



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: June 4, 2009
AGENDA DATE: June 11, 2009
PROJECT ADDRESS: 203 Chapala Street (MST2007-00634)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Daniel Gullett, Associate Planner *DGC*

I. PROJECT DESCRIPTION

The project consists of demolition of 9,909 sf of an existing 11,211 sf commercial building, and construction of a 12,166 sf addition, resulting in 13,468 sf of residential floor area on the 20,553 sf parcel. The building would change from commercial to residential use with seven new residential condominiums (four 3-bedroom and three 2-bedroom units). The maximum building height would be 33 feet. Sixteen parking spaces would be provided by seven private garages (total garage area of 2,641 sf), two carports, and two uncovered guest parking spaces.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Modification to allow a portion of the existing building to remain within the front setback on Yanonali Street (SBMC Subsection 28.21.060.A.2.a and §28.92.100.A);
2. Modification to allow the accessible access aisle encroach into the ten foot front setback on Los Aguajes Avenue (SBMC Subsection 28.21.060.A.3 and §28.92.100.A);
3. Modification to allow the second story of the building to encroach four feet into the ten foot rear setback (SBMC Subsection 28.21.060.C.2 and §28.92.100.A);
4. Coastal Development Permit (CDP2009-00007) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060); and
5. Tentative Subdivision Map for a one-lot subdivision to create seven residential condominium units (SBMC Chapters 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 and Local Coastal Plan. In addition, the size and massing of the project are consistent



Figure 2: Aerial Photo

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Cearnal Andrulaitis, LLP	Property Owner: Richard Sanders Investments
Parcel Number: 033-041-001	Lot Area: 20,553 sf
General Plan: Hotel & Residential	Zoning: R-4/SD-3
Existing Use: Commercial	Topography: Relatively flat – 2% slope
Adjacent Land Uses:	
North – Mission Creek and Depot Park	East – Youth Hostel
South – Single- & Multiple-family residences	West – Apartment building

B. PROJECT STATISTICS

	# of Bedrooms	Net Area (sf)	Gross Area (sf)
Unit 1	3	1,774 sf	1,944 sf
Unit 2	3	2,140 sf	2,251 sf
Unit 3	3	1,729 sf	1,841 sf
Unit 4	3	1,761 sf	1,874 sf
Unit 5	2	1,569 sf	1,717 sf
Unit 6	2	1,602 sf	1,741 sf
Unit 7	2	1,592 sf	1,717 sf

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front (1 st & 2 nd stories)			
Chapala	10 ft	11.5 ft	11.5 ft
Yanonali	10 ft	1.5 ft	1.5 ft*
Los Aguajes	10 ft	42 ft	13 ft
-Front (3 rd story)			
Chapala	20 ft	n/a	130 ft
Yanonali	20 ft	n/a	25 ft
Los Aguajes	20 ft	n/a	53 ft
-Front (parking)			
Chapala	10 ft	n/a	56 ft
Yanonali	10 ft	n/a	36 ft
Los Aguajes	10 ft	~2 ft	4 ft*
-Rear (2+ story)			
1 st story	6 ft	0 ft	6 ft 2 in
2+ story	10 ft	n/a	6 ft 2 in*
Building Height	45 ft	?	33 ft
Parking (residents)	14 spaces (2/unit)	n/a	14 spaces
Parking (guests)	1 space/4 units=1.75, rounds to 2 spaces	n/a	2 spaces
Lot Area Required (Variable Density)	2-bedroom: 2,320 sf 3-bedroom: 2,800 sf 3(2,320) + 4(2,800)= 18,160 sf	n/a	20,553 sf (2,393 sf > min variable density requirement)
Outdoor Living Space	2-br unit (2+ story): 84 sf 3-br unit (ground): 160 sf 3-br unit (2+ story): 96 sf	n/a	2-br unit (2+ story): 84 sf 3-br unit (ground): 160 sf 3-br unit (2+ story): 96 sf
-Open Space	10% of net lot area	n/a	10% of net lot area
-Common Open Area	15ft x 15ft	n/a	15ft x 15ft
Lot Coverage			
-Building	n/a	11,600 sf 56%	8,750 sf 43%
-Paving/Driveway	n/a	4,696 sf 23%	5,423 sf 26%
-Landscaping	n/a	4,257 sf 21%	6,380 sf 31%

*Requires zoning modification

The proposed project would meet the requirements of the R-4 and SD-3 Zones, with the exception of the front and rear setbacks. A discussion of each requested modification follows.

Front Setback Modification on Yanonali Street

The Zoning Ordinance states that nonconforming buildings may be maintained, improved or altered only when improvements do not change the use of the building (SBMC §28.87.030.D). Since the use of the building would change from commercial to residential, a modification is required.

This property is currently located in the Hotel-Motel-Multiple Residence Zone (R-4) and the existing commercial use is non-conforming. The proposed change of use of the building to residential would conform to allowed R-4 Zone uses. In addition, the affected portion of the existing building is considered historically and architecturally significant (see Historic Structures discussion below).

Considering the positive conceptual review comments from the Historic Landmarks Commission, the historical significance of this portion of the building and the non-conforming use, staff believes that maintaining the existing nonconforming portion of the building is appropriate with the change of use, and that the front setback modification is necessary to secure it.

Front Setback Modification on Los Aguajes Avenue

The Zoning Ordinance specifically allows access aisles to encroach into required setbacks for existing buildings, but states that the encroachment is not available where an addition precludes the development of a conforming accessible improvement (SBMC Subsection 28.87.062.B.5). Since the access aisle for the van-accessible space is located in the ten foot front parking setback, this modification is required.

The proposed access aisle limits the placement of structures or materials above grade at this location, providing building relief and visual clearance adjacent to the curb cut consistent with the Zoning Ordinance definition of front setback (SBMC Section 28.04.620) which states “the front setback is to be provided and maintained as an open space on a lot or parcel of land, unoccupied and unobstructed from the ground upward....”

Considering the provision of building relief and the site constraints, including preservation of historic resources and mature vegetation, the site location on Mission Creek, and three front setbacks, staff supports this modification as necessary to secure an appropriate improvement on the lot.

Rear Setback Modification

The second story of proposed Unit 1 encroaches four feet into the required ten foot rear setback. The total net floor area of the encroachment is approximately 151 sf. This encroachment is adjacent to the driveway and parking lot for the apartment building on the adjacent property. The mature Star pine and Canary Island date palm trees located on the subject property in the rear adjacent setback area are proposed to remain.

Substantial second story building relief is provided for the remainder of the rear property line with the next closest second-story portion of the building being the second-story of Unit 6 which is 23 feet from the rear property line. Due to the lot configurations, the rear setback of

the subject lot abuts the interior setback of the adjacent lot. The proposed setback encroachment would be consistent with an R-4 interior setback, which allows for six feet on the second story.

Considering the location of the parking lot adjacent to the rear setback encroachment and the site constraints, including preservation of historic resources and mature vegetation, the site location on Mission Creek, and three front setbacks, staff supports this modification and believes it is necessary to secure an appropriate improvement on the lot and consistent with the purpose and intent of the rear setback.

Inclusionary Housing Ordinance

City Council adopted amended provisions to the Inclusionary Housing Ordinance on May 12, 2009, which apply to residential housing projects with two or more units. These provisions apply to all qualifying projects approved subsequent to the adoption of the ordinance. In this case the in lieu fee would be \$126,000 (\$18,000/unit) payable at the time of submittal for a Building or Public Works permit (see Condition E.4).

VI. NEW RESIDENTIAL CONDOMINIUM DEVELOPMENT

SBMC Chapter 27.13 provides for condominium projects in the R-4 zone subject to the Physical Standards for Condominiums provided in SBMC Section 27.13.060.

The Physical Standards require: two covered off-street parking spaces for each condominium and two guest spaces for the project, each unit with separate gas and electricity metering and laundry facilities, a number of dwellings consistent zoning ordinance density requirements, and the outdoor living space consistent with SBMC Section 28.21.081. The standards also allow for a waiver of the 300 cubic feet of private storage space with the provision of enclosed garages for each unit.

The proposed new condominiums are consistent with the Physical Standards and all other requirements of Chapter 27.13.

VII. ISSUES

A. DESIGN REVIEW

This project was reviewed by the Historic Landmarks Commission (HLC) on three separate occasions (meeting minutes are attached as Exhibit E). On March 5, 2008, HLC stated that the scale and feel of the project were sensitive to the scale of the neighborhood. HLC expressed appreciation for the reconstruction of the clock tower, the preservation of the important trees on the site, and the integration of the architecture with the existing specimen trees.

In its original review, the Historic Landmarks Commission expressed a desire for the Canary Island date palms to remain in place (at that time, the palms were proposed to be moved eight feet toward the Yanonali Street sidewalk). Staff notes that subsequent to the three HLC reviews, a Tree Protection Plan was provided that recommended transplanting the two Canary Island date palms because they are susceptible to toppling during site preparation and construction. The City Arborist reviewed and concurred with the Tree Protection Plan

recommendations including transplantation of the palms. The relocation of these two trees to the southwest was not reflected in the plans reviewed by HLC to date. Staff notes that HLC retains its decisionmaking authority in its preliminary and final review of the project design, including the landscaping.

B. COMPLIANCE WITH THE GENERAL PLAN AND LOCAL COASTAL PLAN

The proposed project site is located in Component 3 of the Local Coastal Plan. Component 3 is bounded by the westerly end of the City College campus and Chapala Street on the east, between Cliff Drive/Montecito Street on the north and Shoreline Drive/Cabrillo Boulevard on the south. The Coastal Plan states that the pleasant appearance and character of the area is a result of a unique combination of uses, styles and economic levels served. This neighborhood includes hotels and motels, a mix of single- and multiple-family residences, and other commercial uses, such as offices and restaurants. The subject property is also located in a land use area designated as Hotel and Residential, which allows for development of visitor-serving facilities and for residential use at a density of twelve units per acre.

Major coastal issues identified in Local Coastal Plan in Component 3 include: hazards from flooding of Mission Creek and potential for liquefaction; protection of existing recreational facilities; provision of visitor serving uses, primarily hotel/motel related; protection of the unique West Beach residential neighborhood; problems of circulation and parking related to the waterfront area in general and possible City College expansion.

The project site is located in a FEMA flood zone. Because of this, the finished floor of the project is proposed to be above the determined base flood elevation. The project includes components within the Mission Creek 25 foot creek setback area, which are not expected to be hazardous and are discussed in the *Mission Creek Development Limitation* section below.

As described above and reflected in the attached minutes, the Historic Landmarks Commission stated that the style and feel of the project was sensitive to the neighborhood.

No existing public recreational facilities or visitor serving uses would be adversely affected by the project and no significant adverse circulation or parking impacts are expected from the project.

Housing

Local Coastal Plan Policy 5.3

New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on-street parking resources of existing residential neighborhoods shall not be permitted.

Local Coastal Plan Policy 5.4

That part of the coastal zone bounded by the half blocks between Castillo and Bath Streets and Mason and Cabrillo Streets, Chapala, and the half block north of Los Aguajes Avenue, is recognized as a unique residential neighborhood, and it shall be treated in a manner that strives to maintain this unique character.

Staff concurs with the Historic Landmarks Commission regarding the project's sensitivity to historic resources on site and the surrounding neighborhood. The project is not expected to result in an overburdening of public circulation or on-street parking resources. The proposed project is therefore consistent with these policies.

Parking

Circulation Element Policy 9.2

The City shall maintain, improve, consolidate, and promote the efficient use of parking supplies in the Coastal Zone.

Circulation Element Policy 9.2.4

Preserve existing on street parking where safe, appropriate, and feasible.

The sidewalk improvements result in a new curb bulbout in the vicinity of the Bunya bunya and Norfolk Island star pine trees for consistency with the Pedestrian Master Plan. The sidewalk improvements would result in the loss of one parking space on Yanonali Street with 13 additional feet of red curb. This design is supported by Planning and Public Works staff since it preserves trees while providing for a sidewalk improvements consistent with the Pedestrian Master Plan. The proposed project is, therefore, consistent with these policies.

Visual Resources

Policies:

Coastal Act §30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Coastal Plan Policy 12.2

New developments within the City's Waterfront Area shall be evaluated as to a project's impact upon the area's:

- 1. Openness;*
- 2. Lack of Congestion;*

3. *Naturalness; and*
4. *Rhythm.*

Staff concurs with the Historic Landmarks Commission with regard to the compatibility and sensitivity of the project to the surrounding neighborhood and the existing trees on site.

The Waterfront Area Aesthetic Criteria for New Development Assessment were developed to assist decision makers in assessing the impacts of new development pursuant to Coastal Plan Policy 12.2. Staff concludes that the project will not have negative effects upon the area's openness, lack of congestion, naturalness, or rhythm (see Exhibit F for the criteria and a completed evaluation matrix). The proposed project is therefore consistent with these policies.

Historic Resources

Policies:

Coastal Act §30244

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Conservation Element Cultural and Historic Resources Goal

Sites of significant archaeological, historic, or architectural resources will be preserved and protected wherever feasible in order that historic and prehistoric resources will be preserved.

Conservation Element Cultural and Historic Resources Policy 1.0

Activities and development which could damage or destroy archaeological, historic, or architectural resources are to be avoided.

As discussed below, a Historic Structures Report Addendum and Archaeological Resources Report were prepared to analyze project impacts. The Archaeological Resources Report concluded that the project would not have the potential to result in significant impacts on either prehistoric or historic archaeological resources. The Historic Structures Report Addendum concluded that the project meets the Secretary of Interior's Standards and considers the level of impact to be less than significant.

Staff concludes that the proposed project is consistent with the Coastal Act, General Plan and Local Coastal Plan.

C. PUBLIC IMPROVEMENTS

Public improvements provided in the project include: a modified curb radius at Chapala and Yanonali Streets to match the curb radius across Yanonali Street; the provision of one-way access ramps at Chapala and Yanonali Streets; new curb, gutter, sidewalk and parkway on Chapala Street; replacement and reconfiguration of curb, gutter, and sidewalk around the existing trees on Yanonali Street; undergrounding of utilities; removal of a power pole and guy anchor; and the provision of two streetlights, one at the corner of Chapala and Yanonali

Streets and one on Los Aguajes Avenue. The new streetlight on Los Aguajes Avenue will facilitate the retirement of the existing streetlight across Yanonali Street and the associated overhead electrical utility.

D. ENVIRONMENTAL REVIEW

Historic Structures

The existing building is significant according to the 2001 Waterfront Survey and considered eligible as a contributing resource to the West Beach Residential and Tourist Historic District. In addition the sandstone walls channelizing Mission Creek at this location are considered to be historic resources.

A Historic Structures/Sites Report for the as-built removal of the clock tower from the building at 203 Chapala Street was accepted by Historic Landmarks Commission (HLC) on March 31, 2004. The current project proposes to reconstruct the clock tower, a part of Edwards & Plunkett 1940 remodel, which was considered to be a dominant character-defining feature of the building in the 2001 Waterfront Study, but removed in 2004.

An addendum to the 2004 Historic Structures Report was prepared for the current project and accepted by HLC on January 23, 2008. The report states that the existing building's character-defining features are the low massing along the Yanonali/Chapala corner, the irregular hipped and gabled red tiled roofs, stucco walls, wood-framed and steel-framed windows, front entrance, and large arched window on Chapala Street. The large existing warehouse portion was not considered significant because of the alterations to it, including the introduction of modern aluminum framed windows and doors. No changes are proposed to the sandstone channel.

The Historic Structures Report concludes that the proposed project meets the Secretary of the Interior's Standards and the historic impacts of the project are therefore less than significant.

Noise Study

The applicant provided a revised noise control analysis prepared by Channel Islands Acoustics dated June 6, 2008 and an addendum dated December 19, 2008 that demonstrated project compliance with the City's noise thresholds with identified measures that have been incorporated into the project.

Biological Resources

Darlene Chirman prepared a biological assessment of the proposed project on July 7, 2008. In the assessment, Ms. Chirman concludes that the highly-modified urban environment of the subject property and surrounding neighborhood limits the presence of special status species due to landscape modification and the presence of domestic pets. Although the reach of the creek adjacent to the project site is concrete-lined and limits the creeks biological value, Ms. Chirman, identified the potential for two special-status aquatic species that may be present in the creek adjacent to the project site: the Southern steelhead and Tidewater goby, both listed as federally-threatened. Ms. Chirman states that Tidewater gobies have been observed upstream to the Chapala Street bridge adjacent to the subject property and that the reach of the creek

adjacent to the subject property does not retain habitat for Southern steelhead except as a passage up or downstream under limited water regimes. Ms. Chirman's assessment concluded that although the project intensifies land use of the project site, it would provide a net biological benefit with the incorporation of Tree Protection Plan measures, native species planting in the creek buffer, protection of mature native and ornamental trees, and permeable pavement of the driveway and brick patios.

Tree Protection

A Tree Protection Plan dated September 21, 2008 was prepared by Duke McPherson. It inventories 13 trees on the subject property and one on the neighboring property and provides recommendations and tree protection measures. The plan includes recommendations for transplanting two Canary Island palm trees and for special consideration of the areas in the vicinity of the Western Sycamore tree and the *Araucaria* species. Tree protection measures are included in Condition G.13 and on the landscape plan.

Mission Creek Development Limitation

Section 28.87.250 of the Zoning Ordinance, *Development Along Creeks*, was established to control development adjacent to Mission Creek. The intent of this development limitation is to prevent undue damage or destruction of developments by flood waters; prevent new development from causing undue detrimental impact on adjacent or downstream properties in the event of flood waters; and to protect the public health, safety and welfare.

The area subject to this limitation includes all land within the banks and located within 25 feet of the top of bank of Mission Creek. Any development proposed within such an area and subject to a building permit, including the subject proposal, must be reviewed and approved by the Chief Building Official or the Planning Commission on appeal prior to the issuance of a building permit.

The subject project includes the following regulated development within the 25 foot Mission Creek development limitation area: a permeable brick patio and walkway, replacement fence and native plantings. The Chief Building Official has reviewed the project, and conceptually approved the proposed development within the creek buffer area for the purposes of SBMC §28.87.250, since the project meets the general legislative intent of the ordinance, which is related to protecting structures from flooding.

Considering the proposal and the limited biological potential of the creek at this location, the applicant's biologist, Planning Division staff, Creeks Division staff, and Building & Safety staff support the proposed encroachments into the creek buffer area.

Archaeology

A Phase I Archaeological Report was prepared by Dudek in September 2008 and accepted by the Historic Landmarks Commission. The report concluded the proposed project would not have the potential to result in significant impacts on either prehistoric or historic archaeological resources. The Conditions of Approval include standard cultural resources discovery and notification conditions.

Hydrology/Drainage/Soils

A Foundation Exploration Report and Liquefaction Study prepared by Coast Valley Testing on June 12, 2008 provides recommendations for grading and foundation work that include over-excavation and re-compaction in some areas. An addendum to the report provides design parameters for caissons and grade beams in those areas where the arborist will not allow over-excavation and re-compaction, in the vicinity of the walls and hardscape in the Mission Creek Buffer and the Bunya Bunya and Norfolk Island Star Pine.

The project site is located within a Flood Hazard Area as shown on the FEMA Flood Insurance Maps. The base flood elevation varies across the site from 13 feet to 16 feet and the project is proposed above the base floor elevation.

The project incorporates landscaping, a vegetated swale, and permeable pavers into the design to reduce the peak runoff from a 25 year storm consistent with the City's Storm Water Management Program. The project would reduce the impervious area from the existing 15,323 sf to 9,488 sf.

CEQA Exemption

The Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) identify types of projects that are generally exempt from CEQA review. The City's Environmental Analyst determined that this project qualifies for a categorical exemption pursuant CEQA Guidelines Section 15332, which provides for infill development projects in urbanized areas that meet the following conditions:

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.**

As discussed in VII.B above, the project is consistent with the residential General Plan designation with a density consistent with the R-4 Zone variable density requirements. The project is consistent with the R-4 Zone designation and, with the requested modifications to the front setback for the building and parking and the rear setback, the project, as conditioned, would be consistent with all applicable zoning 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 is located within the City boundary, is less than five acres in size and surrounded on all sides by residential urban uses.

3. **The project site has no value as habitat for endangered, rare or threatened species.**

Although the federally-threatened Southern steelhead and Tidewater goby may have some presence in the adjacent creek, since no development is proposed within the creek channel, the project site itself has no value as habitat for these species. No other endangered, rare or threatened species are believed to be

present in the vicinity. The Biological Assessment prepared by Darlene Chirman concluded that the project would result in a net biological benefit.

4. **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

Traffic. The project is expected to result in a net reduction in traffic. The proposed residential use is anticipated to generate significantly less traffic than the previous commercial use.

Noise. A Noise Study Report was prepared by Dudek in May 2008 and a supplemental interior noise study was prepared in August 2008. The report concluded that with windows closed, the project would meet the City's interior noise threshold of 45 Ldn, and exterior noise levels in the required outdoor living spaces would meet the City's exterior noise threshold of 60 Ldn without mitigation. Therefore, the project is not expected to result in any significant effects relating to noise.

Air Quality. The City of Santa Barbara 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 contained in the *Scope and Content of Air Quality Sections in Environmental Documents* updated June 2008, a project of seven residential condominium units would not be expected to result in significant air quality impacts, since the project is much smaller than those identified in the screening table.

The project would involve demolition, grading, paving and landscaping activities, which could result in short term dust-related impacts; however, the applicant would be required to incorporate standard dust control mitigation measures during grading and construction activities. These measures are included as conditions of approval and would further reduce less than significant air quality impacts.

Water Quality. The proposed project addresses increased peak runoff volumes with landscaping and permeable pavers, and the volume from a one inch storm would be treated by filtering through sandy subsurface soils consistent with Storm Water Management Project requirements. Therefore, the proposed project is not expected to have any significant adverse effects on water quality.

5. **The site can be adequately served by all required utilities and public services.**

All utilities are existing and available at the site and can be extended to the development. The proposed project would result in an insignificant increase in demand for public services, including police, fire protection, electrical power, natural gas, and water distribution and treatment.

VIII. FINDINGS

The Planning Commission finds the following:

A. FRONT SETBACK MODIFICATION FOR YANONALI STREET

As discussed in Section V of this staff report, because of the preservation of the historic resource and the change of use to conform to the current zoning, this modification is consistent with the purposes and intent of the zoning ordinance and is necessary to secure an appropriate improvement on the lot.

B. PARKING SETBACK MODIFICATION FOR LOS AGUAJES AVENUE

As discussed in Section V of this staff report, because the access aisle prevents the placement of any vehicle or structure within the ten foot setback and considering the lot constraints, including historic resources, mature vegetation, adjacent Mission Creek, and three front setbacks, this modification is consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot.

C. REAR SETBACK MODIFICATION

As discussed in Section V of this staff report, because the encroachment is adjacent to a parking lot, and in consideration lot constraints, including historic resources, mature vegetation, adjacent Mission Creek, and three front setbacks, this modification is consistent with the purposes and intent of the zoning ordinance and necessary to secure an appropriate improvement on the lot.

D. THE TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara as discussed in Section VII.B of this staff report. The site is physically suitable for the proposed development considering the flat topography and soil composition; the project is consistent with the variable density provisions of the Municipal Code and the General Plan as demonstrated in Section V of this staff report; and the proposed use is consistent with the vision for this neighborhood of the General Plan as demonstrated in Section VII.B of this staff report. The design of the project will not cause substantial environmental damage and associated improvements will not cause serious public health problems as discussed in Section VII.D of this staff report.

E. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.
As discussed in Section VI of this staff report, the project complies Condominium Ordinance.
2. The proposed development is consistent with the General Plan of the city of Santa Barbara.

The project is consistent with policies of the City's General Plan including the Housing Element, and Circulation Element. The project will provide infill residential development that is compatible with the surrounding neighborhood, as discussed in Section VII.B of the staff report.

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

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

F. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act; and
As shown in Section VII.B of this Staff Report, the proposed project is consistent with the policies of the California Coastal Act.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.

The proposed project is consistent with all applicable Local Coastal Plan policies of the Coastal Land Use Plan as demonstrated in Section VII.B of this staff report, and all applicable Zoning Ordinance regulations with the requested modifications, as shown in Section IV.B of this staff report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan, Floor Plans, Elevations
- C. Photo Simulations
- D. Applicant's letter, dated May 22, 2009
- E. HLC Minutes
- F. Waterfront Area Aesthetic Criteria

PLANNING COMMISSION CONDITIONS OF APPROVAL

203 CHAPALA STREET
MODIFICATIONS, COASTAL DEVELOPMENT PERMIT, TENTATIVE SUBDIVISION MAP
JUNE 11, 2009

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

- A. **Design Review.** The project is subject to the review and approval of the Historic Landmarks Commission (HLC). HLC shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.
 1. **Appropriate Plants within Development Limitation Area.** Special attention shall be paid to the appropriateness of the existing and proposed plant material within the 25 ft development limitation area adjacent to Mission Creek. All existing non-native or invasive plants within the 25 ft development limitation area shall be removed and replaced with native plant material as specified on the landscape plan consistent with the Biologist Assessment.
 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.
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
 1. **Approved Development.** The development of the Real Property approved by the Planning Commission on June 11, 2009 is limited to demolition of 9,909 sf of an existing 11,211 sf commercial building and construction of a 12,166 sf residential addition and 2,641 sf garage, change from commercial to residential use for seven new residential condominiums (four 3-bedroom and three 2-bedroom units) and the improvements shown on the Tentative Subdivision Map signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the 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.

5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
6. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company.

If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.

- e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
 7. **Pesticide or Fertilizer Usage near Creeks.** The use of pesticides or fertilizer shall be prohibited within the Mission Creek Development Limitation Area.
 8. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- C. **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 draft private covenants, reciprocal easement agreement, or similar private agreements required for the project concurrently with submittal to Public Works for the Final Map review.
 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. **Chapala Street Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on Chapala Street. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include the following: 6 ft wide sidewalk, 4 ft wide parkway, two one-way directional access ramps (one at intersection), new curb and gutter with 10 ft radius at intersection, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 ft beyond the limit of all trenching, public drainage improvements with supporting drainage calculations for drainage pipe and A470 curb drain outlet, supply and install one 21 ft residential Dome Style standard street light at intersection of Chapala and Yanonali Streets, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per 2006 MUTCD w/CA supplements during construction, provide and install new street trees and tree grates if determined necessary by the City Parks Commission and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
7. **Yanonali Street Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on Yanonali Street. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall the following: 6 ft wide sidewalk and 4 ft wide parkway along property frontage with the exception of +/- 60 lf sidewalk and new curb bulbout around the existing street trees, curb and gutter where damaged, +/- 15 lf of additional red curb, crack seal to the centerline of the street along entire subject property frontage and a minimum of 20 ft beyond the limit of all trenching, connection to City water main, public drainage improvements with supporting hydrology report for installation of drainage pipe and A470 curb drain outlet, City crews to retire street lamp from power pole across Yanonali Street near intersection of Los Aguajes Avenue, supply and install one Dome Style 21 ft residential standard street light in place of retired lamp in front of project site, with final placement per City Facilities Superintendent and, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per 2006 MUTCD w/CA supplements during construction, provide and install new street trees and tree grates if determined necessary by the Parks Commission and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
8. **Los Aguajes Avenue Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on Los Aguajes Avenue. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works

Department, the improvements shall be the following: 6 ft wide sidewalk and 4 ft wide parkway along property frontage, remove existing driveway approach and replace with new curb, gutter, sidewalk and parkway, construct new driveway approach modified to meet Title 24 requirements, saw-cut and replace curb and gutter where damaged, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 ft beyond limits of all trenching, connection to City sewer main, public drainage improvements with supporting hydrology report for installation of drainage pipe, and curb drain outlet, supply and install one 21 ft residential Dome Style standard street light at intersection of Los Aguajes Avenue and Yanonali Street, to be reviewed by the appropriate design review board and final location per City Facilities Superintendent, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per 2006 MUTCD w/CA supplements during construction, provide and install new street trees and tree grates if determined necessary by the Parks Commission, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

9. **Land Development Agreement.** The Owner shall submit an executed *Land Development Agreement*, 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.
 10. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
- 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 and 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. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager.
- E. **Community Development Requirements with the Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit:

1. **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 ft 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. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work with required monitoring as specified in the Tree Protection Plan dated September 21, 2008. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
 4. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department. As of the date of project approval, the inclusionary housing fee is \$18,000 for each unit/lot in the project. For this project, the required inclusionary fee is \$126,000.
- 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, outlined in Section A above.
 2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

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

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

3. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Parks Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B.5, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
4. **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. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
 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. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
 4. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
 5. **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
Cesar Chavez Day	March 31st*
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 ft 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.

6. **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 not be permitted, unless approved by the Transportation Manager.
7. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.

- b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. 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.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. 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.
8. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
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, telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six ft in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square ft if in a multi-family or commercial zone or six square ft if in a single family zone.
13. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, as follows:
- a. **Grading Plan Notes.** Notes on the grading plan that specify the following:
 - (1) Existing trees located on site shall be protected to the maximum extent feasible.

- (2) No grading or development shall occur within the driplines of trees which occur within the construction area.
- (3) No trenching of any kind is to occur within the critical root zone of any tree without the knowledge and supervision of the project arborist.
- (4) All trees within 25 ft of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to the City of Santa Barbara throughout all grading and construction activities. The fencing shall be installed six ft from the trunk base of each tree and shall be staked every six ft. All workers are to be apprised of the fact that tree trunk scarring is a permanent condition leaving it disfigured for life.
- (5) No construction equipment shall be parked, stored, or operated within six ft of tree dripline.
- (6) All concrete and plaster tool and paint brush cleaning is to be done using a moveable metal basin and disposed of off site each time it is full. No washing out onto the ground is to occur.
- (7) Fill soil may be temporarily filed onto tree roots for no longer than two months duration. Where soil compaction from heavy machinery is anticipated over root zones, chips are to be used to a depth of 3-4" to cover the soil.
- (8) Roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under direction of an Arborist/Biologist approved by the City of Santa Barbara.
- (9) Sycamore tree roots may be encountered in the area of the two rectangular building extensions at the northeast end and even in shallow areas of patio hardscape installation. Excavation is to be carried out manually only (except in the case of boring for pylon placement). Any roots over three inches in diameter are to be bridged utilizing the pylon grade beam type of foundation. This will be needed along most of the edge of the Chapala Street side building edge to protect roots and avoid over excavation and soil compaction. The project arborist is to be called in during critical points of potential tree impact.
- (10) Trenching required within the dripline or sensitive root zone of a tree shall be done by hand.
- (11) No permanent irrigation shall occur within the dripline of existing tree. Construction activity required within three ft of the tree's dripline shall be done with hand tools.

- (12) Trees located within 25 ft of proposed buildings shall be protected from stucco or paint during construction.
 - (13) All new paving under existing trees to remain, unless otherwise noted, will be ungrouted pavers on a sand base.
 - (14) The trunk junction of the Western sycamore tree (#7 on landscape plan) is to be cleaned out. The attachment could be weak which may lead to re-attaching a non-functional cable connection (though up higher along the trunks).
 - (15) Grading for the driveway and construction activity will affect the root system of the rear Star pine tree (#5 on the landscape plan) and Canary Island date palms (#2 and #4 on the landscape plan). The activity here is to be overseen by a qualified arborist. All roots encountered over two inches in diameter are to be cut cleanly with a saw.
 - (16) As noted by red shading on the landscape plan, at all points of critical procedures and decision involving tree protection, the project arborist is to be called to supervise.
 - b. **Tree Relocation.** The existing Canary Island date palm trees noted as #11 and #12 on the landscape plan shall be relocated on the Real Property and shall be fenced and protected during construction.
 - c. **Existing Tree Preservation.** The existing trees shown on the approved Landscape Plan to be saved shall be preserved and protected and fenced six ft outside the dripline during construction.
14. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
15. **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.
16. **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. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist if spas, pools or solar panels are installed, at this time or any time in the future.
 4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
 5. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Historic Landmarks Commission (HLC).
 6. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.

7. **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.
 8. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section B have been recorded.
- 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 COASTAL DEVELOPMENT PERMIT TIME LIMITS:

Pursuant to Section 28.44.230 of the Santa Barbara Municipal Code, work on the approved development shall commence within two years of the final action on the application, unless a different time is specified in the Coastal Development Permit. Up to three (3) one-year extensions may be granted by the Community Development Director in accordance with the procedures specified in Subsection 28.44.230.B of the Santa Barbara Municipal Code.

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.



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Proposed project by

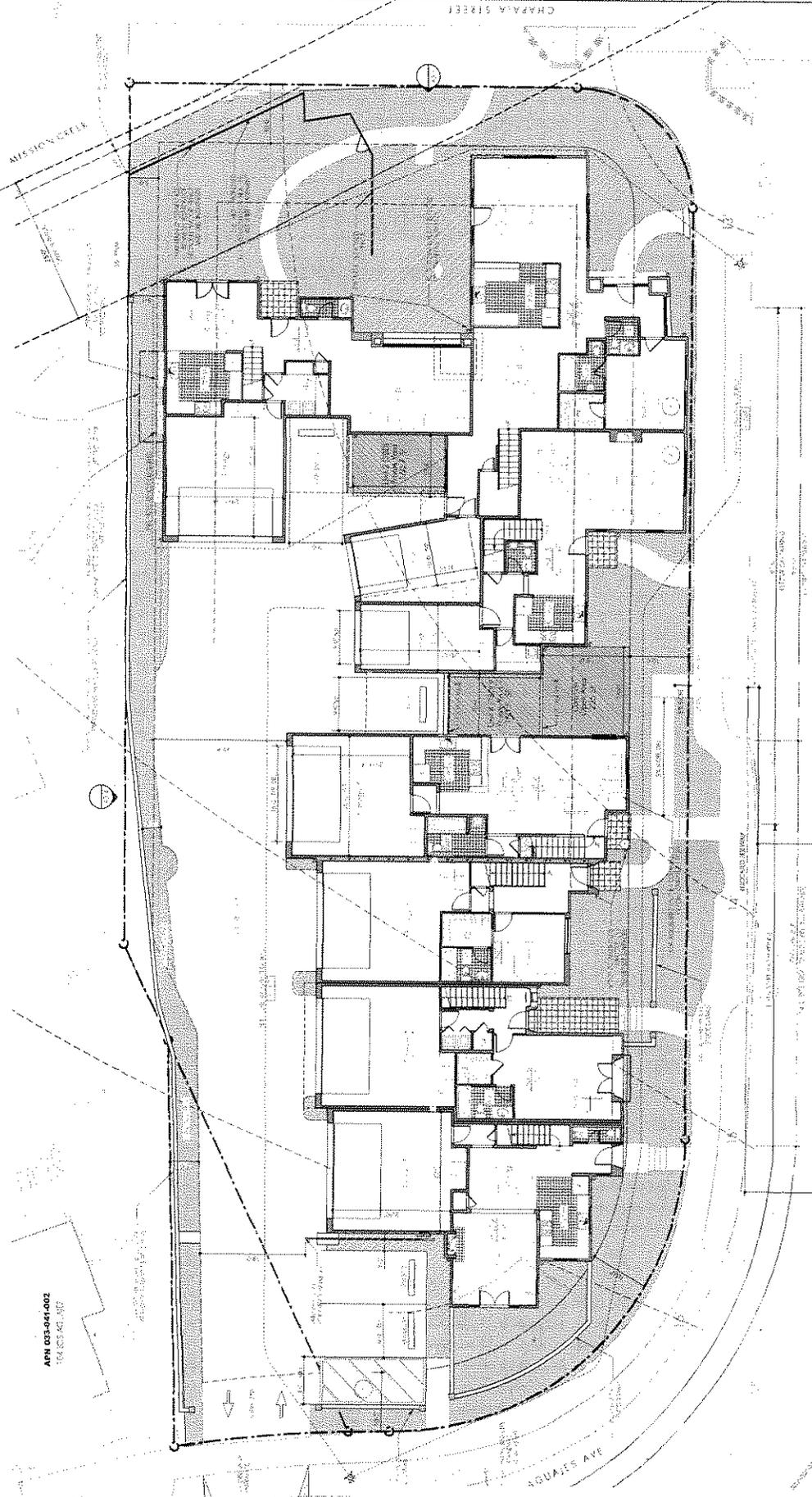
PROJECT NO. 2007

DATE: 08/14/10

SCALE: AS SHOWN

PROJECT: 85

A2.1



GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE MASSACHUSETTS STATE BOARD OF BUILDING REGULATIONS (806 CMR).
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS STATE BOARD OF BUILDING REGULATIONS (806 CMR).
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LEGEND

- 1. EXISTING CONCRETE FLOOR
- 2. EXISTING CONCRETE WALL
- 3. EXISTING CONCRETE COLUMN
- 4. EXISTING CONCRETE BEAM
- 5. EXISTING CONCRETE SLAB
- 6. EXISTING CONCRETE FOOTING
- 7. EXISTING CONCRETE FOUNDATION
- 8. EXISTING CONCRETE RETAINING WALL
- 9. EXISTING CONCRETE CURB
- 10. EXISTING CONCRETE DRIVE
- 11. EXISTING CONCRETE SIDEWALK
- 12. EXISTING CONCRETE PAVEMENT
- 13. EXISTING CONCRETE DRIVEWAY
- 14. EXISTING CONCRETE DRIVEWAY
- 15. EXISTING CONCRETE DRIVEWAY
- 16. EXISTING CONCRETE DRIVEWAY
- 17. EXISTING CONCRETE DRIVEWAY
- 18. EXISTING CONCRETE DRIVEWAY
- 19. EXISTING CONCRETE DRIVEWAY
- 20. EXISTING CONCRETE DRIVEWAY

Site & First Floor Plan
 Scale: 1/8" = 1'-0"





CORNAL
 INVESTMENTS
 10000 W. 11TH AVENUE
 SUITE 100
 DENVER, CO 80233-4001
 TEL: 303.733.1111
 FAX: 303.733.1112



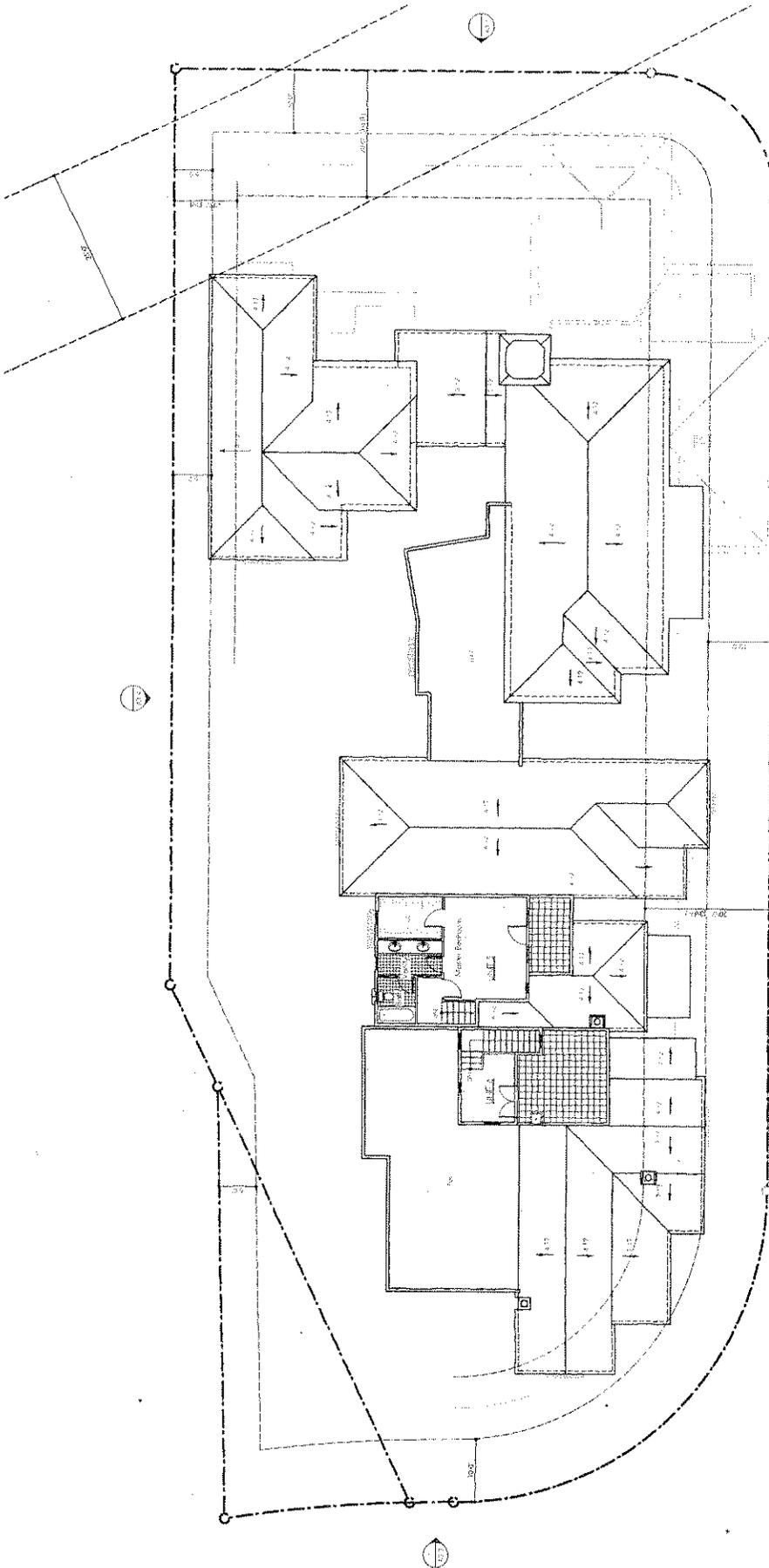
Richard Sanders Investments
 2013 Certified Seller
 ARN 023004-001

Prepared under the
 supervision of
 Richard Sanders
 P.E.

PROJECT NO.	023004-001
DATE	10/15/13
PROJECT NAME	10000 W. 11TH AVENUE 3000 SQ. FT.
OWNER	Richard Sanders Investments
DESIGNER	Richard Sanders Investments
SCALE	AS SHOWN
DATE	10/15/13
BY	Richard Sanders
CHECKED BY	Richard Sanders
DATE	10/15/13
PROJECT NO.	023004-001
DATE	10/15/13
PROJECT NAME	10000 W. 11TH AVENUE 3000 SQ. FT.
OWNER	Richard Sanders Investments
DESIGNER	Richard Sanders Investments
SCALE	AS SHOWN
DATE	10/15/13
BY	Richard Sanders
CHECKED BY	Richard Sanders
DATE	10/15/13

A2.3

SHEET 5 OF 10



GENERAL NOTES

1. ALL ROOF AREAS ARE TO BE COVERED BY A MINIMUM OF 18\"/>

Third Floor & Roof Plan
 Scale: 1/8\"/>

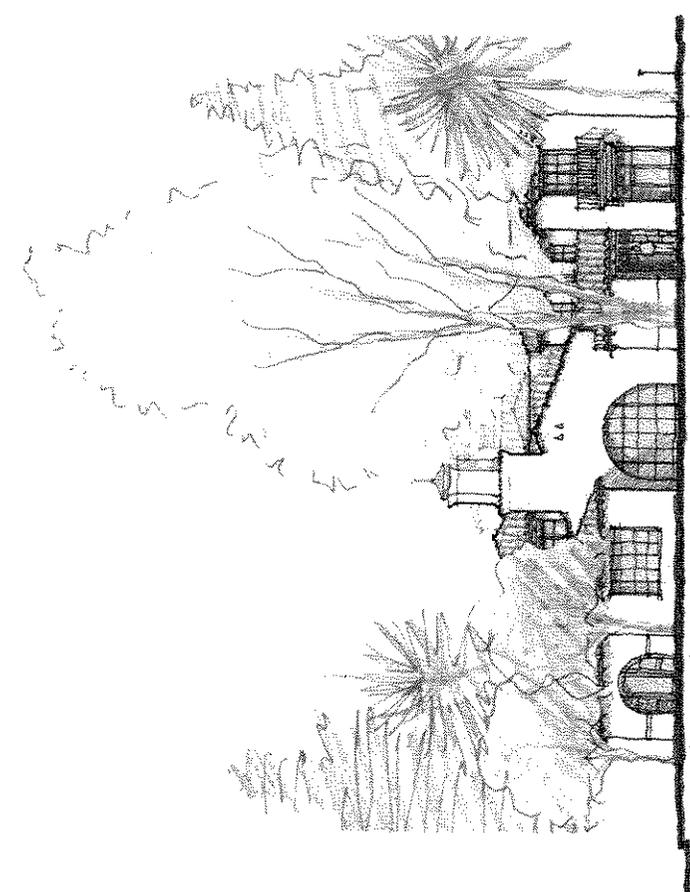




Richard Sanders Investments
 203 Chapala Drive
 Santa Barbara, CA
 APR 03/05/08 (03)

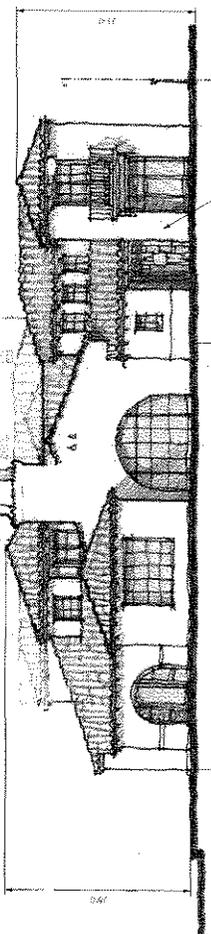
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A3.1

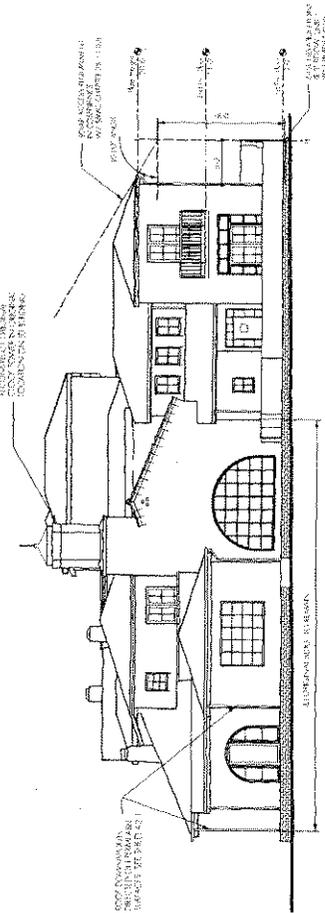


Chapala St. Elevation as reviewed by HIC 03/05/08 [with existing trees]

TYPICAL MATERIALS	
ROOFING	2-Ply Tar, Mineral Wg
CEILING	Integral Colored Dry-Appeal Board
WALLS	Aluminum Sill
FLOORING	Arms & Legs or Aluminum Decking
PAINTS	Aluminum
GLAZING	Aluminum
EXTERIOR FINISHES	Aluminum
INTERIOR FINISHES	Aluminum
DOORS	Aluminum
WINDOWS	Aluminum
ROOFING	Aluminum
CEILING	Aluminum
FLOORING	Aluminum
PAINTS	Aluminum
GLAZING	Aluminum
EXTERIOR FINISHES	Aluminum
INTERIOR FINISHES	Aluminum
DOORS	Aluminum
WINDOWS	Aluminum



Chapala St. Elevation as reviewed by HIC 03/05/08



Proposed Chapala St. Elevation

EXHIBIT C



View (A) of 203 Chapala st. from the Amtrak Station Platform
(Proposed)



View (A) of 203 Chapala St. from the
Amtrak Station Platform
(Existing)

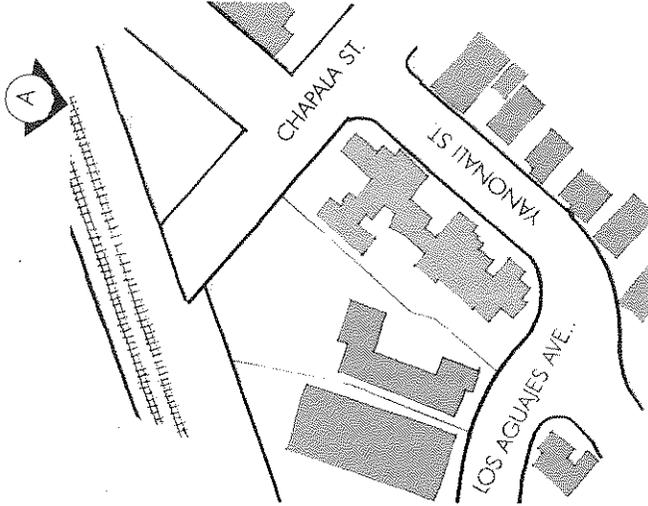


Photo Simulation

Project Name: 203 Chapala Street

Project #: 07008

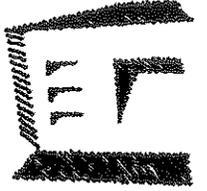
Date: 07/23/07

For: Development Application Review Team (DART)

RECEIVED

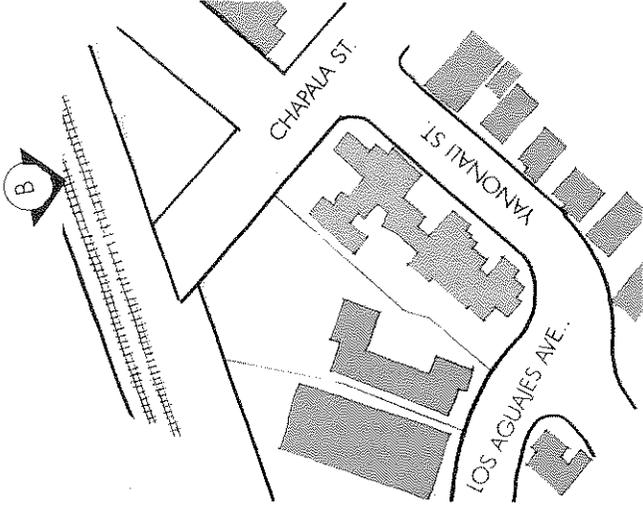
JUL 23 2008

CITY OF SANTA BARBARA
PLANNING DIVISION





View (B) of 203 Chapala st. from the Amirak Station Platform
(Proposed)



View (B) of 203 Chapala St. from the
Amirak Station Platform
(Existing)

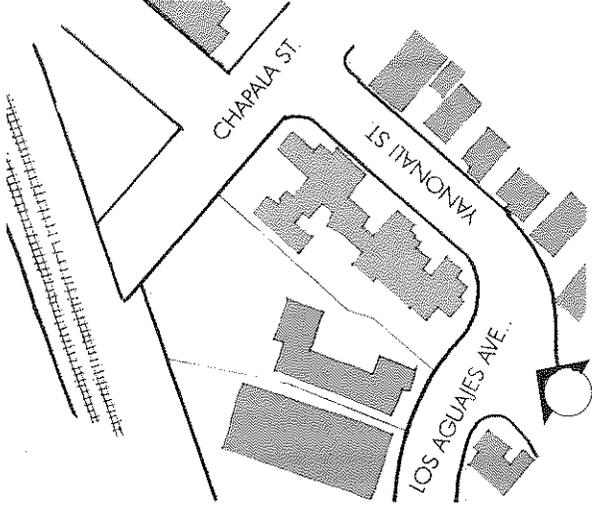
Photo Simulation

Project Name: 203 Chapala Street
 Project #: 07-008
 Date: 07/23/07
 For: Development Application Review Team (DART)





View of west side elevation of 203 Chapala St. from Yanonali St.
(proposed)



View of west side elevation of 203 Chapala St.
from Yanonali St.
(Existing)

Photo Simulation

Project Name: 203 Chapala Street

Project #: 07-008

Date: 07/23/08

For: Development Application Review Team (DART).





CEARNAL AND PULAITI LLP
ARCHITECTS AND INTERIOR DESIGN

May 22, 2009

City of Santa Barbara Planning Division
630 Garden Street
Santa Barbara, CA 93101
Attn: Planning Commission

SUBJECT: Development Application Review Team (DART) Submittal for Proposed
Condominiums
MST#2007-00634
203 CHAPALA STREET
APN: 033-041-001

Dear Planning Commissioners:

We are pleased to submit Planning Commission Review a proposal for the partial demolition and renovation/historic reconstruction of the existing building located at 203 Chapala Street, on the corner of Chapala and West Yanonali Street. The property is currently owned by "Richard Sanders Investments," and is 20,553 square feet, or 0.47 acres. The property is currently zoned R4 and used solely for commercial purposes.

We are seeking Development Plan Approval to demolish 9,909 s.f. of the existing 11,211 s.f. commercial building, to convert the remaining to residential, and to construct 13,611 s.f. of new residential, for a total project area of 14,913 s.f. We are proposing seven new residential condominiums in a variety of types and sizes, including four 3-bedroom units and three 2-bedroom units.

The building was originally constructed in 1935 as an automotive repair garage, then taken over in 1937 to become the "7-Up" Bottling Plant, and remained so until 1965. It was then used as a mosaic factory, a lamp shop, a "Motel 6" in 1970, an electronic manufacturing shop, a graphics shop, and housed various other commercial tenants.

The site access will continue to be from Los Aguajes Avenue, but the driveway opening will shift over to allow for the new driveway and required parking spaces. The existing parking provides a site total of approximately 10 uncovered unmarked parking spaces. The proposed project would require 16 total parking spaces per the ordinance. The new required parking is accomplished with five two-car and two on-car covered garages, two carports and two uncovered parking spaces for guests.



CEARNAL ANDRULAITIS LLP
ARCHITECTS AND PLANNERS

City of Santa Barbara
203 Chapala Street
July 23, 2008
Page 2 of 2

Most of the landscape areas and trees along Chapala and West Yanonali Street will remain the same as they are currently. The exception will be the two Canary Island Palm trees along Yanonali St., which will be relocated to the western corner of the site between Yanonali and Los Aguajes Ave. The landscape at the west of the property will be improved with the addition of trees and shrubbery to provide privacy along West Yanonali and Los Aguajes Avenue. New planting areas will be provided along the length of the new driveway and parking areas per the HLC requirements (HLC reviews on 02/06/08 & 03/05/08). Drainage and semi-permeable surfacing will be provided to accommodate the new parking layout, landscaping and control of storm-drainage.

We appreciate your time in reviewing this application. We hope you find our design acceptable for the Santa Barbara Community!

Thank you for your consideration.

Respectfully,

Brian Cearnal
President
Cearnal Andrulaitis LLP

January 23, 2008

203 CHAPALA ST (2:12)

Assessor's Parcel Number: 033-041-001

Application Number: MST2007-00634

Owner: Sanders Family 2006 Revocable Trust

Owner: Richard Sanders

Architect: Cearnal Andrulaitis, LLP

(This structure is on the City's List of Potential Historic Resources. Proposal to demolish 9,909 square feet of an existing 11,211 square foot commercial building and construct a new three story, 11,884 square foot addition for a total project area of 13,186 square feet. The existing commercial use would be changed to eight residential condominium units consisting of four 3-bedroom units, two 2-bedroom units, and two 1-bedroom units. The maximum building height would be 37'-0". Parking on this 20,553 square foot parcel would be provided in eight private garages, two carports, and two uncovered parking spaces, with two guest parking spaces also being provided. Planning Commission Approval will be required for a tentative subdivision map, a Coastal Development Permit, and approval of a condominium development.)

(PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL.)

Present: Alexandra Cole, Historical Consultant

Brian Cearnal, Architect

Diana Kelly, Project Manager

Richard Sanders, Property Owner

Public comment opened at 2:38 p.m.

Kellam De Forest, local resident, commended the restoration of the "7-Up" tower and asked if the signage is to be replicated. The third-story element addition substantially changes the significance of the tower, which historically stood alone as a defining feature. He commented that hedges would enhance the patio walls.

Public comment closed at 2:40 p.m.

A letter was received from Patricia and Robert Maxim with comments and concerns.

Motion: Continued two weeks with the following comments:

- 1) The Commission is pleased with the restoration and retention of the existing historic building on the site and with the reconstruction of the recently removed tower.
- 2) The Commission is glad to see that a substantial amount of the existing landscaping will be retained, which is significant in both size and history.
- 3) The palm trees should remain in place and not be moved as proposed.
- 4) The majority cannot support the third floor as currently designed, particularly the portion adjacent to the proposed tower restoration.
- 5) A more front yard approach is requested where garden walls are currently proposed on Yanonali Street.
- 6) In general, provide a more residential approach to the architecture.
- 7) As the project returns, provide site sections and more complete photographs of the neighborhood, particularly those elements that are exemplary.
- 8) As it affects the project, provide clarification of the creek setback.
- 9) The Commission appreciates the effort to place all of the parking and driveways to the rear, towards the railroad tracks.
- 10) Provide clarification of the floodplain boundary and its affect on the project.

Action: Boucher/Sharpe, 8/0/0. (Naylor stepped down.) Motion carried.

February 6, 2008

203 CHAPALA ST (4:27)

Assessor's Parcel Number: 033-041-001

Application Number: MST2007-00634

Owner: Sanders Family 2006 Revocable Trust

Owner: Richard Sanders

Architect: Cearnal Andrulaitis, LLP

(This structure is on the City's List of Potential Historic Resources. Proposal to demolish 9,909 square feet of an existing 11,211 square foot commercial building and construct a new three story, 11,884 square foot addition for a total project area of 13,186 square feet. The existing commercial use would be changed to eight residential condominium units consisting of four 3-bedroom units, two 2-bedroom units, and two 1-bedroom units. The maximum building height would be 37'-0". Parking on this 20,553 square foot parcel would be provided in eight private garages, two carports, and two uncovered parking spaces, with two guest parking spaces also being provided. Planning Commission approval will be required for a tentative subdivision map, a Coastal Development Permit, and approval of a condominium development.)

(Second Concept Review.)

(PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL.)

Present: Brian Cearnal, Architect

Diana Kelly, Project Manager

Public comment opened at 4:39 p.m.

Robert Maxim, neighbor across the street, requested that the wall on the property line be set back 18 to 24 inches to allow landscaping to hide the wall and that the amount of three-story buildings be limited.

Kellam De Forest, local resident, commented that it is a clever idea to make the units separate. Any three-story element, other than the tower, would detract from the impact of the newly reconstructed historic tower. Mr. De Forest would like hedges to be considered instead of walls on the street sides of the property.

Public comment closed at 4:42 p.m.

Straw votes: How many Commissioners would not be in favor of any third floor in any part of the project? 2/6. (Adams/Curtis/Hausz/La Voie/Pujo/Sharpe disagreed.)

How many Commissioners would accept 10-15% of third flooring square footage? 6/0.

How many Commissioners would accept over 30% third flooring of the project's total square footage? 0/8.

Motion: Continued two weeks with the following comments:

1) Third floors in buildings are supportable, depending on the design, as long as they represent less than 20% of the project's total square footage. Three stories are not part of the neighborhood's character.

2) The idea of separating the buildings is supportable, but there is concern about the way the spaces between buildings will look.

3) Saving the existing trees on the site is appreciated.

4) The articulation of the two-story elements will be important to avoid uniformity.

Action: Boucher/Hausz, 8/0/0. (Naylor stepped down.) Motion carried.

March 5, 2008

203 CHAPALA ST (5:27)

Assessor's Parcel Number: 033-041-001

Application Number: MST2007-00634

Owner: Sanders Family 2006 Revocable Trust

Owner: Richard Sanders

Architect: Cearnal Andrulaitis, LLP

(This structure is on the City's List of Potential Historic Resources. Proposal to demolish 9,909 square feet of an existing 11,211 square foot commercial building and construct a new three story, 11,884 square foot addition for a total project area of 13,186 square feet. The existing commercial use would be changed to eight residential condominium units consisting of four 3-bedroom units, two 2-bedroom units, and two 1-bedroom units. The maximum building height would be 37'-0". Parking on this 20,553 square foot parcel would be provided in eight private garages, two carports, and two uncovered parking spaces, with two guest parking spaces also being provided. Planning Commission approval will be required for a tentative subdivision map, a Coastal Development Permit, and approval of a condominium development.)

(Third Concept Review.)

(PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL.)

Present: Brian Cearnal, Architect

Richard Sanders, Owner

Public comment opened at 5:30 p.m.

Kellam De Forest, local resident, suggested that, since the "7-Up" tower design is much more modern than the Spanish Revival style, the design of the three story element should play off of the tower.

Public comment closed at 5:31 p.m.

Motion: Continued indefinitely with the following positive comments to the Planning Commission:

- 1) The scale and feel of the project, sensitive to the scale of the neighborhood, is appreciated.
- 2) The sensitivity to the iconic "7-Up" tower and the reconstruction of the tower is much appreciated.
- 3) The Commission values the preservation of important trees on the site and the integration of the architecture with the existing specimen trees.
- 4) The Commission appreciates that the patio walls have been pulled away from the sidewalk.

Action: Hausz/Adams, 7/0/0. (Naylor stepped down. La Voie absent.) Motion carried.

WATERFRONT AREA AESTHETIC CRITERIA FOR NEW DEVELOPMENT ASSESSMENT

I. BACKGROUND

The Locating New Development Section of the Local Coastal Plan (LCP) provides for protecting, maintaining and enhancing the visual qualities of the City's Waterfront Area by establishing criteria to evaluate the appropriate intensity of potential development. These criteria are based on the visual resources which presently exist: openness; lack of congestion; naturalness; and rhythm. Policy 12.2 requires that the impact of new development be evaluated with respect to those resources. The policy further requires that the City develop objective criteria to assist decision makers in assessing the impacts of new development.

II. WATERFRONT AREA

The Waterfront Area is the area south of U.S. Highway 101 between Pershing Park and the Harbor on the west and Milpas Street on the east (See attached map, Figure 1). The area includes major recreational facilities including the Santa Barbara Harbor and Marina, Stearns Wharf and Chase Palm Park. The Waterfront Area also includes area designated for a wide variety of general and ocean-oriented industrial and visitor-serving commercial uses.

III. EVALUATION MATRIX

In accordance with Section 30251 of the Coastal Act, the scenic and visual qualities of the coastal areas are to be protected, restored and enhanced. Section 30252 requires that public access be maintained and enhanced. These parameters can be compared to the aspects of openness, lack of congestion, naturalness and rhythm. The attached matrix (Figure 2) illustrates how these parameters can be evaluated on a project by project basis. The decision maker, in using this worksheet, can evaluate a project's positive, negative or indifferent aesthetic effect on the Waterfront Area's ambiance. Application of the following evaluation criteria will help in determining if a project protects, maintains and enhances visual quality.

IV. EVALUATION CRITERIA

The dimensions described below define each section illustrated on the attached Evaluation Matrix (Figure 2). These dimensions can be considered as increments or measures to gauge a particular development's aesthetic performance and its relationship with the surrounding neighborhood. This matrix is for use by the decision maker and the applicant/developer to determine on an individual and/or collective basis the project's aesthetic relationship to the Waterfront Area:

A. DIMENSIONS

1. Openness. One of the special qualities of the Santa Barbara Waterfront is its sense of openness and freedom from clutter, with unimpaired views of the shoreline and mountains. The beaches are broad and enhanced by the presence of Chase Palm Park, the Andree Clark Bird Refuge, and predominantly one-story buildings on the north side of Cabrillo Boulevard.

Several dimensions of openness can be identified:

- a. Building density, scale, mass and height. In protecting, enhancing and restoring openness, this dimension is the most important. Each development, large or small, must be critically gauged as to its relationship with the surrounding neighborhood; essentially how well the project fits in. Buildings which provide setbacks and building separation promote the feeling of openness and allow views to the ocean. Stepping back the second and third stories from the edges of the property provides visual separation from buildings on adjacent properties which maintains views to the foothills and mountains.

Pedestrian orientation in building and site design is vitally important in promoting human scale. Buildings that open up to and are oriented to the pedestrian invite and promote the visitor-serving aspect of the Waterfront Area.

The south side of Cabrillo Boulevard where there are public facilities provided promotes the feeling of openness and allows views to the ocean. The recently approved (not yet developed) Park Plaza Hotel project proposed on the north side of Cabrillo Boulevard provides in its design major building separations, view corridors and height limitations (one and two stories closer to Cabrillo Blvd. and limited three stories set back to the rear of the property) which will preserve views to the mountains and foothills and will maintain a scale that will protect, enhance and restore the feeling of openness in the Waterfront Area. The Ambassador Park area on the north side of Cabrillo Boulevard in the West Beach area provides a distinct view separation, promotes visual relief and views to the ocean and Harbor.

By contrast, portions of the north side of Cabrillo Boulevard are intensely developed and do not promote openness. The East Beach townhouses and the Mar Monte (Sheraton) Hotel are large, imposing structures which appear to intrude into the open space area. Such structures do not protect, enhance and restore the feeling of openness in the Waterfront Area.

- b. Functional access. A number of aspects facilitate being able to get to the Waterfront easily and contribute to a sense of openness. These include the absence of private property on the south side of the boulevard; convenience of parking along the boulevard, especially on the south side; the general absence of obstructions to and along the beach, though there are some notable exceptions (Stearns Wharf, Harbor facilities, art show on Sunday); and proximity to many residential neighborhoods.
- c. Land use patterns. Several aspects of land use patterns support openness. The residential areas are compact, yet open and green. Neighborhood parks (e.g., Pershing, Punta Gorda) contribute to the feeling of openness,

and complement the parks directly adjacent to the beach. Low scale commercial structures are in keeping with low scale residences. In a sense, the neighborhoods spill out and open onto the Waterfront, rather than being confined or blocked by heavy industrial uses or major arterial highways as in many urban areas.

- d. **Vegetation.** The ultimate scale and mass of landscaping is an important consideration in maintaining openness. While there are many palm trees along Chase Palm Park, they enhance the openness and do not obstruct the overall views to the ocean and foothills. On the other hand, the treeline north of Cabrillo Boulevard on the Southern Pacific property blocks views to the foothills and mountains and may conflict with openness at that location. Hence, landscaping material should be carefully selected so that, when mature, it enhances views and avoids blocking or hindering openness.
2. **Lack of Congestion.** The sense of openness in the Waterfront is unquestionably enhanced by a relative lack of congestion. With the exception of summer weekends, one can still move freely along the beaches, bikeways, and Cabrillo Boulevard in relative quiet.
 - a. **Traffic flow.** Traffic flow along the Waterfront has increased dramatically in all modes. Cabrillo Boulevard has all the attributes of a "grand boulevard." Motorists can drive along leisurely and enjoy the view, unimpeded by cross traffic or stop lights. Increased congestion, however, especially during summer weekends will degrade this feeling. Heavy traffic, hazards due to conflicts with bicycles and pedestrians crossing the boulevard, and the congestion in the vicinity of the art show, reduce the experience to the level of a four lane arterial during rush hour.
 - b. **Parking.** Parking on the south side of the boulevard interferes with the view, especially when the art show is in progress, and poses hazards to bicyclists and motorists. While more off-street parking may be desirable, its placement in parking lots on the beach clashes severely with the naturalness of the setting. The presence of autos, whether moving or parked, leads to a feeling of congestion.
 - c. **Public facilities planning.** The placing of public facilities all along the Waterfront, rather than concentrating them in one or two locations, contributes to an uncongested Waterfront. The Harbor, however, is the exception. Here, parking lots stretch from Leadbetter Beach to the municipal pool, and are filled by an assortment of vehicles, including cars, boats, trailers, and RVs. This high concentration, while necessary for the Harbor to function, detracts from the openness and lack of congestion which should be achieved.

- d. Land use patterns. While motels and other commercial uses add to congestion, their being mixed with residential uses helps distribute the intensity. Accompanying noise and congestion are also more evenly diffused, helping to relieve localized concentrations of noise and intense activity.
3. Naturalness. The Waterfront's openness and lack of congestion are complemented by the natural setting in which Santa Barbara lies. Views to the foothills and mountains are still largely unimpeded by structures; in particular, the views from Stearns Wharf, Chase Palm Park, and East Beach offer unparalleled beauty. The coastal greenery and landscaping, the contour of the beaches and coastline in this area, and the sandy beaches all contribute to the strong image of Santa Barbara's natural beauty. These following dimensions form the basis for criteria which can be used to judge whether or not projects proposed for the Waterfront will uphold the quality of naturalness.
- a. Views. Views are the most important dimension of naturalness. These views are to the ocean, other points along the Waterfront, and to the foothills and mountains. The contrast between the sweep of the coastline and the sweep of the mountains is especially dramatic and heightened by the linear elements of Chase Palm Park and Cabrillo Boulevard.
 - b. Public aesthetics. The spacious and well-planned public facilities provide a calm contrast to the busy city for both residents and visitors. These facilities and public amenities show that the people of Santa Barbara care, and that they have balanced economics with natural aesthetics. This is especially evident in the contrast between the north and south sides of Cabrillo Boulevard. While the north side is commercial, the south side is predominantly low density recreation and park space.

However, there are a number of points of concern which future developers must consider in working through the dynamics of this balance. The north side of Cabrillo Boulevard, especially from State Street to Pershing Park, warrants special consideration. While the Spanish motif helps to unify structural elements, there are other elements which should be considered to create a unity such as signing, lighting, detailing and color.

- c. Landscaping. Landscaping enhances the feeling of naturalness of the Waterfront. A number of aspects of landscaping are important in promoting the feeling of naturalness. These include undeveloped landscaping, use of mature shrubbery and trees, as in Chase Palm Park, and the contrast of tall trees and low shrubbery.
- d. Adjacency. Adjacency is an important dimension of naturalness. The parks and the beaches are adjacent to the Boulevard (e.g., East Beach, Leadbetter Beach). This promotes a sense of having natural wealth and beauty readily available.

4. Rhythm. The Waterfront has evolved slowly over the years, both resisting and accepting various patterns, both human and natural, which combine to create a richly dimensioned image of the Waterfront. There are daily patterns, the weekend-weekday contrasts, the sun, which both rises and sets on the Waterfront. There is the early morning haze which breaks by afternoon, the ebb and flow of people biking, skating, standing in lines for dinner. There is diversity in this rhythm, and care expressed by the diversity which exists. Rhythm is an extremely subtle resource quality, yet it gives strength to all the other qualities which characterize the Waterfront.

Rhythm includes:

- a. Diversity. Diversity refers to the number of differences existing in the Waterfront. First, there are many things to do – driving, walking, biking, skating, eating, jogging, strolling through the art show on Sunday. Second, there is variety in the way these things can be done with facilities of different kinds and intensities to support these activities. Sometimes, however, these facilities are heavily used by conflicting activities, as is the bikeway at present. Third, there is social complexity. The Waterfront is not just a tourist mecca; people also live and work there. The Harbor in particular is a working harbor with both residential and commercial purpose.
- b. Use patterns. Diversity creates differences in use patterns, and use patterns themselves vary. It is important to note that there are patterns, rather than one stream of continuous activity. These differences in use patterns allow people to pick and choose the times and places for enjoying the Waterfront. Probably the most clear cut example of how differences coexist and create their own rhythm is given by the art show. On Sunday, the art show adds excitement and provides a focal point for visitors and residents alike. By Sunday evening, and for the rest of the week, it has disappeared.
- c. Design details. Rhythm occurs spontaneously and is a normal outcome of diversity. Small details, however, modulate rhythms or suppress them altogether. Conversely, design can create rhythm by providing settings for new activities.

B. PARAMETERS

The three (3) parameters; protects, enhances and restores, are further defined as follows:

1. Protects: This means that the dimensions are incorporated into project design to a degree that defends or guards against damage or injury to the existing ambience of the area.

2. Enhances: This means that the dimensions are incorporated into project design to a degree that raises to a higher degree, intensifies or raises the value of the visual qualities of the area.
3. Restores: This means that the dimensions are incorporated into a project design to a degree that returns to a state of soundness or vigor or normal condition the visual qualities of the area.

FIGURE 2

DIMENSIONS		PARAMETERS		
		PROTECTS	ENHANCES	RESTORES
OPENNESS	Building Density, Scale and Mass	+	+	0
	Functional Access	0	0	0
	Land Use Patterns	0	+	0
	Vegetation	+	+	0
LACK OF CONGESTION	Traffic Flow	0	0	0
	Parking	0	0	0
	Public Facilities Planning	0	0	0
	Land Use Patterns	0	+	0
NATURALNESS	Views	0	0	0
	Public Aesthetics	0	+	0
	Landscaping	+	+	0
	Adjacency	0	+	0
RHYTHM	Diversity	0	+	0
	Use Patterns	0	+	0
	Design Details	+	+	+

+ Means: Creates a Positive Effect
 - Means: Creates a Negative Effect
 0 Means: Neither a Positive or Negative Effect