



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** October 11, 2007  
**AGENDA DATE:** October 18, 2007  
**PROJECT ADDRESS:** 1015, 1021 & 1025 Santa Barbara Street (MST#2006-00224)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Jan Hubbell, AICP, Senior Planner *JMH*  
 Kathleen Kennedy, Associate Planner *KK*

### I. PROJECT DESCRIPTION

The proposed project involves the merger of four parcels, resulting in a 31,310 square foot lot and the construction of a new, three and four-story mixed-use development consisting of 15 residential condominium units (three one-bedroom, six two-bedroom and six three-bedroom units) and two commercial condominium units (one 9,263 square foot unit and one 3,200 square foot unit for a total of 12,463 square feet). Two of the residential units would be restricted for owner-occupied middle-income households and two of the residential units would be live/work units. Each of the live/work units (units 1 and 2) has an entry on Santa Barbara Street and has three bedrooms with the third bedroom being the "flex space" that could be used for a home occupation. Parking would be located within an underground parking structure with 55 parking spaces. The two buildings that currently exist onsite include the Hayward's furniture store, which is a one- and two-story structure and a small one-story building (12' x 28'), currently used as an office. The existing 14,602 square feet (net) of commercial space and 45 existing parking spaces would be demolished. Approximately 12,250 cubic yards of cut would be transported offsite.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Modification of the lot area requirement to allow two bonus density inclusionary units on a lot in the C-2 Zone (SBMC§28.21.080); and
2. Tentative Subdivision Map for a one-lot subdivision to create two commercial condominium units and 15 residential condominium units (SBMC§27.07 and 27.13).

### III. RECOMMENDATION

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 for 1015, 1021 & 1025 Santa Barbara Street**

**APPLICATION DEEMED COMPLETE:** September 24, 2007  
**DATE ACTION REQUIRED PER MAP ACT:** December 5, 2007

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant:	Cearnal Andrulaitis LLP	Property Owner:	Haywards Family Partnership
Parcel Numbers:	029-211-006, -007, -008, & -009	Lot Area:	31,310 square feet (0.72 acres)
General Plan:	Offices, Major Public and Institutional	Zoning:	C-2, Commercial
Existing Use:	Commercial	Topography:	approx. 3%
Adjacent Land Uses:			
North - Commercial		East – Commercial, Parking, Mixed-use	
South – Mixed-use, Commercial		West – Government, Parking	

**B. PROJECT STATISTICS**

<b>Commercial</b>	<b>Existing (net)</b>	<b>Proposed (net)</b>
	Hayward's Building: 14,271 sq. ft.	First floor: 9,263 sq. ft.
	Small building: 331 sq. ft.	Second floor: 3,200 sq. ft.
<b>Total</b>	<b>14,602 sq. ft.</b>	<b>12,463 sq. ft.</b>

<b>Residential</b>	<b># of Bedrooms</b>	<b>Unit Size (net)</b>	<b>Parking</b>
Unit 1 (live/work)	3	2,530 sq. ft.	2-car garage
Unit 2 (live/work)	3	2,566 sq. ft.	2-car garage
Unit 3	1	1,043 sq. ft.	1-car garage
Unit 4 (affordable)	3	1,269 sq. ft.	1 space
Unit 5	1	975 sq. ft.	1-car garage
Unit 6 (affordable)	2	1,005 sq. ft.	1 space
Unit 7	2	2,012 sq. ft.	2-car garage
Unit 8	3	2,302 sq. ft.	2-car garage
Unit 9	2	1,747 sq. ft.	2-car garage
Unit 10	2	1,852 sq. ft.	2-car garage
Unit 11	1	948 sq. ft.	1-car garage
Unit 12	2	1,955 sq. ft.	2-car garage
Unit 13	3	2,816 sq. ft.	2-car garage
Unit 14	2	1,894 sq. ft.	2-car garage
Unit 15	3	3,050 sq. ft.	2-car garage

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front -Interior/ Rear	None None	Varies from 0' to 76' Varies from 0' to 120'	Varies (see plans)
Building Height	60 feet (4 stories)	Varies, one and two stories	Varies from approx. 29' (2 <sup>nd</sup> floor) to 52'-6" (4 <sup>th</sup> floor)
Parking	Commercial: 1 space/ 500 sq. ft. x 5% zone of benefit = 24 Residential: 1 space/ <u>unit = 15</u> Total required: 39	45 spaces	Commercial: 30 <u>Residential: 25</u>  Total: 55 spaces
Lot Area Required for Each Unit (Variable Density)	1-bedrooms: 3 x 1,840 sq. ft. = 5,520 sq. ft.; 2-bedrooms: 6 x 2,320 sq. ft. = 13,920 sq. ft.; 3-bedrooms: 6 x 2,800 <u>sq. ft. = 16,800 sq. ft.</u> Total lot area required: 36,240 sq. ft.	Lot area: 31,310 square feet	Lot area: 31,310 square feet
10% Open Space	3,131 sq. ft.	N/A	>3,131 sq. ft.
Private Outdoor Living Space	Requirement varies depending upon number of bedrooms and location	N/A	Each unit either meets or exceeds the minimum requirement
Lot Coverage -Building -Paving/Driveway -Landscaping	N/A	8,591 sq. ft. 27.4% 16,080 sq. ft. 51.4% <u>6,639 sq. ft. 21.2%</u> 31,310 sq. ft. 100%	19,218 sq. ft. 61.4% 9,959 sq. ft. 31.8% <u>2,133 sq. ft. 6.8%</u> 31,310 sq. ft. 100%

*Lot Area Modification:* The proposed project would meet the C-2, Commercial and R-3, Limited Multiple-family zone requirements with the exception of the required lot area; therefore, a modification has been requested. The variable density provision in the Zoning Ordinance allows 13 residential units (using the proposed bedroom count) on the 31,310 square foot lot. However, the Inclusionary Housing Ordinance requires that, for all projects with 10 or more dwelling units, at least 15% of the total units must be constructed and offered for sale as Inclusionary Units restricted for owner-occupancy by either Middle Income or Upper Middle Income Households. In this case, two

additional middle-income units are required. According to the Inclusionary Housing Ordinance: "An Applicant who elects to satisfy the inclusionary housing requirements of this Chapter by producing owner-occupied Inclusionary Housing units on the site of a Residential Development shall be entitled to a density bonus for the number of Inclusionary Units to be provided on-site, in accordance with the City's density bonus program for owner-occupied units as described in the City's Affordable Housing Policies and Procedures." The way that this allowance is memorialized is by approval of a modification and the proposal is consistent with the Affordable Housing Policies and Procedures.

*Parking:* The proposed project includes 55 underground parking spaces (25 residential and 30 commercial), although only 39 spaces (15 residential and 24 commercial) are required per the Zoning Ordinance. There have been discussions with the Planning Commission and other discretionary bodies about not allowing excess parking for new projects because the extra parking spaces may result in additional traffic. Although these public discussions will continue in the Plan Santa Barbara process, the Planning Commission may consider eliminating the sixteen (16) additional spaces (10 residential and 6 commercial) proposed with this project.

## **VI. ISSUES**

### **A. DESIGN REVIEW**

This project was reviewed by the Historic Landmarks Commission (HLC) on four separate occasions (see Exhibit D-HLC Minutes). Most recently, on May 16, 2007, the HLC stated that the project is generally acceptable; the size, bulk, and scale are acceptable; the following elements of the design are considered commendable: a) the amount of landscaping along Santa Barbara Street, b) the replication of the original Hayward's building, c) the full submersion of the parking below grade and d) the architectural design is sensitive to the requirements of the Historic Landmarks Commission. The motion carried 4/1/2, with one member opposed to the fourth floor. See the environmental review section below for a discussion of the Historic Structures Report accepted by the HLC.

### **B. COMPLIANCE WITH THE GENERAL PLAN**

*Land Use Element:* The project site is located in the Downtown Neighborhood and has a General Plan designation of Offices, Major Public and Institutional. The Downtown area is bounded on the north by Sola Street; on the south by Ortega Street; on the east by Santa Barbara Street; and on the west by De la Vina Street. Since it is the Central Core, the Downtown area is more intensively used than other parts of the City. In addition to its primary function called for in the General Plan as General Commercial and Office Use, the Downtown has been experiencing an increase in mixed-use developments similar to the current proposal.

The residential portion of the mixed-use development would be subject to the density requirements of the R-3 Multiple Family Residence Zone, which allow 12 dwelling units to the acre. The General Plan Land Use and Housing Elements recognize, however, that in zones where variable density standards apply, development may exceed the limit of twelve units per acre without causing an inappropriate increase in the intensity of activities. The proposed project with 15 units would result in a density of approximately 20 units per acre which, based

on the above discussion, would be consistent with the Land Use and Housing Elements of the General Plan.

*Housing Element:* Santa Barbara has very little vacant land for new residential development. Therefore, City housing policies support build out of infill housing units in the City's urban areas. The City's Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. The project would be consistent with the Housing Element as it will contribute 13 market rate and two affordable residential units to the City's existing housing stock.

The Planning Commission has recently expressed concern about the large size of proposed condominium units and in response has established an informal guideline to limit condominium sizes to 85% of the lot area required under variable density. The mix of units in this project includes three one-bedroom, six two-bedroom and six three-bedroom units. All of the one-bedroom units are well under the guideline and all but one of the two-bedroom units (Unit 7) meets this guideline. For the three-bedroom units, only two of the six units meet the guideline, two of which are substantially over the guideline and two are over by less than 200 square feet. Overall, the units average 77% of the variable density lot area requirement.

*Neighborhood Compatibility:* 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 surrounding neighborhood is comprised of a mix of office (both public and private), commercial and mixed-use buildings, with a wide range of heights, including one-, two-, three- and four-story buildings. The proposed project consists of two-, three- and four-story elements with the fourth story being located at the rear of the property. One of the goals of the Urban Design Guidelines is compatibility of new development with the character of the City, the surrounding neighborhood, and adjacent properties. The HLC considers the Urban Design Guidelines in reviewing development proposals. As discussed above, the majority of the HLC is supportive of the site plan, and the size, bulk and scale of the project.

*Circulation Element:* The Circulation Element contains Implementation Strategy 13.1.1 which encourages "the development of projects that combine and locate residential uses near areas of employment and services." The proposed project provides housing as well as additional commercial space in an area that has a variety of commercial enterprises, including markets and restaurants and is, therefore, consistent with this goal.

### **C. ENVIRONMENTAL REVIEW**

*Cultural Resources - Archaeological:* A Phase 1 Archaeological Resources Report, prepared by David Stone, M.A., dated July 2007, was accepted by the HLC on August 8, 2007. The report concluded that the proposed project would not have the potential to result in significant impacts on either prehistoric or historic archaeological resources and that no mitigation measures are required.

*Cultural Resources - Historic Structures:* A Historic Structures Report (HSR) prepared by Shelley Bookspan, Ph.D., dated November 6, 2006, was accepted by the HLC on November

15, 2006. The report concluded that the demolition of the two existing buildings would result in a less than significant impact; however, it was determined that any new structure should include a plaque or integrated feature memorializing the location and history of the Hayward's store, given that Hayward's is the oldest continuously operating family business remaining in Santa Barbara, and that the store has been on the subject site since 1926, and elsewhere in Santa Barbara since 1890. At the direction of the HLC, the applicant has replicated elements of the façade of the original Hayward's building into the proposed project.

The HSR also discussed the potential for an indirect impact on the ability of pedestrians and drivers along Santa Barbara Street to view the roofline and towers of the Santa Barbara County Courthouse, a National Historic Landmark, located north of the site. The existing Hayward's structure is two-stories high and allows good visibility of the Courthouse roofline and tower. The proposed project is mostly three stories, but has a four-story portion at the rear (northwest corner). The adjoining parking lot to the south currently affords relatively open views. Certain sight lines would be lost after construction of the proposed project. The HSR includes a requirement that the applicant should satisfy the City, through the use of computer simulations, massing studies, and/or three-dimensional modeling that the dominance of the Courthouse will be retained and that views of the new structure will not be overly intrusive. In response, the applicant prepared photographic simulations for review by staff and it was determined that the proposed project would not have a significant impact on the Courthouse. Additionally, staff requested photographs of the site from the Courthouse tower, an important public viewing point in the City. Again, staff was satisfied that there would be no significant view impacts. The photographic simulation will be provided at the Planning Commission hearing.

Staff has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15332 (In-fill Development Project) as discussed below. This is an exemption that consists of projects characterized as in-fill development meeting the conditions described below.

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. *With the approval of the lot area modification, the project would be consistent with the general plan designation (Offices, Major Public and Institutional), all applicable general plan policies, the zoning designation (C-2, Commercial), and regulations.*
2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. *The project site consists of four existing parcels equaling 31,310 square feet (0.72 acres) within the City limits and is surrounded by urban uses.*
3. The project site has no value as habitat for endangered, rare, or threatened species. *The existing structures on the site include two commercial buildings and paved parking areas and the site has no value as habitat for endangered, rare, or threatened species.*
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

*Traffic: It has been determined by Transportation Planning staff that the proposed project would not result in a potentially significant traffic impact because the existing uses on the site generate approximately nine a.m. peak hour trips, 28 p.m. peak hour trips, and 142 average daily trips. The proposed project is anticipated to generate approximately 17 a.m. peak hour trips, 42 p.m. peak hour trips, and 420 average daily trips. Therefore, the proposed project is expected to result in the addition of approximately 8 a.m. peak hour trips, 14 p.m. peak hour trips, and 278 average daily trips. These trips were distributed to the existing street network according to the City's practice and no traffic impacts are anticipated. The nearest impacted intersections are Carrillo Street and US 101 Northbound and Garden and Gutierrez Street.*

*Noise: According to the City's Master Environmental Assessment (MEA), the project site is located in an area with a noise contour of less than 60 dBA (decibels).*

*Air Quality: The City uses the Santa Barbara County Air Pollution Control District's (APCD) thresholds of significance for air quality impacts. Based on the APCD's Land Use Screening Table, a project of fifteen (15) residential units and 12,463 square feet of commercial space would not result in significant air quality impacts. The project would involve grading, paving and landscaping activities that could result in short-term dust related impacts. Standard dust control measures are included in the conditions of approval; therefore, no significant air quality effects would result.*

*Water Quality: The project is subject to the City's Storm Water Management Plan. A condition of approval is included that requires the installation of onsite pollution prevention interceptor devices; therefore, the proposed project would not be expected to cause significant impacts to water quality.*

5. The site can be adequately served by all required utilities and public services. All required utilities and public services are available to adequately serve the project.

## **VII. FINDINGS**

The Planning Commission finds the following:

### **A. LOT AREA MODIFICATION (SBMC§28.21.080)**

A Modification of the lot area requirement to allow two bonus density inclusionary units is consistent with the purposes and intent of the Zoning Ordinance to construct housing units which are affordable to middle-income households and is necessary to secure an appropriate improvement on a lot and to meet the requirements of the Inclusionary Housing Ordinance.

### **B. TENTATIVE SUBDIVISION 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. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause

substantial environmental damage, and associated improvements will not cause serious public health problems.

**B. NEW RESIDENTIAL CONDOMINIUM DEVELOPMENT (SBMC§27.13.080)**

1. There is compliance with all provisions of the City's Condominium Ordinance.  
*The project complies with the physical standards for condominiums related to parking, private storage space, utility metering, laundry facilities, density, and private outdoor living space requirements.*
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, Circulation Element and Land Use Element. The project will provide infill residential and commercial 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 and commercial project proposed in an area where mixed-use developments are permitted. 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.*

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated July 24, 2007
- D. HLC Minutes



**PLANNING COMMISSION CONDITIONS OF APPROVAL**

1015, 1021 & 1025 SANTA BARBARA STREET  
MODIFICATION, TENTATIVE SUBDIVISION MAP  
OCTOBER 18, 2007

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. **Recorded 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. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
  3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. 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 HLC, the owner is responsible for its immediate replacement.
  4. **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 Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, 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.

5. **Ownership Unit Affordability Restrictions.** The dwelling units designated as Units 4 and 6 on the Tentative Subdivision Map and project plans shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall be determined by Housing Programs staff based on the City's Affordable Housing Policies and Procedures in effect on the date of project approval by the Planning Commission.  
  
The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.
6. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 18, 2007 is limited to 15 residential condominium units and two commercial condominium units (totaling 12,463 square feet (net)) and the improvements shown on the Tentative Subdivision Map and project plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
7. **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. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
  - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
8. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
  9. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- B. **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. **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.
  3. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project. If the private covenants required have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
  4. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect 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.
  5. **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 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 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.

6. **Public Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on Santa Barbara Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: cracked and/or uplifted sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, asphalt concrete, crack seal to the centerline of the street along entire subject property frontage and a minimum of twenty-feet (20') beyond the limits of all trenching, underground service utilities, City water main including all appurtenances from Carrillo Street to Figueroa Street, connection to City water and sewer mains, install commercial fire hydrant, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of (drainage pipe, curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection (provide off-site storm water BMP plan), etc.), preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs, four (4) new street trees and tree grates per approval of the City Arborist and provide adequate positive drainage from site. Existing private sewer lateral(s) serving the property shall be repaired before new dwelling(s) is occupied. Any existing sewer lateral(s) identified to be abandoned, shall be disconnected at the sewer mainline connection. A licensed plumber shall verify if the property requires a backwater valve. If existing lateral already has a backwater valve, then it shall be inspected. The building plans, drainage calculations and hydrology report shall be prepared by a registered civil engineer. Any work in the public right of way requires a public works permit.
7. **Land Development Agreement.** The Owner shall submit an executed "Agreement for Land Development Improvements," prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
8. **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.

- C. **Design Review.** The following items are subject to the review and approval of the Historic Landmarks Commission (HLC). HLC shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Tree Removal and Relocation.** The four existing King Palm trees shall be removed from the interior of the project site and relocated as Street Trees within tree wells along the Santa Barbara Street frontage per the specifications of the City Arborist.
  2. **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.
- D. **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. **Storm Drain Operation and Maintenance Plan Required.** The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing filters, etc.) for the operation and use of the storm drain system. The Plan shall be approved by the Parks and Recreation Department *Creeks Division*, and Community Development *Building and Safety Division*.
- E. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

2. **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.
  3. **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 Transportation Manager.
  4. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
  5. **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:
    - a. **Initial Sale Price Restrictions.** The dwelling units designated as Unit 4 and 6 on the Tentative Subdivision Map and project plans shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall be determined by Housing Programs staff based on the City's Affordable Housing Policies and Procedures in effect on the date of project approval by the Planning Commission.
    - b. **Resale Restrictions.** The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.
- F. **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 Historic Landmarks Commission.
  2. **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 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 Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

3. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

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

4. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including, at a minimum, an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings, or combustible roof eaves lines unless sprinkler coverage is provided.
5. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
6. **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.

G. **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. **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.
2. **Construction-Related Truck Trips.** 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.
3. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.
5. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
6. **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
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

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

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

7. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
  - a. During construction, free parking spaces for construction workers and construction 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 be permitted for a maximum of five (5) days with a Public Works permit, and as allowed for in the 2006 Greenbook (or latest reference).
8. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur on-site, 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 on-site 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 on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
9. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.

10. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
11. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
12. **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.
13. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
14. **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.
15. **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.

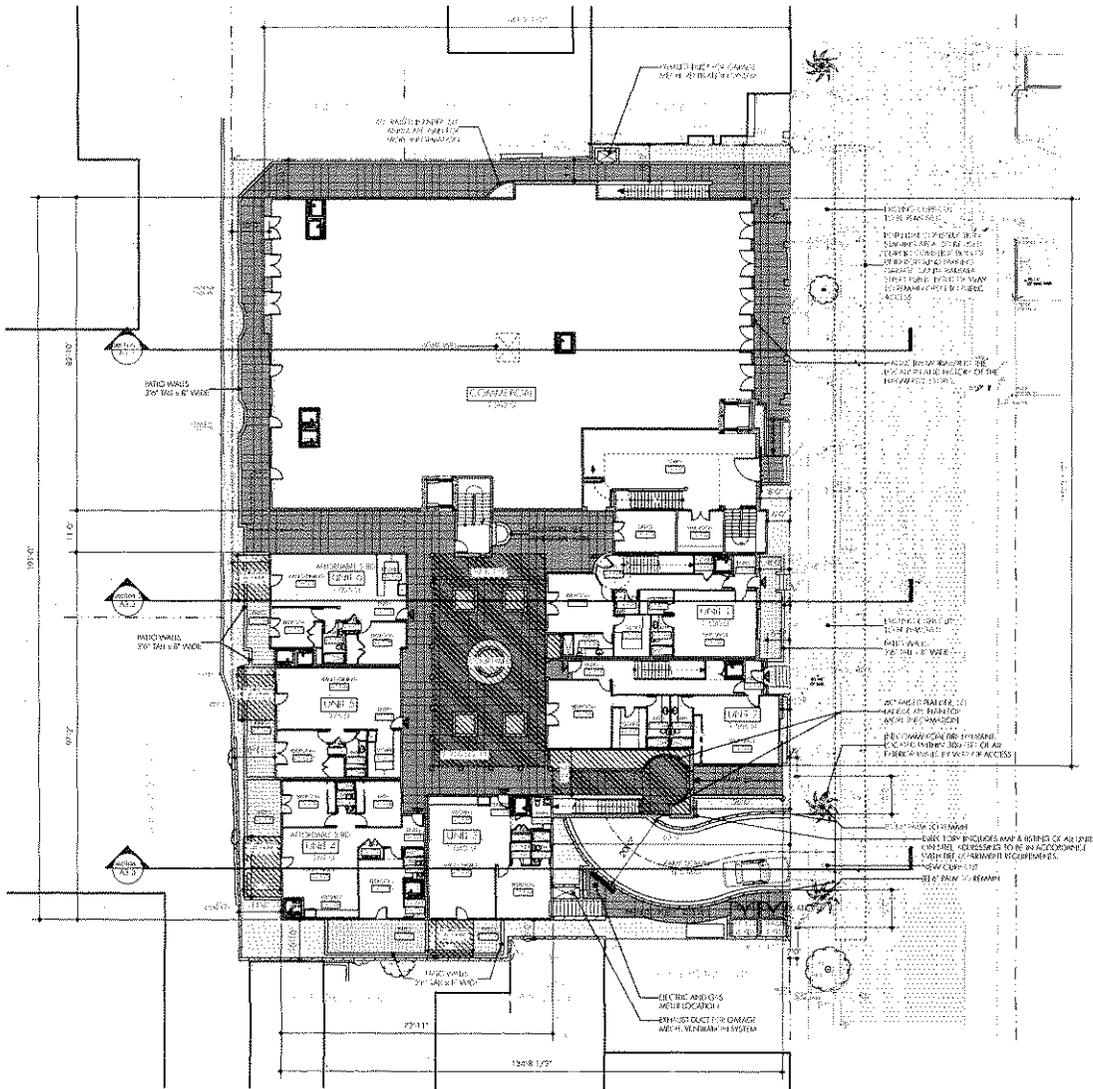
- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review 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/building plans, including utility service undergrounding and installation of street trees.
  3. **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.
  4. **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.
  5. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
  6. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs have been recorded.
  7. **Backwater Valves & Backflow Devices.** Provide approved backwater valves and backflow devices placed on the property side of consumer's domestic water service pursuant to Santa Barbara Municipal Code Section 14.20.120.
- I. **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 TENTATIVE SUBDIVISION MAP TIME LIMITS:**

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



**PROPOSED SITE PLAN**

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



**LEGEND**

PRIVATE OUTDOOR OPEN SPACE (PATIO/BALCONY)

COURTYARD/PEDESTRIAN CIRCULATION

ADDITIONAL OPEN SPACE

25% OF TOTAL GROSS AREA

PROJECT ONE: 31,310 SF x 10% = 3,131 SF

PROJECT TWO: 31,310 SF x 10% = 3,131 SF

PROJECT THREE: 31,310 SF x 10% = 3,131 SF

PROJECT FOUR: 31,310 SF x 10% = 3,131 SF

PROJECT FIVE: 31,310 SF x 10% = 3,131 SF

PROJECT SIX: 31,310 SF x 10% = 3,131 SF

PROJECT SEVEN: 31,310 SF x 10% = 3,131 SF

PROJECT EIGHT: 31,310 SF x 10% = 3,131 SF

PROJECT NINE: 31,310 SF x 10% = 3,131 SF

PROJECT TEN: 31,310 SF x 10% = 3,131 SF

PROJECT ELEVEN: 31,310 SF x 10% = 3,131 SF

PROJECT TWELVE: 31,310 SF x 10% = 3,131 SF

PROJECT THIRTEEN: 31,310 SF x 10% = 3,131 SF

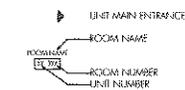
PROJECT FOURTEEN: 31,310 SF x 10% = 3,131 SF

PROJECT FIFTEEN: 31,310 SF x 10% = 3,131 SF

PROJECT SIXTEEN: 31,310 SF x 10% = 3,131 SF

PROJECT SEVENTEEN: 31,310 SF x 10% = 3,131 SF

PROJECT EIGHTEEN: 31,310 SF x 10% = 3,131 SF







CEARNAL ANDRULAITIS LLP  
ARCHITECTURE & INTERIOR DESIGN

July 24, 2007

**RECEIVED**

JUL 24 2007

City of Santa Barbara  
Planning Commission  
c/o Planning Division  
630 Garden Street  
Santa Barbara CA 93101

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

Re: 1015-1025 Santa Barbara Street  
Proposed Development  
MST#2006-00224

Members of the Planning Commission:

We are pleased to submit for your review and approval the development of 1015-1025 Santa Barbara Street. The proposed project involves the demolition of the two existing buildings and the construction of a new mixed-use complex of 12,463 square feet commercial and 15 residential units, including 2 affordable, along with an entirely underground parking garage. The new commercial uses and 2 live/work units front onto Santa Barbara Street, while the remaining residential units are arranged around pedestrian courtyards, which are internal to the site.

The following City's Applications/Approvals are requested for the proposed development:

- Tentative Subdivision Map (TSM) for Residential and Commercial Condominium purposes
- Lot area modification to allow a bonus density for the two affordable units.
- Design Review, Phase I Archaeological Resources Report Review, and Historic Structures Report Review by the Historic Landmarks Commission for the proposed development.

**Existing Site Conditions:**

The project site is located at 1015-1025 Santa Barbara Street (APN 029-211-06, 029-211-07, 029-211-08, 029-211-09) in the C-2 Zone and is 31,310 square feet (0.72 acres). Adjacent surrounding parcels are zoned C-2 as well. The site contains two existing commercial buildings, totaling 14,602 square feet, and a surface parking lot containing 45 parking spaces. The current use on the site is the Hayward's Furniture store and a small salon. There are no trees of any significance on either of the parcels. There are no existing or proposed designated trails or easements traversing the project site, nor is the site located adjacent to a creek or other watercourse.

**EXHIBIT C**

### Project Description:

The project proposes to demolish the two existing buildings and the 45 surface parking lot. New construction would include an entirely underground parking garage, "replacement" commercial floor area of 12,463 square feet and 15 new residential units totaling 29,538 square feet, of which 2 are proposed as affordable per city guidelines. The residential units provide a variety of housing opportunities with a diverse mix of types and sizes, including 3 one-bedrooms, 6 two-bedrooms and 6 three-bedrooms. The underground parking garage is 26,425 square feet with 55 spaces and includes 3 accessible spaces, 13 private garages, 10 secure bicycle parking spaces, and 2 private storage units (300+ cu. ft. each). The proposed project involves approximately 12,250 cubic yards of cut in order to construct the underground parking garage. The cut will be exported to a receiving site.

The project is in a 5% zone of benefit and is mixed-use, so the parking ordinance requirement is only 39 spaces. Because it made structural sense to allow the underground parking area to act as the structural base for the new construction, and in order to provide parking available to the commercial space of the proposed project equivalent to that provided today, the project exceeds the parking ordinance requirement by 16 spaces.

Each proposed unit exceeds its required private outdoor open space and the 10% common open space requirement is exceeded within the main courtyard spaces.

The proposed project does not involve the creation of smoke or odors, the creation of new noise sources, or the use or disposal of any hazardous materials. New exterior lighting is proposed at all exterior doors and at the main entrances to the commercial spaces. Fixtures are to be traditional fluorescent and/or incandescent, mounted directly on the building, no higher than 8' above the finish floor.

### Description of demolition and construction activity:

- Estimated duration of demolition: 1 month
- Estimated duration of grading: 3 months
- Estimated duration of construction activity: 18 months
- Number of workers and number/type of equipment necessary for each phase of demolition, grading, and construction:
  - Demolition: concrete saw, crawler, excavator, rubber-tired dozer, rubber-tired loader, skid-steer loader, tractor/loader/backhoe; estimated # of workers: 10
  - Grading: bore-drill rig, crawler, excavator, grader, rubber-tired dozer, rubber-tired loader, tractor/loader/backhoe; estimated # of workers: 7
  - Construction: concrete saw, crane, rough terrain forklift, rubber-tired dozer, rubber-tired loader, skid steer loader, tractor/loader/backhoe, misc. hand tools; estimated # of workers: 20-25

- Identify equipment and construction materials staging are(s): Potential construction staging area will be located in the parking lane along Santa Barbara Street during the construction of the underground parking structure. Once the underground parking structure is complete, construction staging will be moved on site. Construction of the buildings above the parking structure will be phased in order to allow the staging area to remain on site.

#### Modifications:

The only modification being requested is a lot area modification to allow a bonus density for the 2 affordable units.

#### Conclusion:

The project was conceptually reviewed by the Historic Landmarks Commission on November 1, 2006, November 15, 2006, December 13, 2006 and May 16, 2007 and received very favorable comments (see enclosed). The comments from the Development Application Review Team (DART) letter dated June 1, 2007 and our responses are included as part of this application. A Phase 1 Archaeological Resources Report has been prepared and is included as part of this application as well.

We believe this is an exemplary mixed-use redevelopment project that will integrate into the existing fabric of the downtown and eliminate a large surface parking lot. It will create a vibrant anchor of residential and commercial uses within the downtown. The project has been designed to be perceived as a 1 and 2 story building from Santa Barbara Street, with the 3 story portions set back from the street. A small 4<sup>th</sup> floor of 1,399 square feet occupies only 4% of the site area. We look forward to the opportunity to review this project with you and look forward to your support and approval.

Respectfully,



Brian Cearnal, AIA  
Partner  
*Cearnal Andrulaitis, LLP*

Attachment

cc.: Fred Hayward  
Hugh Hayward  
Joan Hayward  
Steve Wang, Penfield & Smith  
Phil Suding, Suding Design Landscape Architects



**HISTORIC STRUCTURES REPORT**

4. 1025 SANTA BARBARA ST C-2 Zone  
 (3:25) Assessor's Parcel Number: 029-211-007  
 Application Number: MST2006-00224  
 Owner: Haywards Family Partnership  
 Architect: Cearnal Andrulaitis Architects

(Proposal to demolish 15,371 square feet of existing commercial buildings, demolish surface parking with 45 spaces and construct a new, four-story mixed-use project with 27,145 square feet of underground parking including 66 covered parking spaces, 14,168 square feet of commercial space and 25,419 square feet of one, two and three bedroom condominium units (15 units total) on four separate parcels (APNs 029-211-006, -007, -008, and -009) totaling 31,310 square feet. Two of the condominium units would be affordable. Approximately 10,000 cubic yards of grading excavation is proposed as a part of this project. Planning Commission approval will be required for a Tentative Subdivision Map, a modification of the 10% open space requirement, and a modification of the lot area requirements to allow two over-density units.)

**(Review of Historic Structures/Sites Report prepared by Shelley Bookspan.)**

Present: Brian Cearnal, Architect  
 Shelley Bookspan, Architectural Historian  
 Hugh Hayward, Owner

Staff comment: Jake Jacobus, Associate Planner/Urban Historian, stated that the report concludes that the two buildings that would be demolished and replaced with new construction are not historically significant, mainly due to alterations and lack of integrity. It does find that there is some interest with the association of the Hayward family and recommends that a commemorative plaque be provided. The project will be reviewed, including photograph simulations, after the HSR is considered. If the HLC has any issues with the actual design, it will need to be discussed during the concept review. If HLC approves the report, it is agreeing that the buildings are not historically significant. Staff is concerned with the view from the courthouse since it is a Landmark.

Straw votes: How many of the Commissioners would agree with page 9, paragraph h, as written where it states that neither structure is a significant visual feature in the neighborhood? 2/4/0.

How many of the Commissioners would want to have the report reworded that this is a significant visual feature of the neighborhood? 2/2/2. (The Commission did not have a consensus on this issue.)

Public comment opened at 3:40 p.m.

Mr. Kellam De Forest, resident, requested that the Commission continue the review of this report in two weeks and that the current façade be retained because it has been there so long that it has become part of the Santa Barbara streetscape.

Public comment closed at 3:42 p.m.

Motion: Continued two weeks with the following comments: 1) The writer of the Historic Structures Report should make the following changes to the report: a) On page 10, the second paragraph should be recomposed separating the significance of the building itself and the significance of the family on the site, indicating that the site has a Structure of Merit status and that the building itself does not. b) Additional family history should be incorporated into the report, particularly as to the family's association to the site. 2) The Commission approves the mitigation measure requested for the memorialization of the Hayward family. 3) The Commission disagrees with the assessment of impact described on page 11.

Action: Boucher/Pujo, 7/0/0. (Suding stepped down. Hsu absent.) Motion carried.

### CONCEPT REVIEW - NEW

#### 5. 1025 SANTA BARBARA ST

C-2 Zone

(3:49) Assessor's Parcel Number: 029-211-007  
 Application Number: MST2006-00224  
 Owner: Haywards Family Partnership  
 Architect: Cearnal Andrulaitis Architects

(Proposal to demolish 15,371 square feet of existing commercial buildings, demolish surface parking with 45 spaces and construct a new, four-story mixed-use project with 27,145 square feet of underground parking including 66 covered parking spaces, 14,168 square feet of commercial space and 25,419 square feet of one, two and three bedroom condominium units (15 units total) on four separate parcels (APNs 029-211-006, -007, -008, and -009) totaling 31,310 square feet. Two of the condominium units would be affordable. Approximately 10,000 cubic yards of grading excavation is proposed as a part of this project. Planning Commission approval will be required for a Tentative Subdivision Map, a modification of the 10% open space requirement, and a modification of the lot area requirements to allow two over-density units.)

### **(PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL.)**

Present: Brian Cearnal, Architect  
 Shelley Bookspan, Architectural Historian  
 Hugh Hayward, Owner

Public comment opened at 4:04 p.m.

Mr. Kellam De Forest, resident, commented that it appears the Wells Fargo building is the only three-story building on the block and requested that a simulation be provided of what the structure would look like when viewed from the Culligan building and the courthouse tower.

Public comment closed at 4:05 p.m.

Motion: Continued two weeks with the following comments: 1) The Commission is concerned about the size, bulk and scale. 2) There is concern about the fourth floor. 3) Applicant should incorporate more landscape at the street's edge, the perimeter, and courtyard. 4) Perhaps this is the one building in town that does not need a tower, and definitely not two of them. 5) Applicant should provide a photo montage or drawing of the street elevations found on the block. 6) The Commission waives the requirement for story poles at this time.

Action: Pujo/Boucher, 7/0/0. (Suding stepped down. Hsu absent.)

## HISTORIC STRUCTURES REPORT

6. 227 E PUEBLO ST

E-1 Zone

(4:28) Assessor's Parcel Number: 025-132-009  
 Application Number: MST2006-00429  
 Owner: Lori Smyth  
 Architect: Tom Meaney

(This structure is City Landmark-worthy: Gansl House. Proposal to remove 4,445 square feet of hardscape walkways, patios and pool deck and install 2,750 square feet of new landscaping in the rear yard. Also proposed is to remodel the existing swimming pool, construct a 170 square foot open air cabana with fireplace, and a 540 square foot three-car carport with realigned driveway. This 25,000 square foot parcel is currently developed with a 5,000 square foot two-story single-family residence, an 800 square foot swimming pool, and an 890 square foot detached accessory structure. A modification is requested to legalize an existing accessory structure which exceeds 500 square feet.)

**(Review of addendum to Historic Structures/Sites Report prepared by Fermina Murray, Consulting Historian.)**

Present: Lori Smyth, Owner  
 Fermina Murray, Historian  
 Justin Storck, Representing Tom Meaney, Architect

Staff comment: Jake Jacobus, Associate Planner/Urban Historian, stated that the building was earlier identified as being landmark-worthy. Staff has read the report and agrees with its findings and recommendations.

Motion: The Commission accepts the report.

Action: Boucher/Hausz, 6/0/0. (Murray/Rager stepped down. Hsu absent.) Motion carried.

**REVIEW AFTER FINAL**

## 10. 1221 ANACAPA ST

C-2 Zone

(5:18) Assessor's Parcel Number: 039-183-034  
 Application Number: MST2003-00908  
 Owner: City of Santa Barbara  
 Applicant: John Schoof  
 Agent: Heather Horne  
 Architect: Henry Lenny

(This is a revised project. The proposal is to construct a new parking structure composed of two floors below grade and four floors above grade. The project would provide approximately 575 parking stalls and would include approximately 10,000 square feet of staff offices, a bicycle parking station and public restrooms in Parking Lot No. 6, located at the rear of the Granada Theater building.)

**(Request to change landscaping in Anacapa Street parkway strip from eight Brisbane Box trees to three King Palm trees.)**

Present: Browning Allen, Transportation Manager  
 Tully Clifford, Supervising Transportation Engineer  
 Dion Tait, Parking Supervisor

Motion: Continued four weeks with the comment that the applicant shall study a substitute proposal for foliage somewhere along the Anacapa Street elevation of the building, but there is not to be less foliage than what was originally approved as the mitigating screening measure of the project.

Action: Hsu/Hausz, 8/0/0. (Suding stepped down.) Motion carried.

**HISTORIC STRUCTURES REPORT**

## 11. 1025 SANTA BARBARA ST

C-2 Zone

(5:37) Assessor's Parcel Number: 029-211-007  
 Application Number: MST2006-00224  
 Owner: Haywards Family Partnership  
 Architect: Cearnal Andrulaitis Architects

(Proposal to demolish 15,371 square feet of existing commercial buildings, demolish surface parking with 45 spaces and construct a new, four-story mixed-use project with 27,145 square feet of underground parking including 66 covered parking spaces, 14,168 square feet of commercial space and 25,419 square feet of one, two and three bedroom condominium units (15 units total) on four separate parcels (APNs 029-211-006, -007, -008, and -009) totaling 31,310 square feet. Two of the condominium units would be affordable. Approximately 10,000 cubic yards of grading excavation is proposed as a part of this project. Planning Commission approval will be required for a Tentative Subdivision Map, a modification of the 10% open space requirement, and a modification of the lot area requirements to allow two over-density units.)

**(Review of revised Historic Structures/Sites Report prepared by Shelley Bookspan.)**

Present: Shelley Bookspan, Historian  
 Brian Cearnal, Architect  
 Hugh Hayward, Owner

Staff comment: Jake Jacobus, Associate Planner/Urban Historian, stated that only the revised text was provided for the Commissioners so as to not waste paper by reprinting the entire Historic Structures Report.

Public comment opened at 5:37 p.m.

Mr. Kellam De Forest, local resident, stated he was very pleased with the inclusion of a 1940 photograph of the building's façade and the expanded Historic Structures Report, which provided significantly more historical information. He also commented that the report still does not address the building architect. Mr. Jacobus responded that sometimes it is difficult to determine the architect or the date when a building was built because in the 1950s the records of anything built before the 1925 earthquake were purged.

Public comment closed at 5:39 p.m.

Motion: The Commission accepts the report.

Action: Boucher/Pujo, 7/1/0. (Rager opposed due to her disagreement with some of the statements in the report. Hsu absent.) Motion carried.

### **CONCEPT REVIEW - CONTINUED**

12. 1025 SANTA BARBARA ST

C-2 Zone

(5:41) Assessor's Parcel Number: 029-211-007  
Application Number: MST2006-00224  
Owner: Haywards Family Partnership  
Architect: Cearnal Andrulaitis Architects

(Proposal to demolish 15,371 square feet of existing commercial buildings, demolish surface parking with 45 spaces and construct a new, four-story mixed-use project with 27,145 square feet of underground parking including 66 covered parking spaces, 14,168 square feet of commercial space and 25,419 square feet of one, two and three bedroom condominium units (15 units total) on four separate parcels (APNs 029-211-006, -007, -008, and -009) totaling 31,310 square feet. Two of the condominium units would be affordable. Approximately 10,000 cubic yards of grading excavation is proposed as a part of this project. Planning Commission approval will be required for a Tentative Subdivision Map, a modification of the 10% open space requirement, and a modification of the lot area requirements to allow two over-density units.)

**(Second Concept Review.)**

**(PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL.)**

Present: Brian Cearnal, Architect  
Hugh Hayward, Owner  
Shelley Bookspan, Historian

Public comment opened at 5:49 p.m.

Mary Louise Days, local resident, commented that there are improvements, but urged caution in the use of four story sections. She stated that the views are affected from Carrillo, Santa Barbara and Anacapa Streets that are only a few feet from the courthouse. She also encouraged further landscape setbacks from Santa Barbara Street.

Mr. Kellam De Forest, local resident, requested that, as a tribute to the oldest retail business in the City, the architect replicate the arch façade of the original Hayward's. He also commented that the proposed building height and massing impinge on the courthouse.

Public comment closed at 5:51 p.m.

Straw votes: How many Commissioners would agree to incorporate the elevation of the old Hayward's building? 7/1/0. (Naylor opposed.)

How many Commissioners would support the fourth floor as presented? 2/5/1. (Naylor abstained.)

Motion: Continued four weeks with the following comments: 1) At least one Commissioner appreciates the elimination of the tower. 2) The parking garage entrance layout is brilliant. 3) Incorporate the elevation of the old Hayward's building. 4) Provide more study of the fourth floor.

Action: Boucher/Pujo, 8/0/0. (Hsu absent.) Motion carried.

### PRELIMINARY REVIEW

13. 2300 GARDEN ST

E-1 Zone

(6:00) Assessor's Parcel Number: 025-140-018  
 Application Number: MST2006-00311  
 Owner: SRS Garden Street, LLC  
 Applicant: Mary Rose & Associates  
 Architect: Machin & Mead  
 Contractor: Plant Construction

(This structure is on the City's List of Potential Historic Resources. Proposed upgrade of site utilities including electrical, gas, and plumbing comprised of trenchwork on existing roadways and in front of the main building, new transformer on concrete pad, new switchgear, and four new fire hydrants. Accessibility improvements will be in conformance with current California Building Code to be implemented in phases related to building upgrades under separate permits. Some parking spaces are proposed to be either slightly shifted or relocated to accommodate accessibility route.)

### **(PROJECT REQUIRES HISTORIC RESOURCE FINDINGS.)**

Present: Mary Rose, Applicant  
 Sarah McBarnette, Lighting Consultant  
 Chad Robert, Exteriors Landscape  
 George Machin, Machin & Mead  
 Carson Wollert, MNS Engineers

**Motion:** Continued to January 10, 2007, back to the Full Board with the following comments: 1) The character, placement, and size of the restroom building are not acceptable. Study use of adjacent space for the restroom function. 2) Retain the planar quality of the existing lawn. Minimize berming against the pool. 3) Study the stairs from the pool deck to the terrace. 4) At least two Commissioners cannot support this proposal.

**Action:** Pujjo/Hausz, 6/3/0. Motion Carried. (Naylor, La Voie, Boucher opposed.)

**\*\* THE BOARD RECESSED FROM 5:44 P.M. TO 6:02 P.M. \*\***

**CONCEPT REVIEW - CONTINUED**

12. 1025 SANTA BARBARA ST

C-2 Zone

(6:02) Assessor's Parcel Number: 029-211-007  
 Application Number: MST2006-00224  
 Owner: Haywards Family Partnership  
 Architect: Cearnal Andrulaitis Architects

(Proposal to demolish 15,371 square feet of existing commercial buildings, demolish surface parking with 45 spaces and construct a new, four-story mixed-use project with 27,145 square feet of underground parking including 66 covered parking spaces, 14,168 square feet of commercial space and 25,419 square feet of one, two and three bedroom condominium units (15 units total) on four separate parcels (APNs 029-211-006, -007, -008, and -009) totaling 31,310 square feet. Two of the condominium units would be affordable. Approximately 10,000 cubic yards of grading excavation is proposed as a part of this project. Planning Commission approval will be required for a Tentative Subdivision Map, a modification of the 10% open space requirement, and a modification of the lot area requirements to allow two over-density units.)

**(Third Concept Review.)**

**(PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL.)**

Present: Brian Cearnal, Architect.

Public comment opened at 6:13 p.m.

Kellam De Forest, resident, stated that the project is better, but looks like it might be competing with the County Court House. Mr. De Forest suggested planting shade trees.

Chair Suding read into the record comments from Robert Maxim, resident, stating that the building is bulky and too tall. Mr. Maxim requested consideration of the visual aspects of the Courthouse as approaching Santa Barbara Street from the south.

Public comment closed at 6:17 p.m.

**Motion:** Continued indefinitely to the Planning Commission with the following comments: 1) The east elevation is at a good Santa Barbara scale. 2) The fourth-floor east, north and south elevations need more romance and traditional detailing. 3) Retain all landscape areas, particularly the areas behind the sidewalk on Santa Barbara Street. 4) The mass, bulk, and scale are appropriate; however, the Commission reserves the right to finesse the mass, bulk, and scale at a later time when the elevations are developed at a larger graphic scale.

Action: La Voie/Murray, 4/3/0. Motion carried. (Hsu, Naylor, and Pujo opposed due to lack of uniformity and in fairness toward all applicants. Boucher/Hausz absent.)

**Motion: To withdraw the previous motion.**

Action: La Voie/Murray 7/0/0. Motion carried. (Boucher/Hausz absent.)

**Substitute**

**Motion: Continued indefinitely back to the Full Board with the following comments: 1) The applicant is to provide larger scale elevations and a complete conceptual landscape plan after DART application. 2) The east elevation is at an appropriate Santa Barbara scale. 3) The fourth floor east, north and south elevations need more romance and traditional detailing. 4) Retain all landscape areas, particularly behind the sidewalk on Santa Barbara Street. 5) The mass, bulk and scale are generally acceptable.**

Action: La Voie/Pujo 7/0/0. Motion carried. (Boucher/Hausz absent.)

### CONCEPT REVIEW - CONTINUED

13. 222 W ALAMAR AVE R-3/SD-2 Zone  
 (6:48) Assessor's Parcel Number: 051-213-008  
 Application Number: MST2006-00318  
 Owner: Kevin Fewell  
 Applicant: Jim Donohoe  
 Architect: On Design Architecture and Planning

(This structure is on the City's List of Potential Historic Resources: "McKain Residence." Proposal to demolish an existing 1,486 square foot single-family residence and detached 220 square foot garage and construct three new condominium units totaling 2,627 square feet. Five parking spaces will be provided in three attached garages totaling 1,070 square feet. This approximately 6,000 square foot parcel is located outside of El Pueblo Viejo Landmark District. Staff Hearing officer approval will be required for a front yard setback modification.)

**(Second Concept Review. Note: Historic Structures/Sites Report accepted by Historic Landmarks Commission on November 11, 2004, under MST2004-00741.)**

**(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL OF A FRONT YARD SETBACK MODIFICATION.)**

Present: Justin Van Mullem, Architect.

**Motion: Continued indefinitely to Staff Hearing Officer with the following comments: 1) The site plan is still ingenious. 2) The Commission appreciates the open space that is now on the first floor level. 3) The Commission still supports the modification for the reduction in parking spaces, and setback. 4) Continue to study the surface materials of the driveway. 5) Study moving the Unit A and Unit C trash enclosures so the porches can be larger and perhaps turn the corner. 6) Resolve the entrance delineation to Unit B. 7) Carve out as much of the driveway for landscape as possible. 8) The majority of the Commission felt that the American Gothic style should be simplified, with less ornamentation and decoration, in a more folk style to capture the charm of the existing building. 9) Use a horizontal siding and composition roof. At least one Commissioner supports the metal standing seam roofing. 10) Study the fenestration on all elevations.**

Action: Hsu/Pujo, 9/0/0. Motion carried. (Boucher/Hausz absent.)

**CONCEPT REVIEW - CONTINUED**

9. 1025 SANTA BARBARA ST C-2 Zone  
 (4:11) Assessor's Parcel Number: 029-211-007  
 Application Number: MST2006-00224  
 Owner: Haywards Family Partnership  
 Architect: Cearnal Andrulaitis Architects

(Proposal to demolish 14,602 square feet of existing commercial buildings, demolish surface parking with 45 spaces and construct a new, four-story mixed-use project with 26,383 square feet of underground parking, 12,397 square feet of commercial space and 29,572 square feet of one, two and three bedroom condominium units (15 units total) on four separate parcels (APNs 029-211-006, -007, -008, and -009) totaling 31,310 square feet. Two of the condominium units would be affordable. Approximately 12,250 cubic yards of grading excavation is proposed as a part of this project. Planning Commission approval will be required for a Tentative Subdivision Map and a modification of the lot area requirements to allow two over-density units.)

**(Fourth Concept Review.)****(PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL.)**

Present: Brian Cearnal and Jeff Hornbuckle, Cearnal Andrulaitis Architects  
 Hugh Hayward, Owner

Public comment opened at 4:29 p.m.

Kellam De Forest, local resident, inquired about the HLC's perview in preventing buildings with elements over 40 feet to be approved, especially in El Pueblo Viejo District. He considered a fourth floor for this project unacceptable. Chair La Voie responded that, until the Zoning Ordinance is amended, the HLC cannot force a maximum 40 foot building height for proposed projects.

Public comment closed at 4:30 p.m.

**Motion:** Continued indefinitely with the following comments: 1) The project is generally acceptable. 2) The size, bulk, and scale are acceptable. 3) **Following are elements of the design considered commendable:** a) The amount of landscape along Santa Barbara Street. b) The replication of the original Hayward's building. c) The full submersion of the parking below grade. d) The architectural design sensitive to the requirements of the Historic Landmarks Commission.

**Action:** Pujo/Naylor, 4/1/2. (Boucher opposed because she did not agree with placing a fourth floor in this location. Adams/Sharpe abstained. Hausz absent.) Motion carried.

