Vines			
Creek clematis	*Clematis ligusticifolia*	Creek bank	11 1-gallon
Total			**472**

6.3 Irrigation

All trees and shrubs will be irrigated using drip irrigation. Trees have 5-gallon per hour drip emitters, and shrubs will have 1-2 gallon per hour drip emitters. The shrubs installed in the planters in the setback area will be watered using 1-2 gallon/hour drip emitters. The hummingbird sage, island alum root, and western sword ferns will be irrigated using 15-25 gallon per hour drip irrigation micro-sprayers on risers. The sedge lawn shall be watered using a conventional lawn sprinkler system. Separate control valves shall be used for the lawn, drip irrigation with 1-5 gallon emitters, and the drip micro-sprayers on risers. We anticipate that the plants in the restoration/creek setback area will need to be waters at least twice a week for 1-2 hours. The irrigation frequency and volume shall be adjusted as need by the landscape contractor or property owner to maintain the heath of the plants.

Habitat Restoration/Enhancement Area (2,052 sq. ft.)

- Sycamore (Q = 3)
- Coast Live Oak (Q = 5)
- Lemonade berry (Q = 5)
- Bitter Gooseberry (Q=4)
- Blackberry (Q = 11)
- Snowberry (Q = 15)
- Western Creek Clematis (Q = 11)
- Canyon Sunflower (Q = 25)
- Heart-Leaved Penstemon (Q = 16)
- Buffer Zone Plantings: Groupings of 3-4 by type
  - Evergreen Current (Q = 21)
  - Hummingbird Sage (Q = 22)
  - Western Sword Fern (Q = 22)
  - Island Alum Root (Q = 22)
- Dune sedge (@ 8 in. spacing Q = 290)

Project Site

Actual Topographic Top of Bank

Existing Trees (Id)

Ash, Coast Live Oak, Pittosporum, Eucalyptus, Walnut

Tree Removal

Figure 4. Habitat Restoration/Enhancement Area

Riparian Habitat Restoration/
Enhancement Plan
1135 San Pasqual,
Santa Barbara, CA

Watershed Environmental, Inc. 5/9/14

6.4 Maintenance

Maintenance activities will include weed removal, removal of eucalyptus leaf litter, dead plant replacement, and repair and upkeep of the irrigation system and periodic replacement of wood mulch used in planting areas. We anticipate the maintenance activities will need to be performed at least twice a month while the new plant materials are becoming established. The maintenance frequency may be decreased 6 months after planting to once a month.

7.0 AGENCY PERMITTING REQUIREMENTS IN WETLANDS, WATERS, AND RIPARIAN HABITATS

The portion of Old Mission Creek on the adjacent property to the south is considered "waters of the United States" under jurisdiction of the U.S. Army Corps of Engineers (ACOE) Section 404 of the Clean Water Act. Although a formal wetland delineation was not conducted, the specific area of ACOE jurisdiction includes the channel bed and the lower portions of the creek bank which do not extend onto the 1135 San Pasqual property. The habitat restoration project described in this plan will not require an ACOE 404 permit because the project does not extend off of the property and will not disturb any areas subject to protection under the federal Clean Water Act and regulatory jurisdiction of the ACOE.

The proposed debris, soil, and non-native tree removal on the creek bank is anticipated to require a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW). This type of CDFW permit is easily obtainable particularly when the project is a habitat restoration project that will benefit the riparian resources that CDFW regulates. We recommend that prior to performance of any habitat restoration activities on the creek bank, that the applicant and his biologist schedule a pre- Streambed Alteration Agreement application consultation with a representative of the CDFW. The project applicant will obtain a written authorization from CDFW or a 1602 Streambed Alteration Agreement from CDFW prior to performance of any project related activities in the habitat restoration area.

8.0 CONCLUSIONS

The project's proposed 25-27ft.-wide buffer from the actual topographic top-of-bank and performance of habitat restoration within a 2,052 sq. ft. area will dramatically improve the existing severely degraded condition of the creek bank and setback area on the 1135 San Pasqual property. This setback from Old Mission Creek is more than adequate to ensure protection of the creek ecosystem functions and is in our professional opinion consistent with City policies, and neighborhood characteristics. The proposed creek bank clean-up and habitat restoration will significantly improve the hydrogeomorphic functions of the riparian habitat adjacent to Old Mission Creek particularly the native plant and wildlife habitat functions. The project is also expected to improve water quality by reducing three sources of pollution: sediment that washes off of the property, bacteria from homeless encampment human waste, and hydrocarbons from contaminated soils. The proposed project deals with soil contamination and compaction issues in an innovative way, and will have a net positive environmental and social benefit to the community.

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Carex pansa (Pacific Dune Sedge): The sedge with the other name

By David Amme

An expansive meadow of Pacific dune sedge growing with coyote brush (*Baccharis pilularis*) and sand reedgrass (*Calamagrostis nutkaensis*) surrounds a six foot wind blown Monterey Pine at Asilomar, Pacific Grove, CA.

From: *Grasslands*, A Publication of the California Native Grass Association, 18(4):7-10, Fall 2008

Carex pansa (Pacific Dune Sedge): The sedge with the other name

Carex pansa (Pacific dune sedge) is a native creeping, meadow-forming sedge is growing in the horticultural trade in California as a meadow or lawn substitute (Amme 2003). Pacific dune sedge is also known as sand-dune sedge and in the horticultural trade as Western or California meadow sedge that distinguishes it from "meadow sedges" known in the eastern United States. *Carex pansa* is a strong creeping sedge that grows intermittently along the Pacific coast in sand dune swales and meadows immediately beyond the shore. It ranges from British Columbia south to central California dunes complexes north of Point Conception including the Oceano and Guadalupe dunes south of Pismo Beach, and on Santa Rosa Island in the Channel Islands off the coast of Santa Barbara (Howitt and Howell 1964, Eastwood 1941). *Carex pansa* was first identified as a distinct species in 1888 by Liberty Hyde Bailey Jr., the renowned Cornell University botanist and horticulturist, who collected specimens near the mouth of the Columbia River in Oregon and Washington Territory (Bailey 1888, Curto and Fross 2006).

C. pansa is closely related to *Carex praegracilis* (clustered field sedge), which is inhabits seasonally moist alkaline or serpentine soils in the prairies and plains throughout most of North America from Alaska, through Canada and the Midwest, and from Washington and Oregon east of the Cascades south throughout California to Mexico and South America (Wilson *et al.* 2008, Hickman 1993). *Carex praegracilis* was named earlier than *C. pansa* in 1884 by botanist William Boott, from material collected near San Diego (Boott 1884). In California *C. praegracilis* is commonly found in wet swales in the valleys and mountain meadows west of the Sierra crest, in moist coastal strand sites, notably along the shore and serpentine soils of San Francisco Bay near Tiburon (Penalos 1963), and along the shores areas of California's central and south coast (Howitt and Howell 1964, Hickman 1993). It is found in mesic areas in Death Valley and in the desert mountains.

Car*ex pansa* (Mackenzie 1940a)

Carex praegracilis (Mackenzie 1940b)

The two species are distinguished by a number of characters. *Carex pansa* has slightly wider leaves and is shorter in stature than *C. praegracilis*. In the wild, *C. pansa* rarely exceeds 8 inches in height, but may be slightly in protected areas, in wet, mesic areas or in the shade. Natural stands of *Carex praegracilis* are more erect and normally reach 16 to 24 inches in height (Curto and Fross 2006). *Carex pansa* seeds have a glossy dark brown color while the slightly larger *C. praegracilis* seeds are a dull yellow brown in color. The inflorescence of *C. praegracilis* is generally narrower than the more compact *C. pansa* inflorescence. Gene flow is sure to exist between these two closely related species, especially in the Oceano and Guadalupe dune areas (Hoover 1970). In their article "A sedge by another name . . . is confusing", Curto and Fross (2006) lament that the proper name for *Carex pansa* should be *Carex praegracilis*. At some point the fickle rules of nomenclature may submerge *C. pansa* into *C. praegracilis* with a footnote or possibly variety status. The real question is: what does L.H. Bailey's epithet "*pansa*" mean? According to the Latin translation *pansa* means "splay-footed", which suggests a meaning of "to lay flat" or "flat/spreading". The Latin epithet *praegracilis* means "very slender".

Carex pansa sweeping up the white sand dunes windward of the Asilomar State Park surrounding a Monterey pine and overtopping coyote brush.

The most well-known and best example of the native California *Carex pansa* habitat along California's coast is on the northwest facing exposure of the Monterey Peninsula in the granite-white sands and mesic depressions of Asilomar State Park and Spanish Bay between Point Pinos and just beyond Point Joe. Here, *Carex pansa* grows with stunted, wind blown Monterey pines almost identical in appearance to similar settings in Oregon's sand dunes where *Carex pansa* is associated with shore pine and Sitka spruce. It is important to note that *Carex praegracilis* was also identified in the dunes near Elkhorn Slough and on Monterey Peninsula shore dune habitat near Asilomar and in more inland (mesic pine forest) sites (Howitt and Howell 1964). This reflects Robert Hoover's (1970) observations regarding *C. praegracilis*' great variation in the shore dune sites in the Guadalupe dune complex of Monterey County.

Before the street curbs were installed around the Asilomar State Park Campus in the 1980's, vehicles parked on the flat road shoulders clothed with the durable *Carex pansa*. A few cuttings were collected (by the author) on the roadsides and increased through divisions. Eventually the divisions were given to John Greenlee, California's legendary graminoid horticulturist, to be further divided and tested. Greenlee had also selected the taller 'Laguna' cultivar of *Carex praegracilis* from the Laguna Mountains of San Diego County (Curto and Fross 2006). The first 'Asilomar' *C. pansa* meadow was created at Greenlee's coastal test garden in Malibu, California in the late 1980's. Eventually, enough seed was collected to grow and sell many thousands of plugs. Nurseries in the north and south coast area purchased the Asilomar selection and increased their own stocks. The numbers of *C. pansa* plants have been growing exponentially ever since. *Carex pansa* container pots and plugs are currently being produced by well over 22 nurseries and growers from San Diego to Northern California, Washington State and British Columbia (Calflora 2008).

The Asilomar 'ecotype' has been planted in all kinds of sites and settings from Las Vegas to San Diego to the Napa and Sonoma valleys. It is largely untested in the Eastern US but has proven durable in Texas and Colorado and grows well in all parts of California below 3500 ft. (Greenlee 1992). The Asilomar variety has been proven hands-down to be one of the finest sedges for making a lawn substitute or an unmowed natural meadow. Meanwhile, plants with similar characteristics identified as *Carex praegracilis* collected in the South Coast area, have also proven to be extremely effective as unmowed meadows and mowed 'lawns'. One of the oldest and most dramatic examples of a *C. praegracilis* lawn exists in the Leaning Pine Arboretum on the campus of California Polytechnic State University in San Luis Obispo (Curto and Fross 2006). Around the same time an Asilomar *C. pansa* meadow was planted at Sonoma State College on the north side of the campus near the Environmental Technology Center.

A healthy sod of *Carex pansa* 'Asilomar' at the Sonoma State College Environmental Technology Center in Rohnert Park, south of Santa Rosa, CA.

C. pansa is well adapted to the garden setting. Unmowed, it grows up to 8 - 10 inches high. It tolerates a variety of soil types and temperatures, from sandy, exposed seacoasts to clay soils and hot, inland valleys. It tolerates moderate traffic. Like most sedges, it grows well in partial shade. Mowing two to three times per year at 3-4 inches keeps the foliage low, healthy and lawn-like. Unmowed, it makes an attractive natural deep green meadow and remains evergreen in all but the coldest climates.

Establishing *Carex pansa* by broadcast seeding is very difficult because the seed is difficult to collect in large enough amounts, it is very slow to emerge in field conditions, and establishes sporadically with the increasing competition from weeds, fickle irrigation, and dry spells. Pacific dune sedge is established quickly from plugs that are grown from seed or divisions in controlled conditions and planted 6 to 12 inches on center (Greenlee 2000). If planted in the winter and spring with adequate moisture and fertilizer, the plugs will generally close canopy by the end of the first summer. Once established *Carex pansa* will stay green yearlong with occasional irrigation (Greenlee 1992). Plan ahead and reserve or have plugs contract grown.

An unmowed meadow of *Carex pansa* 'Asilomar' in the Napa Valley at the Long Meadow Ranch Rutherford Gardens on Hwy 29.

When planting *C. pansa* plugs for a meadow or lawn it is important that top 5-10 inches of soil is not severely compacted. This is often the case with new home sites after construction. In heavy clay soils, organic amendments and a little extra moisture will be required for successful establishment. Towards the end of the summer *C. pansa* is susceptible to occasional rust. This can be prevented by applying a light application of a soluble NPK fertilizer, mowing, and/or curtailing the irrigation. *C. pansa* grows more slowly and has a lower transpiration rate than turf grass. Occasional deep irrigation during the California dry season is necessary to keep *C. pansa* looking good and prevent dormancy. A *Carex pansa* meadow or lawn only needs a fraction of the water that it takes to support a thirsty transpiring grass lawn.

An unmowed meadow of Pacific dune sedge growing on a partially shaded hillside above a patio in a San Rafael garden.

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John Greenlee with his dog Otis on a lush *Carex pansa* lawn in at the Molly Chapalet Winery on the east side of the Napa Valley.

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CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

5. 1135 SAN PASCUAL ST **R-3 Zone**

(4:45)

Assessor's Parcel Number: 039-201-003
Application Number: MST2013-00377
Owner: 1135 San Pascual, LLC
Applicant: Rich Ridgway - Investec
Architect: Richard Thorne
Engineer: Flowers & Associates, Inc.

(Proposal to construct three new 1,294 square foot, 3-bedroom condominium units and three new 282 square foot one-car garages within a new two-story building. Also proposed is to rehabilitate an existing 1,152 square foot, one-story, 2-bedroom dwelling unit and existing detached garage, and add a 300 square foot ground floor bedroom addition. The existing 302 square foot one-car garage will remain unchanged. Also proposed is 921 square feet of first- and second-story decks and patios. Total development for the site will be 4,884 square feet of residential floor area. Approximately 125 cubic yards of grading will be balanced on site. This project requires Staff Hearing officer review for a tentative subdivision map and zoning modification.)

(Requires Environmental Assessment and Staff Hearing Officer review.)

Actual time: 5:40 p.m.

Present: Richard Thorne, Architect; and Rich Ridgway, Owner.

Public comment opened at 5:53 p.m. As no one wished to speak, public comment was closed.

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

1) The Board had positive comments regarding the project's consistency and appearance, neighborhood compatibility, quality of architecture and materials, and compliance with good neighbor guidelines.
2) The Board found the proposed raised deck modification aesthetically appropriate and with no adverse visual impacts, and does not pose consistency issues with the Architectural Board of Review Guidelines. The Board requests the applicant ensure that the area below the raised deck is blocked and sealed from potential animal incursion.
3) Applicant to return with additional rear yard area photograph documentation near the proposed triplex, and the adjacent neighborhood.
4) Obtain City Creeks staff review and approval of the applicable creek setback requirements and resolve the creek setback issue.
5) Provide a landscape plan and tree protection plan prior to final approval of the proposed project.

Action: Poole/Hopkins, 5/0/0. Motion carried. (Zink/Cung absent).

APPLICABLE GENERAL PLAN POLICIES

Biological Resources Policies

ER11. **Native and Other Trees and Landscaping**. Protect and maintain native and other urban trees, and landscaped spaces, and promote the use of native or Mediterranean drought-tolerant species in landscaping to save energy and water, incorporate habitat, and provide shade.

ER12. **Wildlife, Coastal and Native Plant Habitat Protection and Enhancement**. Protect, maintain, and to the extent reasonably possible, expand the City's remaining diverse native plant and wildlife habitats, including ocean, wetland, coastal, creek, foothill, and urban-adapted habitats.

Hydrology, Water Quality and Flooding Policies

ER15. **Creek Resources and Water Quality**. Encourage development and infrastructure that is consistent with City policies and programs for comprehensive watershed planning, creeks restoration, water quality protection, open space enhancement, storm water management, and public creek and water awareness programs.

ER16 **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.

ER17. **Creek Setbacks, Protection, and Restoration**. Protection and restoration of creeks and their riparian corridors is a priority for improving biological values, water quality, open space and flood control in conjunction with adaptation planning for climate change.

New Housing Development Policies

H10. **New Housing**. Given limited remaining land resources, the City shall encourage the development of housing on vacant infill sites and the redevelopment of opportunity sites both in residential zones, and as part of mixed-use development in commercial zones.

H11. **Promote Affordable Units**. The production of affordable housing units shall be the highest priority and the City will encourage all opportunities to construct new housing units that are affordable to extremely low, very low, low, moderate and middle-income owners and renters.

H12. **Above Moderate Affordable Housing**. Provide incentives for the private sector development of new housing opportunities affordable to households earning more than 120% of the Area Median Income, but not more than 200% of the Area Median Income.

H13. **Non-Subsidized Rental Housing**. Preserve and promote non-subsidized affordable rental housing.

H14. **Sustainable Housing**. Ensure that new market-rate residential development is consistent with the City's sustainability goal, including reduced energy and resource use, and increased affordable housing opportunities.

Conservation and Improvement of Existing Housing Policies

H20. Property Improvements. The City shall encourage residential property owners to improve the conditions of their property(ies) to a level that exceeds the minimum standards of the California Building Code and the Uniform Housing Code.