



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: July 12, 2012
AGENDA DATE: July 19, 2012
PROJECT ADDRESS: 601 E. Micheltorena Street (MST2003-00827)
 Cottage Hospital Workforce Housing Project ("Bella Riviera")
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *AKD for DYK*
 Allison De Busk, Project Planner *AKD*

I. PURPOSE

The purpose of this hearing is to provide the Planning Commission with a six-month update on the status and effectiveness of construction related mitigations and monitoring for the Bella Riviera Housing Project located at 601 E. Micheltorena Street. This update is required per the project's conditions of approval. Construction updates were previously given in November 2010; June 2011 and November 2011. No formal action on the project will be taken during this discussion item.

II. PROJECT DESCRIPTION / BACKGROUND

The project consists of the demolition of the former St. Francis Hospital complex and construction of 115 residential condominiums and 265 parking spaces. The project was approved by the Planning Commission on September 21, 2006, and by the City Council on appeal on December 19, 2006. The Final Maps for the project were approved by City Council in September 2010.

An Environmental Impact Report (EIR) was prepared to analyze this project, and the mitigation measures identified therein were incorporated into the project's conditions of approval.

The anticipated project schedule, including completed tasks, is as follows:

- Site Preparation (asbestos removal, sound wall construction, tree relocation/removal, installation of construction trailer, etc) – March through May 2010
- Demolition – May through December 2010
- Construction – started January 2011; anticipated to last for approximately 24 months:
 - Phase 1 ("Upper Park") Occupancy granted June 5, 2012 (15 units in 6 buildings: 11 market, 4 restricted)
 - Phase 2 ("Lower Park") occupancy anticipated in August 2012
 - Phase 3 ("Central Park") occupancy anticipated in January 2013



Vicinity Map – 601 E. Micheltorena Street

III. CONDITION COMPLIANCE

There are several general categories of conditions/mitigation measures, which are discussed below.

A. NEIGHBORHOOD MEETINGS

Pursuant to Condition of Approval F.3, the Applicant has held six informational meetings with the neighborhood in order to keep interested parties and surrounding neighbors abreast of the construction phases and schedule. The most recent meeting was held on April 19, 2012 and was attended by three neighbors, as well as the project team. The meeting provided an overview of construction activities to date, a summary of upcoming construction activity and a review of environmental monitoring.

B. TREE PROTECTION

The project includes the protection and/or relocation of a significant number of trees. Tree relocation and/or protection occurred throughout the project site prior to demolition. One relocated oak tree has been given temporary irrigation to increase its chances for success. Staff anticipates review of an updated landscape plan to address the final disposition of trees based on the success of transplanting as well as final site planning considerations. This information has not yet been submitted for review. Staff will also do a final review to ensure compliance

with tree planting/replacement ratios based on the conditions of approval prior to final occupancy of the project.

C. SOUND WALL / PERIMETER FENCING

A sound wall previously surrounded the majority of the site. Since September 2011, staff has approved several requests to remove portions of the sound wall and perimeter fencing around the site. In some cases, additional fencing was required to ensure that adequate noise attenuation would still be provided.

IV. ISSUES AND CONCERNS

As construction at the site has progressed over the last eight months, truck operations-related issues have been the primary issue that the Project Environmental Coordinator (PEC) has been dealing with.

The Project Environmental Coordinator (PEC) received 25 neighborhood complaints for the period November 2011 – June 2012. The neighborhood complaints consist of six noise-related, nine dust-related, seven truck operations-related, and three miscellaneous. This averages to approximately three complaints per month.

During the same period, the PEC issued 30 verbal warnings (infractions) and 7 violations. This averaged to approximately four infractions and one violation per month. Eighteen of the 30 infractions, and 6 of the 7 violations, were associated with truck operations. The six truck operations-related violations were issued to six different subcontractors. This is a marked increase in infractions and violations, with the majority occurring in January, February and March 2012.

Refer to the attached PEC summary of all complaints and issues for additional information (Exhibit A). See also the Truck Operations Infractions table included as Exhibit B.

Remedies for Violations

Since the last Planning Commission update in November 2011, the applicant has continued to implement the following measures (with the last measure added in March 2012), in an effort to minimize on-going truck operations-related infractions.

- Follow-up weekly contractor and subcontractor meetings to review project conditions of approval and compliance.
- Revised haul route maps prepared and distributed to subcontractors and trucking companies. The purpose of the revised maps was/is to further clarify the haul route and truck operation restrictions.
- New truck delivery request form provided to each subcontractor.
- New master delivery schedule maintained by contractor.
- Hand held traffic (stop/slow) paddles located at each entrance gate. The paddles are to be used by subcontractors to improve traffic control around the site during delivery of materials.
- Purchase of six two-way radios distributed to employees onsite to assist in monitoring and coordinating truck activity around the perimeter of the site.

- Two permanent full-time perimeter monitors stationed at the north and sound end of Salsipuedes Street to minimize traffic conflicts around the site (first implemented March 26, 2012).

The contractor's contract includes a \$1,000.00 fine for each violation of the noise and trucking hours of operation, and a fine was imposed on the contractor for each of the seven violations (\$7,000.00 total). It is not clear if the fines have had an impact on the contractors' compliance with the truck operations conditions. There have been no repeat offenders, but the issuance of a fine did not correlate with a decrease in infractions. There was a significant increase in infractions in March, although there has been a decrease in infractions over the last two months. Compliance with truck operations conditions has been most affected by the number of trucks coming and going from the site.

V. ANALYSIS

Noise, dust and traffic continue to be the issue areas requiring the most attention by the PEC. The EIR identified these impacts as significant based primarily on the length of the construction period (estimated as 67 weeks in the EIR). The EIR identified the following aspects of construction as having impact levels as noted below:

construction noise	Class I (significant and unavoidable)
noise from construction traffic	Class II (potentially significant, mitigable)
vibration during construction	Class II (potentially significant, mitigable)
dust during construction	Class II (potentially significant, mitigable)
neighborhood parking impact during construction	Class II (potentially significant, mitigable)
construction equipment emissions	Class III (less than significant)
construction traffic	Class III (less than significant)

The majority of the infractions/violations (14 of 30 infractions and 5 of 7 violations) have been of condition of approval H-5 (Construction-Related Truck Trips)¹, which is a standard condition of approval for larger projects, but was not a required or recommended mitigation measure. Construction-related traffic and circulation impacts were determined to be a Class III impact and no mitigation was required or recommended in the EIR. Note that 6 of the 14 infractions and 4 of the 5 violations of condition H-5 were due to trucks arriving prior to 9:00 a.m.

¹ H-5. 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.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways. Queuing of construction vehicles may be allowed in an off-site location outside of residential neighborhoods acceptable to the transportation Operations Engineer.

There were four infractions and one violation of condition H-6 (Construction Related Traffic Routes)². This condition addresses noise (Class I impact) and traffic impacts (Class III impact).

The EIR estimated a total of 16,920 truck trips total for the project, which results in an average of 50 daily trucks during the 67-week construction period. The actual number of daily trucks has ranged from 8-24, with most months averaging 12 truck trips per day. This is significantly less than was anticipated by the EIR; however, the construction period will be nearly twice as long as originally anticipated. This means that the construction project has been less traffic-intensive than anticipated, but stretched out over a longer time period. The percentage of trucks that are receiving infractions is generally 1-2% of the total trucks.

VI. CONCLUSION

Due to the large number of subcontractors currently working on-site, truck operations have been an ongoing issue. The PEC has worked with the contractor to develop procedures/measures to deal with the issue. These measures have had some marginal success, but the tight construction site and lack of on-site areas for deliveries has resulted in ongoing conflicts and the need for increased monitoring to improve compliance with the conditions of approval. However, staff finds that the infractions deal more with adverse neighborhood impacts than significant environmental issues. These adverse neighborhood impacts, related primarily to truck operations, are exacerbated by the long construction period.

Staff finds that the contractor has been in general compliance with the remainder of the conditions of approval.

Exhibit:

- A. Project Monitoring Summary for Bella Riviera (December 2011 to June 2012)
- B. Truck Operations Infractions

² H-6. Truck traffic related to the construction and related traffic controls will be limited to the routes specified by the City and agreed upon during the contractor's detailed noise mitigation plan. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods. Temporary traffic control measures...shall also be used to minimize construction-related traffic conflicts. Truck traffic through residential neighborhoods shall be as limited as possible, subject to approval by the Public Works Director...

Bella Riviera Workforce Homes Project

Project Environmental Coordinator Monitoring Summary (October 15, 2011 to June 29, 2012)

The PEC received 25 neighborhood complaints/concerns during the period October 15, 2011 – June 29, 2012, approximately 8 ½ months. The neighborhood complaints consisted of 6 noise-related, 9 dust-related, 7 truck operations-related, and 3 miscellaneous-related. This averaged to approximately 3 complaints per month.

Since the last Planning Commission construction update, thirty (30) verbal warnings and seven (7) violations were issued to the contractor by the PEC since the last Planning Commission construction update. A \$1,000 fine was imposed on the contractor for each of the seven violations.

Six of the seven violations issued were associated with truck operations. These six violations were not the result of any one particular subcontractor being a repeat offender, but the cumulative effect of all subcontractors working onsite. The other violation was for repeated infractions of subcontractors working past 5:00 p.m., which is prohibited.

As construction activity moved into the development phase of the project, the number of subcontractors working onsite increased significantly. This resulted in a considerable increase in the number of delivery trucks coming and going from the project site, particularly during the months of January, February, and March when most of the infractions/violations occurred. This in turn resulted in several truck operations and traffic control issues/conflicts around the perimeter of the site. In particular, trucks queuing on city streets, delivery trucks arriving early to the project site, and trucks not adhering to the approved haul route.

In a continuing effort to address this ongoing issue with truck operations, an additional procedure/measure was implemented over the last six-plus months to improve truck operations compliance with the project conditions of approval and reduce traffic conflicts around the project site.

The specific additional measure implemented over the last six-plus months was the following:

- Permanent perimeter monitors stationed at the north and south end of Salsipuedes St between Arrellaga St and Micheltorena St to better coordinate truck and vehicle traffic around these areas.

Noise

Complaints/Concerns

Six (6) noise complaints/concerns were received over the last 8 1/2 months (see table below). The six complaints consisted of two associated with delivery trucks arriving early to the project site, three associated with construction crews generating noise prior to 8:00 a.m., and one not associated with activity at the Bella Riviera project site. It should be noted that one of the construction crew noise complaints was associated with Gas Company crews working on Micheltorena Street prior to 8:00 a.m. The Gas Company is not subject to the project conditions of approval. Since the last construction update, one noise-related violation was issued to the contractor for repeated infractions of construction activity occurring outside permitted construction hours.

Noise-related Complaints/Concerns

Date	Name	Concern
11/4/11	Area resident	Consistent vibration at 2 a.m.
1/10/12	Gary Hoffman	Drywall delivery truck arriving early to site.
1/17/12	Gary Hoffman	Concrete truck arriving at 7:00 a.m.
2/27/12	Neighbor	Hammering prior to 8:00 a.m.
3/7/12	Stephen Fountain	Gas Company crews working at 7:30 a.m.
5/7/12	Margaret Bianchi	Construction crews arriving early generating noise.

Infractions

Two (2) verbal warnings and one (1) violation for noise-related infractions were issued since the last construction update (see table below).

Noise-related Infractions

Date	Action	Infraction
10/20/11	Violation Issued	Condition H-10: Construction Hours. Violation issued due to repeated infractions of Condition H-10. Specific infraction: subcontractors working past 5 p.m.
1/16/12	Verbal Warning	Condition H-10: Construction Hours. Delivery truck operating on a City observed holiday.
5/17/12	Verbal Warning	Condition H-10: Construction Hours. Subcontractor working well past 5 p.m.

Dust

Complaints/Concerns

Nine (9) dust-related complaints/concerns were received over the last 8 1/2 months (see table below). This averages to approximately one dust complaint per month. On-site dust control has been very good over the last 8 1/2 months as very little of the site remains undeveloped. The primary dust issue has been associated with vehicle access areas and keeping them watered to minimize dust being raised by truck activity. Seven of the dust-related complaints/concerns were primarily associated with a small area of stockpiled soil near the southeast corner of the site. An adjacent resident expressed concern that the stockpiled soil was not being watered adequately to prevent dust leaving the project site. Despite reassurances that the soil was indeed being watered adequately and a crust had formed on the soil, the adjacent resident was not satisfied and continued to complain that the soil was not being watered enough.

Dust-related Complaints

Date	Name	Concern
10/31/11	Shirley Campbell	Excessive dust deposited on their property.
1/27/12	Shirley Campbell	Dust coming from vehicle access areas.
5/18/12	Stephen Fountain	Inadequate watering of stockpiled soil.
5/23/12	Stephen Fountain	Inadequate watering of stockpiled soil.
5/24/12	Stephen Fountain	Inadequate watering of stockpiled soil.
6/5/12	Stephen Fountain	Inadequate watering of stockpiled soil.
6/20/12	Stephen Fountain	Inadequate watering of soil.
6/22/12	Stephen Fountain	Inadequate watering of stockpiled soil.
6/27/12	Stephen Fountain	Inadequate watering of soil along street.

Infractions

Two (2) verbal warnings were issued over the last 8 1/2 months for dust-related infractions (see table below).

Dust-related Infractions

Date	Action	Infraction
1/27/12	Verbal Warning	Condition H-17: Water Access Areas. Contractor not watering vehicle access roads frequently to reduce visible dust.
2/14/12	Verbal Warning	Condition H-3: Dust Control. Contractor not using wet saw to cut concrete blocks to reduce visible dust.

Erosion Control

Complaints/Concerns

None.

Infractions

Three (3) verbal warnings were issued over the last 8 1/2 months for erosion control-related infractions (see table below).

Erosion Control-related Infractions

Date	Action	Infraction
12/6/11	Verbal Warning	<u>Condition G-4: Erosion Control.</u> No erosion control measures in place for offsite stockpiled soil.
1/13/12	Verbal Warning	<u>Condition H-33: Erosion Control.</u> Rumble plates not installed at all access gates.
3/22/12	Verbal Warning	<u>Condition H-34: Street Sweeping.</u> Dirt tracked offsite onto to streets not cleaned up at end of the day.

Miscellaneous

Complaints/Concerns

Three (3) miscellaneous-related complaints/concerns were received over the last 8 1/2 months (see table below). During reconstruction of the Villa Riviera/Bella Riviera parking lot, 4-5 employees of the Villa Riviera Assisted Living Facility parked on Grand Avenue. However, due to the complaint received, employees were directed to not park on Grand Avenue during the two-week construction period.

Miscellaneous -related Complaints

Date	Name	Concern
11/5/11	Area residents	Temporary fence blown down by wind.
1/12/12	Jan Winford	Villa Riviera employees parking on Grand Avenue.
6/27/12	Jan Winford	Construction workers parking on Grand Avenue.

Infractions

Six (6) miscellaneous-related infractions were issued over the last 8 1/2 months (see table below).

Miscellaneous-related Infractions

Date	Action	Infraction
1/3/12	Verbal Warning	Condition C-4: Tree Protection. No arborist present; trenching within dripline of street tree.
3/13/12	Verbal Warning	Condition H-13: Storage of Materials. Subcontractor using offsite lot to store materials.
3/14/12	Verbal Warning	Condition C-4: Tree Protection. No arborist present; trenching within dripline of street tree.
3/16/12	Verbal Warning	Condition H-16: Construction Parking Workers parking on neighborhood streets.
5/7/12	Verbal Warning	Condition H-24: Soundwall. Removed section of soundwall w/o approval.
6/27/12	Verbal Warning	Condition H-16: Construction Parking Workers parking on Grand Avenue.

Truck Operations

Complaints/Concerns

Seven (7) truck operation-related complaints/concerns were received over the last 8 1/2 months (see table below). This averages to less than one truck operation complaint/concern per month. The primary issue has been trucks arriving early and queuing on City streets, the occasional truck not following the approved haul route, and inadequate traffic control (flaggers, perimeter monitors) in place. It should be noted that due to limited space on site to accommodate large delivery trucks, the contractor requested, and the City approved, offsite unloading of materials at two locations, Arrellaga Street at the cul-de-sac and Salsipuedes Street adjacent to the central site access gate on this street.

Truck Operations-related Complaints

Date	Name	Concern
11/17/11	Gary Hoffman	No traffic control present, private access restricted due to trucks blocking street.
1/5/12	Gary Hoffman	No traffic control present, private access restricted due to trucks blocking street.
1/6/12	1311 Garden Street Resident	High volume of truck activity on Garden Street, debris spilled from trucks.
1/11/12	Gary Hoffman	Concern with the level of truck activity on Arrellaga Street.
5/24/12	Len Van Nostrand	Trucks queuing on Arrellaga St and using private driveway to turnaround.
6/11/12	Len Van Nostrand	Trucks queuing on Arrellaga St and using private driveway to turnaround.
6/27/12	Stephen Fountain	Trucks queuing on Micheltorena St.

Infractions

Eighteen (18) truck operation-related infractions and six (6) violations were issued over the last 8 1/2 months (see table below).

Truck Operations-related Infractions

Date	Action	Infraction
Condition H-5: Truck Operations		
11/17/11	Violation Issued	Condition H-5: Truck Operations. Violation issued due to repeated infractions of Condition H-5. Specific infraction: truck queuing on street, no traffic control.

Date	Action	Infraction
12/1/11	Verbal Warning	<u>Condition H-5: Truck Operations.</u> Truck delivering equipment prior to 9 a.m.
12/20/11	Verbal Warning	<u>Condition H-5: Truck Operations.</u> Truck queuing on Arrellaga St/operating prior to 9 a.m.
12/29/11	Verbal Warning	<u>Condition H-5: Truck Operations.</u> Truck queuing on Micheltorena Street.
1/12/12	Verbal Warning	<u>Condition H-5: Truck Operations.</u> Truck queuing on Micheltorena Street.
1/17/12	Violation Issued	<u>Condition H-5: Truck Operations.</u> Violation issued due to repeated infractions of Condition H-5. Specific infraction: cement truck arriving at site at 7 a.m.
1/30/12	Verbal Warning	<u>Condition H-5: Truck Operations.</u> Delivery truck at site prior to 9:00 a.m.
2/29/12	Verbal Warning	<u>Condition H-5: Truck Operations.</u> Truck queuing on Arrellaga Street and operating prior to 9:00 a.m.
2/29/12	Violation Issued	<u>Condition H-5: Truck Operations.</u> Violation issued due to repeated infractions of Condition H-5. Specific infraction: delivery truck arriving at site prior to 9 a.m.
3/5/12	Verbal Warning	<u>Condition H-5: Truck Operations.</u> Truck queuing on Salsipuedes Street.
3/5/12	Verbal Warning	<u>Condition H-5: Truck Operations.</u> Delivery trucks operating prior to 9 a.m.
3/5/12	Verbal Warning	<u>Condition H-5: Truck Operations.</u> Trucks queuing on Micheltorena Street.
3/5/12	Violation Issued	<u>Condition H-5: Truck Operations.</u> Violation issued due to repeated infractions of Condition H-5. Specific infraction: delivery truck arriving at site prior to 9 a.m.
3/13/12	Verbal Warning	<u>Condition H-5: Truck Operations.</u> Trucks queuing on Micheltorena Street.
3/19/12	Verbal Warning	<u>Condition H-5: Truck Operations.</u> Concrete trucks queuing on Olive Street.
3/23/12	Verbal Warning	<u>Condition H-5: Truck Operations.</u> Truck queuing on Arrellaga Street.
4/18/12	Verbal Warning	<u>Condition H-5: Truck Operations.</u> Delivery truck at site prior to 9 a.m.
5/11/12	Verbal Warning	<u>Condition H-5: Truck Operations.</u>

Date	Action	Infraction
		Truck queuing on California Street.
6/11/12	Violation Issued	Condition H-5: Truck Operations. Violation issued due to repeated infractions of Condition H-5. Specific infraction: delivery truck queuing on Olive Street and operating prior to 9 a.m.
Condition H-6: Haul Route		
1/12/12	Verbal Warning	Condition H-6: Haul Route. Concrete truck not following approved haul route.
1/30/12	Violation Issued	Condition H-6: Haul Route. Violation issued due to repeated infractions of Condition H-6. Specific infraction: Delivery truck not following approved haul route.
3/9/12	Verbal Warning	Condition H-6: Haul Route. No traffic control in place/delivery trucks blocking street.
3/13/12	Verbal Warning	Condition H-6: Haul Route. No traffic control in place/lumber truck blocking street.
6/11/12	Verbal Warning	Condition H-6: Haul Route. No traffic control in place/delivery trucks blocking street.

Truck Operations Infractions

(November 2011 – June 2012)

Month	Working Days*	Total # of Trucks*	Average Daily*	Verbal Warnings	Violations	%age of Trucks (Infractions)
November 2011	20	220	11	0	1	< 1% (1 truck)
December 2011	20	149	8	3	0	2% (3 trucks)
January 2012	20	179	9	4	2	3% (6 trucks)
February 2012	20	254	13	1	1	1% (3 trucks)
March 2012	15	362	24	8	1	2% (9 trucks)
April 2012	21	310	15	1	0	< 1% (1 truck)
May 2012	24	280	12	1	0	< 1% (1 truck)
June 2012	21	285	14	2	1	1% (3 trucks)
TOTAL	161	2,039	13	24	6	

* Data provided by SL Residential

- March 2012 – Final large concrete pour.

NOTE: Project EIR used an average of 50 daily trucks, with 70% using Micheltoarena Street and 30% using Arrellaga Street.

