City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: October 29, 2009

AGENDA DATE: November 5, 2009

PROJECT ADDRESS: 803 N Milpas Street (MST2006-00510)

TO: Planning Commission

FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner
Peter Lawson, Associate Planner

R/ AD for DYK

I. BACKGROUND

On August 20, 2009, the Planning Commission considered the proposed development at 803 North Milpas Street. Staff raised a concern that along Milpas Street the proposed sidewalk improvements were not fully consistent with the recommendations of the Pedestrian Master Plan. While the Commission found the environmental review adequate and adopted the Negative Declaration at this hearing, the project was continued with the direction to the applicant to work with staff to provide an acceptable sidewalk improvement. After several meetings with staff, the applicant has revised the project plans and demonstrated full compliance with the Pedestrian Master Plan.

By complying with the Pedestrian Master Plan, the overall project square footage was reduced in size and the footprint of the building was shifted back by five feet from the Milpas Street property line. Project statistics are provided below in Section IV in strike out and underline showing the changes in size of each unit. Updated plans that are included in your packet reflect these changes. Conditions D.2.a. and D.7 were revised and condition D.14 was added as part of the project revisions and are included in the attached conditions of approval (Attachment A). Finally, City Staff determined that street trees located at intervals along the sidewalk were more appropriate than a continuous parkway.

II. PROJECT DESCRIPTION

(**Note:** This project description remains the same as previously presented in the August 20, 2009 staff report [Attachment B], except for a small reduction to the overall square footage.) The project consists of a mixed use development containing five mixed use residential/commercial condominiums, one live/work unit, two residential units and one commercial condominium. The development would be split among three buildings totaling 19,407 net square feet. The overall height of the proposed development would be between 37 feet and 38 feet, 6 inches. Parking would be located within eight two-car garages and on the interior of the lot for a total of 26 parking spaces. Access to the garages and parking lot would be via a driveway from De la Guerra Street, located between two of the buildings. Pedestrian access to the site would also be provided from Milpas Street. A landscaped area

would be provided in the northwest corner of the site, behind the open parking. An area along the northern property line has been reserved for the location of secured remediation equipment, if required.

Building 1 and 2 would front onto Milpas Street, and are connected by second story decks, although there is no access from one building to the other. Building 1 contains two mixed-use units and the commercial-only condominium. Each residential unit is approximately 1,470 square feet of residential space, with approximately 350 square feet of commercial space on the ground floor. The commercial-only condominium, which would be sited on the corner of De la Guerra and Milpas Streets and would be approximately 1,138 square feet. Building 2 contains three mixed-use units, each containing approximately 1,470 to 1,520 square feet of residential space with approximately 340 to 360 square feet of commercial space on the ground floor. Building 3 contains three units and fronts on De la Guerra Street. Of these three units, two would be residential-only units of approximately 1,880 to 1,950 square feet each, and the third would include approximately 1,660 square feet of residential space with approximately 278 square feet of deed restricted commercial space (live-work unit).

III. RECOMMENDATION

With the approval of the Modification, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VI of this report, and subject to the conditions of approval in Exhibit A.

IV. PROJECT STATISTICS

	Existing	**Proposed**		
Living Area	None	Unit #	# of Bedrooms	Size of Unit (s.f.)
		Unit 1	2	~~1,538~~1,475 s.f.
		Unit 2	2	~~1,534~~1,473 s.f.
		Unit 3	2	~~1,534~~1,469 s.f.
		Unit 4	2	~~1,534~~1,469 s.f.
		Unit 5	2	~~1,587~~1,523 s.f.
		Unit 6	3	1,887 s.f.
		Unit 7	3	~~1,944~~1,922 s.f.
		Unit 8	2	~~1,640~~1,662 s.f.
				Total - ~~13,745~~12,880 s.f.
Commercial Area	Vacant	Unit#		Size of Commercial Space
		Unit 1		~~360~~ 375 s.f.
		Unit 2		~~328~~ 337 s.f.
		Unit 3		~~328~~ 337 s.f.
		Unit 4		~~349~~ 365 s.f.
		Unit 5		~~348~~ 365 s.f.
		Unit 6		N/A
		Unit 7		N/A
		Unit 8		278 s.f.
		Commercial Condo		1,138 s.f.
				Total – ~~3,129~~3,195 s.f.

Covered Parking	None	2 car garage/unit. @ 16 Spaces
Uncovered Parking	None	10 spaces

V. ZONING ORDINANCE CONSISTENCY

The proposed project would meet the requirements of the Commercial Zone (C-2), with the exception of a Modification to reduce the parking by three parking spaces.

A. MEASURE E

The project site has a GPU credit of 1,998 square feet from the previous gasoline service station. The proposed project includes 3,129 square feet of commercial development, which would require a Measure E Minor allocation of 1,000 s.f and a Small Addition allocation of 131 s.f. Development Plan findings for this square footage are included in Section VII below.

B. MODIFICATIONS

The project includes a Modification request to eliminate the two guest parking spaces and reduce the number of commercial parking spaces by one, for a total of 26 spaces being provided, instead of 29 spaces as required in the Municipal Code. A parking demand study was prepared by ATE, dated June 14, 2007 and is included with the Final Mitigated Negative Declaration (FMND), which was adopted by the Planning Commission on August 13, 2009. The report concludes that based upon the shared parking between the commercial uses and the residential uses, peak demand will be met on the project site. Therefore, this Modification can be supported.

VI. FINDINGS[1]

The Planning Commission finds the following:

A. MODIFICATION – PARKING (SBMC §28.92.110.A.1)

A modification or waiver of the parking or loading requirements where, in the particular instance, the modification will not be inconsistent with the purposes and intent of this Title and will not cause an increase in the demand for parking space or loading space in the immediate area.

Peak demand parking would be provided on-site through shared parking with the proposed commercial uses. A traffic study was prepared that demonstrated that all parking will be accommodated on the project and thus would not impact on-street parking.

[1] Note – The Negative Declaration for the project was adopted on August 20, 2009 by the Planning Commission

B. THE TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara.

With the approval of the Modification, the proposed commercial and residential development is consistent with the Zoning Ordinance and General Plan designation of General Commerce. The project provides more than the required outdoor space. The reduced number of parking spaces would meet the peak demand as demonstrated in the submitted parking study.

The site is physically suitable for the proposed development and, the project is consistent with the variable density provisions of the Municipal Code and the General Plan.

The proposed development is within an area that is adjacent to both residential and commercial development. The site is level and provides adequate pedestrian and vehicle access. The residential development is consistent with the variable density requirements.

The proposed use is consistent with the vision for this neighborhood of the General Plan.

The project site is within the Milpas area, which as described as a mix of residential and commercial uses. The development would be consistent with the vision of the neighborhood.

The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

The project site is currently vacant however, it was developed with a gasoline service station. The site is currently under a soil remediation program, which is in the final stages of completion. The project would be consistent with the Storm Water Management Program, which includes design features that would clean up pollutants from the parking area.

C. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. The project is compliant with all provisions of the City's Condominium Ordinance.

   The project complies with variable density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.

2. The proposed development is consistent with the General Plan of the city of Santa Barbara.

   The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element.

The project will provide infill residential development that is compatible with the surrounding neighborhood.

3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

The project is an infill residential project proposed in an area and zone district where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

D. DEVELOPMENT PLAN APPROVAL (SBMC §28.87.300)

1. The proposed development complies with all of provisions of the Zoning Ordinance;

With the approval of the Modification to reduce the parking by one space, the project would comply with all sections of the Zoning Ordinance.

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

The project would be infill development and provide additional residential development along with maintaining commercial development on the Milpas Street.

3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk and scale of the development are compatible with the neighborhood;

The project would be similar in size to surrounding development. The development is subject to design review and it has received favorable comments from the ABR.

4. The proposed development will not have an unmitigated adverse impact upon the City and South Coast affordable housing stock;

The proposed project would be located on a vacant lot that was developed with a gas station. Thus, the development is not displacing older, existing housing stock.

5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources;

There is adequate water resources to supply the project site. The project would be required to comply with the current plumbing code and install the most current water conservation fixtures. Additionally, the landscaping for the

project is reviewed by the Architectural Board of Review and drought tolerant planting would be required.

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic;

   A traffic study was prepared for the project and the Mitigated Negative Declaration (MND) concluded that impacts were less than significant. Additionally, the development is located adjacent to a Metropolitan Transit District (MTD) stop and there are a number of commercial businesses in the area for the residents of the proposed project.

7. Resources are available and any applicable traffic improvements will be in place at the time of project occupancy.

   The project includes improvements to the public right-of-way both on De la Guerra and Milpas Streets. Resources are available to serve the site.

Exhibits:

A. Conditions of Approval
B. Staff Report dated August 20, 2009

PLANNING COMMISSION CONDITIONS OF APPROVAL

803 N. MILPAS STREET
TENTATIVE SUBDIVISION MAP, DEVELOPMENT PLAN & MODIFICATION
~~AUGUST 20~~NOVEMBER 5, 2009

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

A. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are $2,500.00 for projects with Environmental Impact Reports and $1,800.00 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.

B. **Design Review.** The project is subject to the review and approval of the (Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.

1. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.

2. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided along the driveway to the parking at the rear of the property from the sidewalk using a different paving or walkway material to improve pedestrian friendliness.

3. **Minimize Visual Effects of Paving.** Textured or colored pavement shall be used in paved areas of the project or other materials deemed appropriate by the ABR to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.

4. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.

5. **Permeable Paving.** Incorporate a permeable paving system for the project driveway, walkways and parking area that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.

6. **Lighting.** Lighting design shall conform with City Lighting Ordinance requirements, including shielding and direction to the ground to avoid off-site

lighting and glare effects, and shall be approved by the Architectural Board of Review (A-2).

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

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 20, 2009 is limited to:

   The project consists of a mixed use development containing five mixed use residential/commercial condominiums, one live/work unit, two residential units and one commercial condominium. The development would be split among three buildings totaling 19,886 net square feet. The overall height of the proposed development would be between 37 feet and 38 feet, 6 inches. Parking would be located within eight two-car garages and on the interior of the lot for a total of 26 parking spaces. Access to the garages and parking lot would be via a driveway from De la Guerra Street, located between two of the buildings. Pedestrian access to the site would also be provided from Milpas Street. A landscaped area would be provided in the northwest corner of the site, behind the open parking. An area along the northern property line has been reserved for the location of secured remediation equipment, if required.

   And the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.

4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.

5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance

7. **Commercial Space Use Limitations.** Due to potential parking impacts from the shared parking, uses other than Office, Commercial and Industrial Uses, as described in the Parking Section of the Municipal Code, are not permitted without further environmental and/or Planning Commission review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.

8. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.

D. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:

1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.

2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:

   a. Dedication for All Street Purposes along Milpas Street in order to ~~establish an additional~~ establish an additional two-foot (2') wide public right-of-way, ~~seven-foot (7') wide public right-of-way to accommodate the Pedestrian Master Plan guidelines for a two-foot, six inch (2.5') frontage zone, eight-foot (8') sidewalk, and a four-foot (4') parkway behind the existing curb. The right-of-way dedication may be reduced to four feet, six inches (4.5') if the 2.5' frontage zone is provided on the private property.~~

3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.

4. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project at the time of submitting for Parcel Map review.

5. **Drainage Calculations.** The Owner shall submit *final* drainage calculations prepared by a registered civil engineer demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.

6. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm

Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

6. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:

   a. **Common Area Maintenance.**. An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.

   b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.

   c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.

   d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.

   e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Program. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants from the parking area, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.

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

7. **N. Milpas Street Public Improvements.** The Owner shall submit C-1 public improvement for construction of improvements along the property frontage on N. Milpas Street. The C-1 plans shall be submitted separately from Building Plans. As determined by the Public Works Department, the improvements shall include the following to City Standards:

   - Provide a sidewalk, curb and gutter twelve-foot (12') wide by +/-one-hundred and ten linear feet (110 lf). The width of sidewalk shall be comprised of the existing eight (8) foot sidewalk area, a two (2) foot extension into the right-of-way as measured from the existing curb face and a two (2) foot extension into the project site as described in Condition 2.a.;
   - Supply and install three (3) new street trees and tree grates ~~: eight-foot (8') wide sidewalk, +/-seventy linear feet (70 lf) of new curb and gutter, four-foot (4') wide parkway, supply and install three (3) new street trees and tree grates~~ as approved by the City Arborist and Parks Commission;
   - Construct dual directional access ramps with curb extension at intersection of Milpas and De La Guerra as shown on approved Tentative Map;
   - Retire existing cobra-head luminaire and replace with new City Standard Dome Style commercial luminaire (existing fluted concrete pole and pedestrian Dome style luminaire to remain);
   - Slurry seal to the centerline of the street along entire subject property frontage (since street was recently overlaid);
   - Connect to City water and sewer mains;

- Provide public drainage improvements with supporting drainage calculations and/or hydrology report for installation of curb drain outlets;
- Preserve and/or reset survey monuments and contractor stamps; and
- Supply and install directional/regulatory traffic control signs per 2006 MUTCD w/CA supplements during construction and provide adequate positive drainage from site.

All work in the public right-of-way requires a separate Public Works Permit.

8. **De la Guerra Street Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on De la Guerra Street. The C-1 plans shall be submitted separately from Building Plans. As determined by the Public Works Department, the improvements shall include the following to City Standards: six-foot (6') foot wide sidewalk, four-foot (4') foot wide parkway, supply and install four (4) new street trees and tree grates per approval of the City Arborist and Parks Commission, nineteen-foot (19') wide commercial style driveway apron modified to meet Title 24 requirements, construct new MTD bus stop, construct dual directional access ramps with curb extension at intersection of Milpas and De La Guerra as shown on approved Tentative Map, saw-cut and replace existing concrete cross-gutter to centerline, +/- seventy linear feet (70 lf) curb and gutter, four-foot (4') wide parkway, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, connection to City water and sewer mains, public drainage improvements with supporting hydrology report for installation of curb drain outlets, preserve and/or reset survey monuments and contractor stamps (if any), supply and install directional/regulatory traffic control signs per 2006 MUTCD w/CA supplements during construction, protect and/or relocate existing monitoring wells which require permits from the County Fire Department and provide a copy of County Permit to City Inspector and provide adequate positive drainage from site. All work in the public right-of-way requires a separate Public Works Permit.

9. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an approvable Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.

10. **Encroachment Permits.** Where required, obtain any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).

11. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.

12. **Relocation of MTD Fixtures.** Relocation of the MTD bus stop, red curb, bench, and pole sign on De La Guerra Street, as determined by the Public Works Director and MTD.

13. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the proposed parking area and driveway, subject to the review and approval of the Public Works Director and City Attorney.

14. **Frontage Zone Improvement.** Provide a three-foot (3') frontage zone, as defined in the Pedestrian Master Plan, between the Milpas Street public right-of-way line (as established in Condition number D.7) and building face. The frontage zone shall be depicted on the tentative subdivision map and include a note that no building shall encroach into the frontage zone.

~~14.~~15. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department.

E. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

1. **Recordation of Final Map Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.

2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building Permit.

3. **Solid Waste Management Plan.** Owner shall submit a solid waste management plan that identifies feasible measures to address the construction and operation of the parking lot, bicycle station and office uses which may include, but are not limited to, the following:

   a. Provision of space and/or bins for storage of recyclable materials within the project site. This information shall be shown on the building plans and installed as a part of the proposed project's improvements.

   b. Development and implementation of a plan for collection of recyclable materials on a regular basis.

   c. Development of source reduction measures, indicating the method and amount of expected reduction.

   d. Implementation of a program to purchase recycled materials used in association with the proposed project (paper, newsprint, etc.). This could include requesting suppliers to show recycled material content.

   e. Implementation of a monitoring program (quarterly, bi-annually) to attain and maintain a 35-50% minimum participation in recycling efforts.

f. Implementation of a composting landscape waste reduction program.

4. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.

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

1. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:

   a. The frequency and/or schedule of the monitoring of the mitigation measures.

   b. A method for monitoring the mitigation measures.

   c. A list of reporting procedures, including the responsible party, and frequency.

   d. A list of other monitors to be hired, if applicable, and their qualifications.

   e. Submittal of weekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.

   f. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.

2. **Zoning Compliance Declaration.** The Owner shall file a Zoning Compliance Declaration to assure that the commercial component of Unit Number 8 remains intact and there continues to be direct access to commercial space.

3. **Neighborhood Notification Prior to Construction.** At least 20 days prior to commencement of construction, the contractor shall provide written notice to all property owners and residents within 450 feet of the project area. The notice shall contain a description of the proposed project, a construction schedule including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions, and provide additional information or address problems that may arise during construction. A 24-hour construction hot line shall be provided. Informational signs with the PEC's name and telephone number shall also be posted at the site. (N-4)

4. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.

5. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of the street trees in the public right-of-way.

6. **Prepare a Structural Crack Survey and Video Reconnaissance**. ***(Note – this condition only applies if the construction includes pile driving. A final determination shall be made at building permit review)*** At least twenty (20) days prior to the issuance of a demolition permit, Owner shall notify owners and occupants of structures within 100 feet of the project site property lines of the opportunity to participate in a structural crack survey and video reconnaissance of their property. Prior to the issuance of a demolition permit, Owner shall prepare a structural crack survey and video reconnaissance of the property of those owners or occupants who express a desire to participate in the survey. The purpose of the survey shall be to document the existing condition of neighboring structures within 100 feet of the project site property line and more than 50 years old. After each major phase of project development (demolition, grading, and construction), a follow-up structural crack survey and video reconnaissance of the property of those owners and occupants who have elected to participate in the survey. Prior to issuance of a certificate of occupancy, Owner shall meet with the owners and occupants who have elected to participate in the survey to determine whether any structural damage has occurred due to demolition, grading or construction at the project site. Owner shall be responsible for the cost of repairing any structural damage caused by project demolition, grading, or construction on properties that have elected to participate in the survey.

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

Building Inspector, the Planning Division, the Property Owner, the Contractor and each subcontractor.

8. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department.

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

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review outlined in Section B above.

2. **Completion of Soil Remediation.** Written evidence of completion of the soil remediation activities to the satisfaction of the Santa Barbara County Fire Department shall be provided prior to issuance of any building permits other than those permits necessary to complete the activities in the Corrective Action Plan (H-1.)

3. **Vapor Barrier.** Due to the potential for migration of contaminants in groundwater from the upgradient site at 800 North Milpas Street, any future building at the subject site shall incorporate a vapor barrier (H-2).

4. **Deck Front / Open Yard Construction.** For all residential outdoor activity spaces (decks, balconies, or open yard areas) facing Milpas Street and De la Guerra Street, the following construction specifications are required such that exterior noise levels are reduced to less than 60 dBA:

   Proposed outdoor balconies or decks require a vertical, solid wall three feet high with reference to finish floor elevation, with no openings or gaps facing the noise source. The deck wall facing the noise source shall have a minimum ¾-inch solid thickness, sealed with non-hardening acoustical sealant at all edges, seams and construction joints. However, if glazing is used for this wall, the glazing shall be minimum ½-inch thick laminated glass (three unequal layers: ¼", 0.060 innerlayer, 3/16"). Floor drains facing the noise source shall have a 90 degree bend incorporated in their design, with one opening facing away from the transportation noise source (N-1).

5. **Construction for East and South-Facing Elevations.** The following construction specification are required in order to result in an acoustical performance of less than 45 dBA Ldn interior residential noise level along the east and south elevations, where construction assemblies face the transportation noise source. Noise mitigation may fail to perform if each and every following recommendation is not followed. A small crack or air leak in the construction may completely compromise all other sound-proofing. (N-2)

   a. **Vents and roof penetrations**: Soffit vents, eave vents, dormer vents and other wall and roof penetrations shall be located on the walls and

roofs facing away from the noise source (located on the north and west elevation) wherever possible. If kitchens or bathrooms are located on the east or south side, remote venting to other elevations is required. If vents are required to be located facing the noise source, a 90 degree bend shall be incorporated in the design of the ductwork or vent opening.

b. **Walls:** Only the east- and south-facing exterior walls closest to the transportation noise sources require mitigation. The wall enclosing habitable spaces nearest the noise source shall be constructed with an S.T.C. (Sound Transmission Class) rating of 30 or greater. For instance, stucco exterior or fiber-cement panel siding, with 30 pound felt on 5/8" sheathing, on 2" x 6" stud walls with R-21 fiber glass batt insulation, a ½" layer of interior sound deadening board (Homasote 440 Sound Barrier or equivalent), and a layer of 5/8" Type X Gypsum Board will provide an S.T.C. rating of 30 or greater. Construction of the east and south-facing walls must include the liberal use of non-hardening acoustical sealant at all construction joints, including the header and footer construction and the edges and corners of gypsum board intersecting ceiling, walls and floor, especially behind papered joints. Apply Homasote 440 Sound Barrier directly to the interior side of conventional 2" x 6" framing, 16" on center using 5d adhesive coated nails. Space nails 3/8" from edges, 6" apart around panel edges and 12" apart on each stud in panel field. Countersink all nails at least 1/16" below surface. Provide a gap of 1/8" between abutting edges, 1/4" between floor and ceiling. Using a good grade drywall laminating compound and a notched trowel, apply a 6" wide strip down the vertical center of 5/8" thick Type X Gypsum Board and a 6" wide strip down each side, 2" away from edges. Apply the compound coated Gypsum Board directly to the 440 Sound Barrier. Avoid coinciding butt joints of Gypsum with 440 Sound Barrier joints. Secure Gypsum with double headed nails, or bracing, until laminating compound sets. Apply resilient acoustical sealant (Johns Manville or equivalent) to gaps at intersecting walls, ceiling and floor before taping and spackling Gypsum Board in conventional manner. Seal all peripheries and apertures and joints around windows.

c. **Acoustic Leaks:** Common acoustic leaks, such as electrical outlets, pipes, vents, ducts, flues and other breaks in the integrity of the wall, ceiling or roof insulation and construction on the east and south sides of the dwelling units nearest transportation noise source shall receive special attention during construction. All construction openings and joints through the gypsum board on east- and south-facing walls shall be insulated, sealed and caulked with expanding foam and a resilient, non-

hardening caulking material, as appropriate. All such openings and joints shall be airtight to maintain sound isolation.

d. **Windows:** To meet the interior 45 dB(A) Ldn requirements, windows for habitable spaces on all floors of affected west elevation facing the noise source shall be of double-glazed construction with one light of laminated glass, and installed in accordance with the recommendations of the manufacturer. The windows shall be fully gasketed, with an S.T.C. rating of 35 or better, as determined in testing by an accredited acoustical laboratory. An example that meets this requirement is Milgard Quiet Line windows with laminated glass.

e. **Doors:** To meet the interior 45 dB(A) Ldn requirements, doors directly facing the noise source shall be solid core with sound dampening and fully gasketed, sealed jambs and grouted frames, with an overall S.T.C. rating of 35 or better, as determined in testing by an accredited acoustical laboratory.

6. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

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

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

7. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water

treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state (W-1).

8. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition C 6 a, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

9. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street. Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

10. **Bicycle Parking.** In addition to the general requirements for bicycle parking spaces, 1 bicycle parking spaces shall be provided per 7 vehicle parking spaces, for a total of 2 bicycles.

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

Signed:

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

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

1. **Mitigation Monitoring and Reporting Requirement.** Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration for the project.

2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor and the . The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner Project Environmental Coordinator, Contractor and each Subcontractor.

3. **Nest Protection.** Proposed project activities including tree and vegetation removal shall occur outside the breeding bird season (February 1 – August 15). If project activities cannot be feasibly avoided during the bird nesting season the project proponent shall conduct a survey prior to construction, using a qualified biologist, approved by the City Environmental Analyst, to detect protected nesting native birds in the vegetation and trees being trimmed and within 300 feet of the construction work area. The survey shall be conducted no more than three days before construction is initiated. If an active nest is located, construction within 500 feet of a raptor nest and 300 feet of any other nesting bird, vegetation trimming shall be postponed until the nest is vacated and juveniles have fledged and this has been confirmed by the qualified biologist (BIO -1).

4. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and

construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.

5. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.

6. **Construction Traffic,** The haul routes for all construction related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods (T-1).

7. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.

8. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Cesar Chavez Day	March 31st*
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

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

Occasional night work may be approved for the hours between 5 p.m. and 8 a.m. by the Chief of Building and Zoning per Section 9.13.015 of the Municipal Code) between the hours of 5 p.m. and 8 a.m. weekdays In the event of such night work approval, the applicant shall provide written notice to all property owners and residents within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of any. Night work shall not be permitted on weekends and holidays. (N-5).

9. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division (W-2).

10. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows (N-2):

    a. During construction, free parking spaces for construction workers and construction vehicles shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.

    b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.

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

11. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to achieve minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

    Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-1)

12. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches (AQ-2).

13. **Construction Dust Control – Gravel Pads.** Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes or a pipe-grid track out control device shall be installed to reduce mud/dirt track out from unpaved truck exit routes (AQ-3).

14. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less (AQ-4).

15. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by:

    - Seeding and watering until grass cover is grown;
    - Spreading soil binders;
    - Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
    - Other methods approved in advance by the Air Pollution Control District. (AQ-5)

16. **Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used (AQ-6)

17. **Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared (AQ-7).

18. **Construction Dust Control – Project Environmental Coordinator (PEC).** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure.(AQ-8)

19. **Exhaust Emissions – Engines.** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used (AQ-9).

20. **Engine Size.** The engine size of construction equipment shall be the minimum practical size (AQ-10).

21. **Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time (AQ-11).

22. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications (AQ-12).

23. **Engine timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines (AQ-13).

24. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible (AQ-14).

25. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available (AQ-15).

26. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible (AQ-16).

27. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible (AQ-17).

28. **Biodiesel.** Biodiesel shall be used to the maximum extent feasible (AQ-18).

29. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.

30. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

31. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices (N-6).

32. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.

33. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological

resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

I. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the improvement plans, including utility service undergrounding and installation of street trees.

3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

4. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial-type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.

5. **Manholes.** Raise all sewer and water manholes on easement to final finished grade (if any)

6. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior area noise levels are within acceptable levels for residential and/or commercial uses, as appropriate, as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR) if applicable. (N-3)

7. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.

8. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

9. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section C.6.a and D.4.have been recorded.

J. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission's) action approving the Conditional Use Permit, Modification, Performance Standard Permit, or Variance shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or

2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the discretionary applications, unless such extension would conflict with state or federal law. The

expiration date of all approvals shall be measured from date of the final action of the City on the application, unless otherwise specified by state or federal law.

NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The development plan approved, per Santa Barbara Municipal Code §28.87.350, shall expire four (4) years from the date of approval unless:

4. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.

5. A time extension is granted by the Staff Hearing Officer for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to implement and complete the proposed project. No more than one (1) time extension may be granted.

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire three (3) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: August 13, 2009

AGENDA DATE: August 20, 2009

PROJECT ADDRESS: 803 N Milpas Street (MST2006-00510)

TO: Planning Commission

FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner
Peter Lawson, Associate Planner

I. PROJECT DESCRIPTION

The project consists of a mixed use development containing five mixed use residential/commercial condominiums, one live/work unit, two residential units and one commercial condominium. The development would be split among three buildings totaling 19,886 net square feet. The overall height of the proposed development would be between 37 feet and 38 feet, 6 inches. Parking would be located within eight two-car garages and on the interior of the lot for a total of 26 parking spaces. Access to the garages and parking lot would be via a driveway from De la Guerra Street, located between two of the buildings. Pedestrian access to the site would also be provided from Milpas Street. A landscaped area would be provided in the northwest corner of the site, behind the open parking. An area along the northern property line has been reserved for the location of secured remediation equipment, if required.

Building 1 and 2 would front onto Milpas Street, and are connected by second story decks, although there is no access from one building to the other. Building 1 contains two mixed-use units, each containing approximately 1,534 square feet of residential space, with approximately 340 square feet of commercial space on the ground floor. The commercial-only condominium, which would be sited on the corner of De la Guerra and Milpas Streets and would be approximately 1,138 square feet. Building 2 contains three mixed-use units, each containing approximately 1,534 square feet of residential space with approximately 340 square feet of commercial space on the ground floor. Building 3 contains three units and fronts on De la Guerra Street. Of these three units, two would be residential-only units of approximately 1,880 to 1,950 square feet each, and the third would include approximately 1,640 square feet of residential space with approximately 278 square feet of deed restricted commercial space (live-work unit).

II. REQUIRED APPLICATIONS

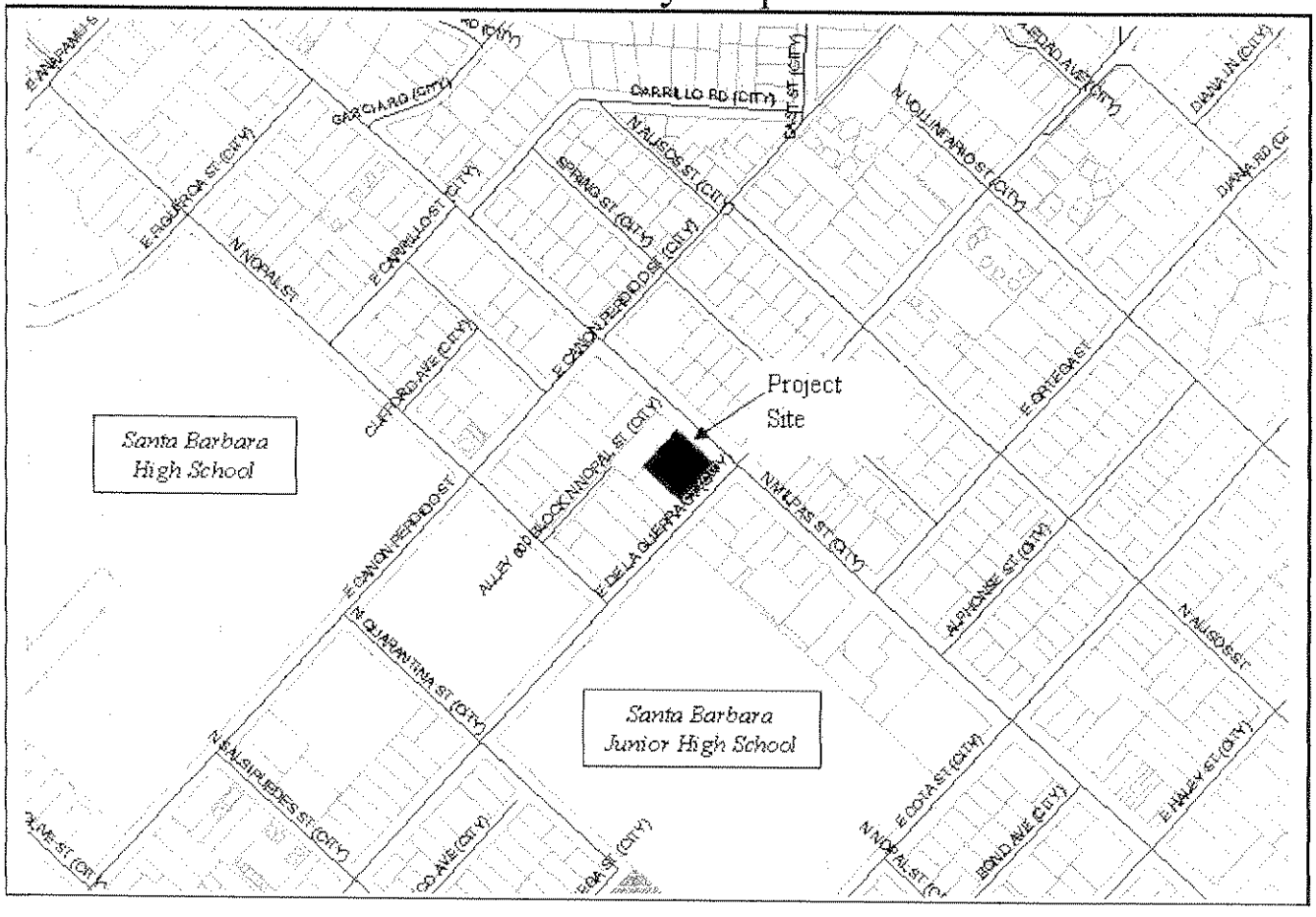
The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision with nine condominium units (eight residential, one commercial) per SBMC Chapters 27.07 and 27.13;
2. A Modification to allow less than the required number of parking spaces (SBMC §28.92.110.A.1);
3. A Development Plan to allow the construction of 2,851 net square feet of nonresidential development on APN 031-042-028 (SBMC §28.87.300); and
4. Design Review by the Architectural Board of Review (ABR).

III. RECOMMENDATION

With the approval of the Modification, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.

Vicinity Map



APPLICATION DEEMED COMPLETE: November 17, 2007*
*note application process was held in abeyance while a General Plan Amendment was being processed

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Jarrett Gorin, AICP	Property Owner:	803 North Milpas Street LLC
Parcel Number:	031-042-028	Lot Area:	21,756 square feet
General Plan:	General Commerce	Zoning:	C-2, Commercial
Existing Use:	Vacant	Topography:	2%

Adjacent Land Uses:
North - Residential and Commercial
East - N. Milpas Street and Commercial
South - E. De la Guerra Street and Commercial
West - Multi-Family Residential Apartments

B. PROJECT STATISTICS

	Existing	Proposed		
Living Area	None	Unit #	# of Bedrooms	Size of Unit (s.f.)
		Unit 1	2	1,538 s.f.
		Unit 2	2	1,534 s.f.
		Unit 3	2	1,534 s.f.
		Unit 4	2	1,534 s.f.
		Unit 5	2	1,587 s.f.
		Unit 6	3	1,887 s.f.
		Unit 7	3	1,944 s.f.
		Unit 8	2	1,640 s.f.
				Total - 13,745 s.f.
Commercial Area	Vacant	Unit#		Size of Commercial Space
		Unit 1		360 s.f.
		Unit 2		328 s.f.
		Unit 3		328 s.f.
		Unit 4		349 s.f.
		Unit 5		348 s.f.
		Unit 6		N/A
		Unit 7		N/A
		Unit 8		278 s.f.
		Commercial Condo		1,138 s.f.
				Total – 3,129 s.f.
Covered Parking	None	2 car garage/unit. @ 16 Spaces		
Uncovered Parking	None	10 spaces		

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	None	Vacant	None
-Interior	0' – Commercial/Mixed Use	Vacant	North Lot Line – 1' West Lot Line – 1'
-Rear	0- Commercial/Mixed Use	Vacant	N/A – Corner lot
Building Height	4 Stories/60 feet	Vacant	3 Stories/40'
Parking Commercial	1/250 s.f net = 11 spaces	Vacant	10 spaces*
Parking Residential	2.0/2 + bedroom @ 8 unit = 16	N/A	2 per unit = 16 spaces
Guest Parking	1.0 space/4 units = 2 spaces		None*
Lot Area Required for Each Unit (Variable Density)	2 bedroom unit - one (1) unit per 2,320 s.f. of lot area; 3 or more bedroom unit – one (1) unit per 2,800 s.f. of lot area.	N/A	3 @ 2 bed. – 6,960 5 @ 3 + bed. – 14,000 Project total s.f.:- 20,960 Actual Parcel s.f. - 21,756
Common Open Area	15' in perpendicular directions	N/A	40'
10% Open Space	2,176 s.f.	N/A	3,888 s.f.
Private Outdoor Living Space	(1) Ground floor: (a) Studio - 100 s.f. (b) 1 Bedroom - 120 sf. (c) 2 Bedroom - 140 sf. (d) 3 + Bedroom - 160 s.f (2) Second or higher story: (a) Studio - 60 s.f (b) 1 Bedroom - 72 s.f. (c) 2 Bedroom - 84 s.f. (d) 3 + Bedroom - 96 s.f.	N/A	Each Unit = 190 s.f. or more of deck area
Lot Coverage -Building -Paving/Driveway -Landscaping	 N/A N/A N/A	 N/A N/A N/A	 9,545 44% 7,584 35% 3,888 18%
* Modification Requested			

The proposed project would meet the requirements of the Commercial Zone (C-2), with the exception of a Modification to reduce the parking by three parking spaces.

A. MEASURE E

The project site has a GPU credit of 1,998 square feet from the previous gasoline service station. The proposed project includes 3,129 square feet of commercial development, which would require a Measure E Minor allocation of 1,000 s.f and a Small Addition allocation of 131 s.f. Development Plan findings for this square footage are included in Section VII below.

B. MODIFICATIONS

The project includes a Modification request to eliminate the two guest parking spaces and reduce the number of commercial parking spaces by one, for a total of 26 spaces being provided, instead of 29 spaces as required in the Municipal Code. A parking demand study was prepared by ATE, dated June 14, 2007 and is attached to the Final Mitigated Negative Declaration (FMND). The report concludes that based upon the shared parking between the commercial uses and the residential uses, peak demand will be met on the project site. Therefore, this Modification can be supported.

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) on three separate occasions (meeting minutes are attached with the Negative Declaration Exhibit D). On May 4, 2009, the ABR stated that the project is ready to move forward for Planning Commission review. Overall the Board was pleased with the site planning and appreciated the elimination of the curb cuts on Milpas Street. The Board also appreciated the height of the building as it is currently proposed.

B. COMPLIANCE WITH THE GENERAL PLAN

The project site is located within the Milpas Street area, which is the main commercial center for the Eastside neighborhood, Eucalyptus, and/or parts of the Riviera. A large part of the development along this street has remained the same for a number of decades. Each side of Milpas is a mix of single story and two story commercial development that ranges from bars and restaurants to auto service and other light industrial uses. Additionally, Santa Barbara Junior High School is located immediately behind, to the west, of the commercial businesses between De la Guerra and Cota Streets. Finally, there is a small amount of residential development on Milpas Street, mainly located above the businesses.

The subject site has a General Plan designation of General Commerce. The residential portion of the mixed-use development would be subject to the density requirements of the R-3/R-4 Multiple Family Residential Zones. The density can be either based upon one unit per 3,500 square foot of land, with no limit on the bedroom size or based upon the variable density standards with a limit on the number of bedrooms. The applicant is proposing a residential

development based upon the variable density component and, as stated above, would be consistent with the amount of square footage of land necessary to develop eight condominiums.

The City Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. This proposal, with two to three bedroom units would satisfy that goal, along with having commercial office attached to the units. In accordance with Housing Element Policy 3.3, which requires new development to be compatible with the prevailing character of the neighborhood, the proposed building would be compatible in scale, size and design with the surrounding neighborhood. The three-story development is less than 40 feet in height and there is an approximate six foot increase in elevation on the lot to the north, which allows this development to be tucked in.

The Circulation Element contains goals and policies that promote housing in and adjacent to commercial areas, such as Milpas Street, to facilitate the use of alternative modes of transportation and to reduce the use of the automobile. For example, Circulation Element Implementation Strategy 13.1.1 encourages "the development of projects that combine and locate residential uses near areas of employment and services." This project provides housing as well as commercial space in the Milpas Street area and is, therefore, consistent with this goal.

The project is consistent with the development standard policies stated in the Circulation Element. A transit stop is located adjacent to the site and the project also includes removing three out of four driveway entrances, consistent with the Pedestrian Master Plan of minimizing curb cuts. Bicycling parking will be provided on site for the commercial use.

C. PEDESTRIAN MASTER PLAN COMPLIANCE

The project site is located at the corner of Milpas and De la Guerra Streets and previous development included a service station, with two driveways on each corner. The existing dimensions of the sidewalks, along with lack of amenities, are inconsistent with the recommendations of the Pedestrian Master Plan (PMP). The City's PMP provides recommended minimum widths for parkway, sidewalk, and frontage zone, based on right-of-way width and takes into account the intensity of pedestrian use on a particular street. The basis of the PMP is Goal 5 of the Circulation Element, which states, "Increase walking and other paths of travel". Included in Goal 5 are eight specific policies, with a series of supporting strategies for each policy that provide the backbone for the PMP. The PMP is implemented on a project-by-project basis, and to comply with the recommended sidewalk improvements, as discussed below, additional right-of-way may be required from a project site. Alternatively, the PMP recognizes that the Sidewalk Corridor could be expanded by reallocation of the overall right-of-way (such as by narrowing travel lanes or reducing the number of lanes).

On the De la Guerra Street portion of the project, the proposed project exceeds the minimum 12-foot wide dimension for parkway, sidewalk, and frontage zone improvements recommended in the PMP. At the corner of De la Guerra, the sidewalk corridor is a maximum of 20 feet with

a curb extension and narrows down to the recommended minimum of 12 feet to the west of the project site with an additional 2-foot setback on the private property. The curb extension located at the corner also reflects recommended improvements for the Milpas Corridor within the PMP.

Along the Milpas side of the project site, the entire length of the sidewalk improvements is not consistent with the PMP recommended 15-foot wide minimum dimension. The proposed curb extension at the corner that wraps around to meet the curb extension on De la Guerra Street, provides the necessary 15-foot wide minimum sidewalk dimension and the extension of the curb into the existing right-of-way is consistent with the PMP. However, in the middle portion of the project along Milpas Street, only a 7.5-foot wide sidewalk is provided. This portion of the sidewalk is less than the PMP recommended minimum width of an 8 foot sidewalk and a 4-foot parkway and 2.5-foot frontage zone. Finally, the northern, mid-block, segment of the proposed sidewalk is consistent with the PMP minimum dimension by increasing the width of the Sidewalk Corridor into the existing right-of-way.

Staff appreciates that all of the driveways are being eliminated along Milpas Street, and that on De la Guerra Street one driveway is being removed, which is consistent with the PMP. Additionally, the sidewalk improvements are greater than the minimum requirement in some portions. However, the mid-block curb extension proposed by the applicant is not a typical design used within the City. It is not a significant concern operationally, as it acts like a parking lane and does not further obstruct the existing travel lane. From a planning perspective, staff has concerns about this approach because it could impede future improvements to the frontage and roadway and may need to be removed in the future.

Therefore, staff's recommendation is that minimum 15-foot wide dimension is provided for the entire length of the Milpas Street frontage by providing additional right-of-way on the project site, rather than increasing the curb into the right-of-way (with the exception of the curb extension at the corner). Condition number D.2.a. in the Conditions of Approval reflects this recommendation, and with this condition, the project would be fully compliant with the PMP.

The PMP recognizes that with infill development, the dedication of public right-of-way or the granting of a public walkway easement to widen the sidewalk corridor may be included as a requirement for obtaining a building permit or land use approval. Dedicating additional right-of-way is a challenge for applicants, since the development area of a lot is being reduced. During review of this project, staff requested that the project meet the recommendations of the PMP. However, the applicant would like to discuss with the Planning Commission if all of the recommended sidewalk dimensions should be provided given the merits of the project. The PMP does have flexibility in implementation of the policies and the Planning Commission can provide staff direction on the adequacy of the proposed sidewalk improvements. Should the Commission decide to reduce the amount of sidewalk area, Condition number D.2.a. in the attached Conditions of Approval would be revised to reflect the outcome of the Commission's decision.

D. ENVIRONMENTAL REVIEW

Environmental review of the proposed project has been conducted pursuant to the California Environmental Quality Act (CEQA) and related Guidelines. An Initial Study and Mitigated Negative Declaration (Attachment D) were prepared to evaluate the project's potential impacts on the physical environment. The analysis identified potentially significant but mitigable environmental effects in the following issue areas: Biological Resources and Noise.

A Draft Mitigated Negative Declaration (MND) was prepared and released for public review. During the public review period from June 9, 2009 to July 8, 2009, public comments on the draft MND were received. The Planning Commission did not hold an Environmental Hearing, as there were no requests from the public to hold a hearing. Staff received two comment letters – one from the public and one from the applicant. The applicant provided minor clarifications on the project description, specific to the soil remediation. A member of the public provided comments relative to transportation issues, such as site access, site distance and trash pickup. The minor clarifications to the project description were incorporated in the Final Mitigated Negative Declaration by staff and Transportation Planning staff responded to the transportation issues. However, none of the comments resulted in changes to the project or the mitigations as described in the draft initial study.

The analysis concludes that no significant environmental impacts would result from the project as mitigated. As stated above, the two issue areas that were identified as having significant, but mitigable impacts were Biology and Noise. The site currently is planted with rows of ornamental trees along two property lines. Impacts to migratory birds were identified as a possible impact. However, the project included a mitigation to survey the trees for any nesting native birds prior to the commencement of grading, which reduced impacts to less than significant. Finally, due to the proximity of the project to Milpas Street, long-term noise impacts to the future residents were identified. A standard mitigation was included to ensure that the specifications of the residential units and the required outdoor living space is consistent with the required noise levels of 45 dBA Ldn and 60 dBA Ldn, respectively.

VII. FINDINGS

The Planning Commission finds the following:

A. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION

- The Planning Commission has considered the proposed Final Mitigated Negative Declaration together with comments received during the public review process.
- The Planning Commission finds on the basis of the whole record before it (including the initial study and comments received) that there is no substantial evidence that the project will have a significant effect on the environment.
- The Planning Commission finds that the Final Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.
- The Planning Commission finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental

evaluation for the proposed project. The Planning Commission hereby adopts the Final Mitigated Negative Declaration for the project.

- The Planning Commission hereby adopts a mitigation monitoring and reporting program for measures required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
- The location and custodian of the documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, California.

B. MODIFICATION – PARKING (SBMC §28.92.110.A.1)

A modification or waiver of the parking or loading requirements where, in the particular instance, the modification will not be inconsistent with the purposes and intent of this Title and will not cause an increase in the demand for parking space or loading space in the immediate area.

Peak demand parking would be provided on-site through shared parking with the proposed commercial uses. A traffic study was prepared that demonstrated that all parking will be accommodated on the project and thus would not impact on-street parking.

C. THE TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara.

With the approval of the Modification, the proposed commercial and residential development is consistent with the Zoning Ordinance and General Plan designation of General Commerce. The project provides more than the required outdoor space. The reduced number of parking spaces would meet the peak demand as demonstrated in the submitted parking study.

The site is physically suitable for the proposed development and, the project is consistent with the variable density provisions of the Municipal Code and the General Plan.

The proposed development is within an area that is adjacent to both residential and commercial development. The site is level and provides adequate pedestrian and vehicle access. The residential development is consistent with the variable density requirements.

The proposed use is consistent with the vision for this neighborhood of the General Plan.

The project site is within the Milpas area, which as described as a mix of residential and commercial uses. The development would be consistent with the vision of the neighborhood.

The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

The project site is currently vacant however, it was developed with a gasoline service station. The site is currently under a soil remediation program, which is in the final stages of completion. The project would be consistent with the Storm Water Management Program, which includes design features that would clean up pollutants from the parking area.

D. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. The project is compliant with all provisions of the City's Condominium Ordinance.

   The project complies with variable density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.

2. The proposed development is consistent with the General Plan of the city of Santa Barbara.

   The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood.

3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

   The project is an infill residential project proposed in an area and zone district where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate. With the incorporation of Condition D.2.a., the proposal complies with the recommendations of the Pedestrian Master Plan (PMP).

E. DEVELOPMENT PLAN APPROVAL (SBMC §28.87.300)

1. The proposed development complies with all of provisions of the Zoning Ordinance;

   With the approval of the Modification to reduce the parking by one space, the project would comply with all sections of the Zoning Ordinance.

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

The project would be infill development and provide additional residential development along with maintaining commercial development on the Milpas Street.

3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk and scale of the development are compatible with the neighborhood;

   The project would be similar in size to surrounding development. The development is subject to design review and it has received favorable comments from the ABR.

4. The proposed development will not have an unmitigated adverse impact upon the City and South Coast affordable housing stock;

   The proposed project would be located on a vacant lot that was developed with a gas station. Thus, the development is not displacing older, existing housing stock.

5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources;

   There is adequate water resources to supply the project site. The project would be required to comply with the current plumbing code and install the most current water conservation fixtures. Additionally, the landscaping for the project is reviewed by the Architectural Board of Review and drought tolerant planting would be required.

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic;

   A traffic study was prepared for the project and the Mitigated Negative Declaration (MND) concluded that impacts were less than significant. Additionally, the development is located adjacent to a Metropolitan Transit District (MTD) stop and there are a number of commercial businesses in the area for the residents of the proposed project.

7. Resources are available and any applicable traffic improvements will be in place at the time of project occupancy.

   The project includes improvements to the public right-of-way both on De la Guerra and Milpas Streets. Resources are available to serve the site.

Exhibits:

A. Conditions of Approval
B. Site Plan
C. Applicant's letter, dated August 11, 2009
D. Negative Declaration dated June 9, 2009

SITE PLAN

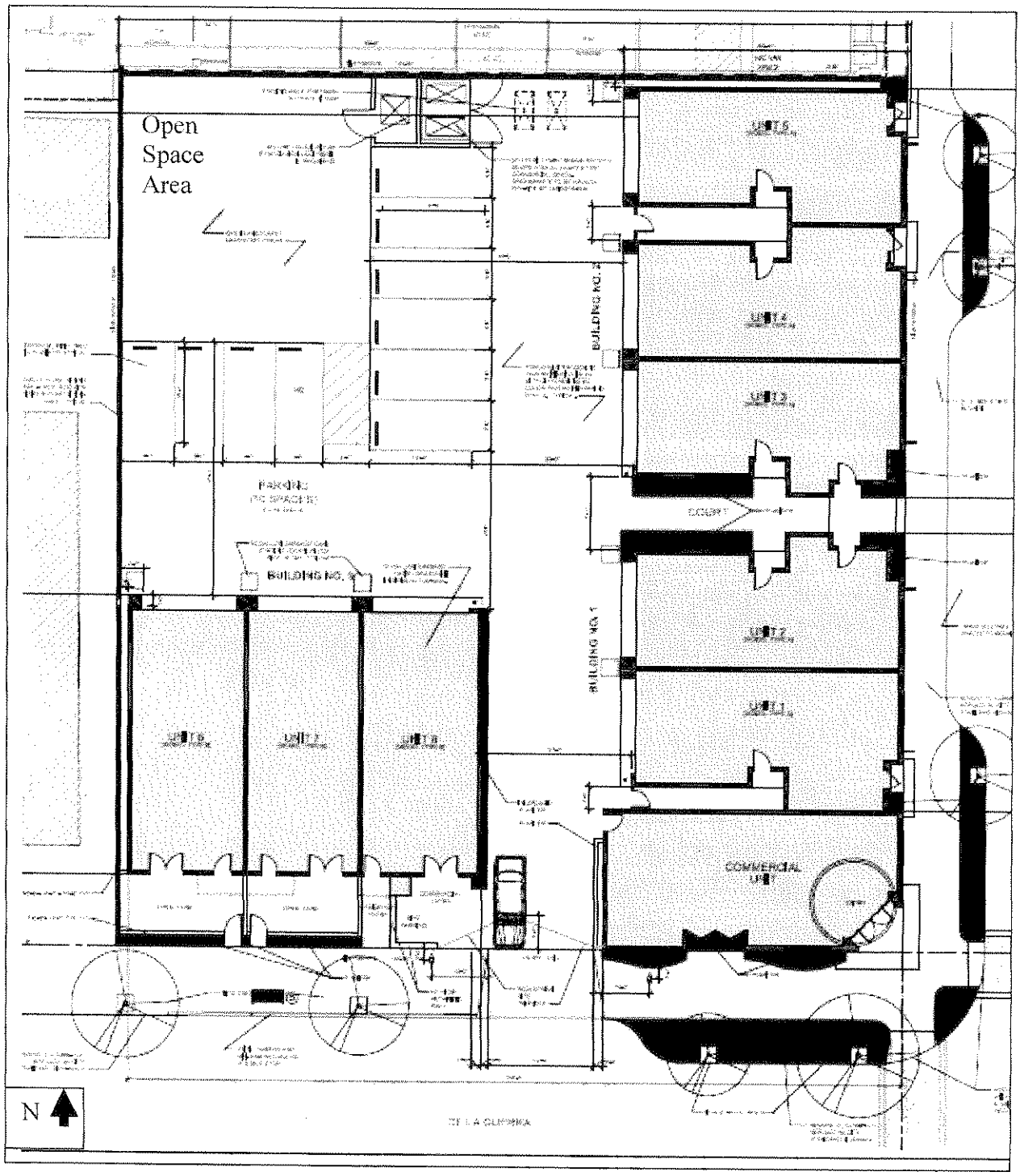


EXHIBIT B

August 11, 2009

Planning Commissioners
c/o Peter Lawson
City of Santa Barbara
Community Development Department
630 Garden Street
Santa Barbara, CA 93101

Hand Delivered

RE: 803 North Milpas Street (MST 2006-00510)

Dear Mr. Lawson:

Vanguard Planning LLC is pleased to submit this letter on behalf of 803 North Milpas Street LLC, the applicant for the above referenced project. Our proposal will be before the Planning Commission on August 20, 2009. Our project team has been working with City staff since August 29, 2006 to refine and consistently improve the design of our proposed mixed-use (commercial and residential) development for the corner of Milpas Street and De La Guerra Street.

Staff has covered the details of the project in their report, so our letter will focus on major aspects of our proposal that we wish to highlight.

1.0 Project Features

We set out to design a medium-density mixed-use development project that would be appropriate for the urban neighborhood within which our property is located. Our project site lies adjacent to existing commercial and residential uses, and has substantial frontage along Milpas Street, a major retail corridor.

The project is designed to provide a continuous retail frontage along Milpas Street, including a large commercial space located and oriented toward the corner of Milpas and De La Guerra Streets. The De La Guerra frontage of the project is intended to provide a transition between commercial uses in the project, and existing residential uses adjacent to the development on De La Guerra Street.

The proposed project would include six (6) live/work condominiums, two (2) residential condominiums, and one (1) commercial condominium. Five of the live/work condominiums (Unit Types A1 and A2) would be located along the Milpas Street site frontage. These units would each include 328 to 360 square feet of ground floor ADA-compliant commercial space with a direct entry from the Milpas Street sidewalk. The ground floor would also include an attached garage providing two (2) parking spaces and an entry area. The residential area of each of these units would comprise between 1,534 to 1,587 square feet located primarily on the second and third floors, and would have two bedrooms and two bathrooms. These units are designed so that there is direct entry from the residential component to the commercial component to facilitate operation of the commercial component by the owner. The design also allows for use of the commercial component independent of the residential component. This would enable the owner of each unit to rent out the commercial space to a second party in the event that they do not wish to operate their own commercial use. Alternatively, an owner who wishes to operate a commercial use, but not to inhabit the unit, could rent

the residential component of the unit to a second party. This is a highly flexible design intended to make it possible for the proposed units to accommodate a wide range of future needs.

The proposed building for the De La Guerra Street frontage includes three units. This mixed-use structure includes one a live/work unit. Unlike the Milpas Street frontage units, the commercial space within this unit would be deed-restricted to require that it is used by the residential occupant of the unit. The remaining two units (adjacent to the existing apartment building to the South) are purely residential units. This building has a street side setback similar to the setback of the existing multi-family residential uses immediately to the southwest. The De La Guerra mixed/use unit (Unit #8 on the site plan) would have 278 square feet of ground floor ADA-compliant commercial space directly accessible from De La Guerra Street. The unit also has a separate entry for its residential component, which includes 1,640 square feet of living area. The commercial space is also accessible from the interior of the unit. The purely residential units within this building are intended to provide a buffer between proposed commercial uses in the project and existing residential uses on the adjacent property. The three-bedroom units comprise approximately 1,887 and 1,944 square feet of living area each. All three units in Building 3 would include an attached two (2) car garage directly accessible from the unit interior.

A 1,138 square foot ADA-compliant commercial unit would be located directly on the corner of Milpas Street and De la Guerra Street. This general commercial space would be accessed via entry doors oriented at a 45 degree angle to the street corner.

The proposed development is distributed within three separate buildings on the site. These buildings are located on the perimeters of the property adjacent to public streets and they effectively block views of the at-grade parking area located to the interior of the site. Breaking down the scale of the development into multiple structures also allows for the incorporation of a pedestrian access from the interior parking area to the front doors of the commercial units along Milpas Street. This walkway will facilitate convenient and safe pedestrian circulation that allows visitors and occupants of the commercial spaces along Milpas Street to walk from their vehicles to the commercial entries without having to walk through the proposed access drive on De La Guerra Street.

The proposed architecture for the project is a simplified Art Deco vernacular which is compatible with a number of older existing structures located along this section of Milpas Street, and this architectural vocabulary has been determined to be an appropriate style for this area by the Architectural Board of Review during their evaluation of this project. Two other projects within the same block (at 822 & 824 Canon Perdido Street, and adjacent to the site at 817 North Milpas Street), also incorporate a strong Art Deco design style. Both of these projects have received Planning Commission approval.

The proposed buildings are three stories and reach a maximum height of 38 feet (measured from proposed finished grade to top of parapet). Typical parapet heights throughout the project are approximately 35 feet. This is significantly less than the maximum allowable height currently identified in the C-2 zone district, and is compatible with the heights of existing structures on the adjacent properties (the apartment building to the south and structure to the west are 30 feet and 20.5 feet tall respectively as viewed from adjacent streets). The proposed building heights are also less than the 45 foot height requirement that is currently under consideration for areas outside of Santa Barbara's "Historic Downtown" area (Measure B on the November 3, 2009 ballot). The entire third story of all the buildings is also stepped back between 25 to 30 feet from the property line along the De La Guerra frontage and 13 feet from the property line along Milpas Street frontage.

Substantial articulation of the building facades allows for large exterior decks for each of the mixed-use and residential condominiums. Elevations viewed from the street are characterized by a two-story height of approximately 26 feet.

A substantial landscaped area (2,068 square feet) is proposed to be located in the southwest corner of the site. This area, which has dimensions of 47 feet by 51 feet and would be shielded from street noise by the proposed structures is intended to: 1) provide for outdoor use by occupants and visitors to the proposed project; 2) provide a spatial and visual buffer area between the developed portions of the project and existing and future residential uses on adjacent properties; and 3) provide a large permeable area to promote onsite absorption of stormwater thereby reducing site runoff. The remainder of the project landscaping would be distributed throughout the site (depicted on Sheet L1 of the plan package). The landscape plan also shows proposed curb extensions to be constructed at the corner of Milpas Street and De La Guerra Street, and substantial additional landscaping along the Milpas Street frontage which is designed to implement the City's Pedestrian Master Plan. An existing MTD bus stop along the De La Guerra frontage would be relocated as part of the project, and three out of four existing curb cuts along Milpas and De La Guerra Street will be removed.

The existing retaining walls along the Southern and Western site boundaries, which range in height from approximately six to nine feet are proposed to be removed and replaced with newly engineered structural retaining walls.

2.0 Review History Summary

The upcoming Planning Commission hearing is the final step in our discretionary review process, which we initiated with a mandatory Pre-Application Review Team (PRT) submittal in August of 2006. The project has been reviewed several times by various City staff as indicated in the following table:

Reviewed By:	Date:
Pre-Application Review Team	November 21, 2006
Architectural Board of Review	March 5, 2007
Architectural Board of Review	May 14, 2007
Design Application Review Team	July 31, 2007
Architectural Board of Review	May 4, 2009

The May 4, 2009 Architectural Board of Review (ABR) hearing was a "refresh" of our previous conceptual approval from May 14, 2007. This was done so that we would have an ABR review date within twelve months of consideration by the Planning Commission. No significant changes occurred to the project design between the May 14th ABR review and the most recent review. However, several ABR comments from the May 14, 2007 hearing were incorporated into the design prior to the May 4, 2009 hearing.

3.0 Processing Delay Due To Mis-match of Zoning and General Plan Designations

This project was originally scheduled to come before the Planning Commission in January of 2008. During their preparation of the staff report, City staff identified a discrepancy between our project site's C-2 zoning, and its General Plan designation, which was General Commercial. This discrepancy would have prevented

your Commission from being able to make the required findings to approve our subdivision map, although we could have proceeded at that time with a physically identical project that did not require a subdivision map.

The zoning/General Plan discrepancy that delayed our project affected several properties on the adjacent two blocks of Milpas Street, including 817 North Milpas Street. The City approved a mixed use condominium development project at 817 North Milpas Street (MST2005-00667) on March 15, 2007 despite this discrepancy. City staff determined that it was in the public interest to correct the zoning/General Plan discrepancy quickly, and the Planning Commission initiated a general plan amendment process to accomplish this in mid-2008. The final General Plan amendment that corrected the discrepancy was approved by the City Council on January 13, 2009. We asked staff to re-initiate processing of our proposal on March 3, 2009.

The discrepancy between the project site's zoning and General Plan designation was not identified by the City until just prior to the initially scheduled Planning Commission hearing for our proposal in January 2008. Staff failed to identify this discrepancy over the course of three (3) prior reviews, including a mandatory PRT review. It is our understanding that the purpose behind making PRT reviews mandatory for condominium development projects such as our proposal is to identify issues such as this "up front". However, it was not until fifteen (15) months into our discretionary review process that this issue was raised. This occurred over a full month after our application was deemed complete by the City.

The year long delay caused by the need for the City to update its General Plan designations for the 800 and 700 blocks of North Milpas Street has had a substantial adverse financial impact on our project, and has also caused our proposal to be subject to new fees and regulations that did not exist in January 2008 when we were originally scheduled to come before the Planning Commission. If this issue had been identified earlier in the extensive review process for our development, or during the review process for previous projects such as the one the City approved at 817 North Milpas Street in March of 2007, it could have been corrected sooner, and we would not have been adversely affected by it.

We will be addressing this issue in greater detail at the hearing and in subsequent correspondence.

4.0 Pedestrian Improvements To Milpas Street

As indicated in Section 2.0 above. Our initial project submittal occurred in August of 2006. We subsequently completed nearly a year of City review, including the PRT review and two ABR reviews, before being informed for the first time in July 2008 that Transportation Division staff was going to attempt to exact an additional seven (7) feet of public right of way along our entire Milpas Street frontage. According to staff, this was purportedly required to implement the City's Pedestrian Master Plan.

This came as a surprise to us, because it had not been mentioned during our pre-application review, or throughout the course of all subsequent reviews prior to our first DART review. At that point, we had invested thousands of dollars in the existing project design, which incorporated the direction we had received through the PRT review process, and which had also received conceptual approval from the ABR.

Furthermore, we noted that the City did not exact any new right-of-way from the mixed-use development project approved at 817 North Milpas Street (adjacent to our property), which, based upon the date that project was deemed complete for processing, would have been subject to identical Pedestrian Master Plan requirements. We also noted that if we were to provide the street frontage section Transportation Division

staff was requesting, the sidewalk in front of our property would be out of alignment with the sidewalks throughout the rest of the entire Milpas Street corridor.

In an attempt to feasibly implement the Pedestrian Master Plan, we designed an alternative proposal for our project's Milpas Street frontage. Our proposed design for the frontage implements the goals of the Pedestrian Master Plan while remaining consistent with the existing pedestrian environment throughout the Milpas Street corridor.

We reviewed our proposal for the Milpas Street frontage with Transportation Division staff in August of 2008. In the DART letter dated November 15, 2007 (which determined our application complete), Transportation staff stated that *"portions of the Milpas frontage would meet the recommendations of the PMP, while other portions would not."* After incorrectly stating that our project would be the first project on Milpas Street to incorporate recommendations of the Pedestrian Master Plan, staff goes on to state that they will *"request direction from the Planning Commission regarding how the PMP minimum recommendations should be implemented"*. We believe that this was an appropriate position to take, since the Planning Commission has flexibility in how it implements the Pedestrian Master Plan. Unfortunately, it is our understanding that Transportation staff have since reverted to their original position of requiring a major right-of-way exaction from our property. This would be inconsistent with how the Pedestrian Master Plan has been applied to other City projects, and would result in an inferior pedestrian environment along Milpas Street as compared to our current proposed frontage improvements. We look forward to discussing this issue with the Commission at our upcoming hearing. We will also address this in more detail in subsequent correspondence.

We look forward to presenting our proposal to the Planning Commission on August 20th.

Sincerely,

VANGUARD PLANNING LLC

Jarrett Gorin, AICP
Principal

ATTACHMENTS

A. Excerpt from DART Comment Letter dated November 15, 2007

cc: Mark Shields, DesignARC
Tim Davis, DesignARC
Lane Goodkind, Landscape Architect
John C. Lopuch
R. James Groh

site. Please note that any meters over 5/8" require flow calculations justifying the increased size and require approval of the Water Resources Manager.

6. Identify size and type of curb drain outlets. Please note that the City standard Type A curb drain outlet is no longer permitted. Either propose an Alhambra A470 or City standard Type B.

7. Identify all City standard detail numbers in construction notes. The most current details are available at the Public Works Counter.

Prior to Public Works permit:

8. Provide separate C-1 civil drawings on City Title Block for construction of new curb alignment.

C. Fire Department

Please revise comments with regard to mixed-use fire alarm to reflect installation in buildings 1 & 2, not 1 & 4. This note can be corrected prior to plan submittal for building permits.

D. Transportation Division

1. As previously discussed with the applicant, the Pedestrian Master Plan (PMP) provides recommended minimum widths for parkway, sidewalk, and frontage zone based on right-of-way width and taking into account streets that have high pedestrian use. The minimum recommended widths for the Milpas Street frontage would be a 2'-6" frontage zone, 8' sidewalk (through pedestrian zone), 4' parkway (furnishings zone) and a 6" curb. Staff recognizes that the project proposes improvements to the existing property frontage and that portions of the Milpas frontage would meet the recommendations of the PMP, while other portions would not. This project would be the first project on Milpas Street to incorporate recommendations of the PMP for the through pedestrian zone, and will impact decisions made for public improvements fronting future projects on Milpas Street. Therefore, because the project does not meet all the PMP recommendations for the entire property frontage, Staff will request direction from the Planning Commission regarding how the PMP minimum recommendations should be implemented for this project and future projects within the Milpas Street corridor.

2. Sheet A3.1 shows the old bulb-out design and street frontage improvements, and should be updated.

3. The bus stop on De la Guerra Street will need to meet the appropriate MTD bus stop design standards. As conditioned, you will need to provide a set of plans to MTD so they can ensure that the project is consistent with the design standards.

E. Building & Safety Division

1. Previous requirements discussed in the pre-application letter, dated November 20, 2006, and in the DART dated July 26, 2007 continue to be applicable. The comment listed below is an additional item to consider as part of your application re-submittal:

803 North Milpas

Negative Declaration June 9, 2009

Located on the City Website

http://www.santabarbaraca.gov/Resident/Environmental_Documents/803_N_Milpas_Street/

EXHIBIT D