

DRAFT



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

September 17, 2009

CALL TO ORDER:

Chair Larson called the meeting to order at 1:05 P.M.

ROLL CALL:

Present:

Chair Stella Larson

Commissioners Charmaine Jacobs, John Jostes, and Sheila Lodge

Absent:

Commissioners Bruce Bartlett, Addison S. Thompson, and Harwood A. White, Jr.

STAFF PRESENT:

Danny Kato, Senior Planner

Susan Reardon, Staff Hearing Officer

N. Scott Vincent, Assistant City Attorney

Suzanne Riegle, Assistant Planner

Julie Rodriguez, Planning Commission Secretary

I. ROLL CALL

II. PRELIMINARY MATTERS:

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

B. Announcements and appeals.

None.

C. Comments from members of the public pertaining to items not on this agenda.

Chair Larson opened the public hearing at 1:06 P.M. and, with no one wishing to speak, closed the hearing.

III. STAFF HEARING OFFICER APPEALS:

ACTUAL TIME: 1:06 P.M.

APPEAL OF WANDA LIVERNOIS OF THE APPLICATION OF CLAY AURELL, ARCHITECT FOR LEED SANTA BARBARA LLC, 617 BRADBURY AVENUE, 037-122-006, C-2 COMMERCIAL ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/RESIDENTIAL 12 UNITS/ACRE (MST2007-00559)

This is an appeal of the July 15, 2009 Staff Hearing Officer decision to approve a Modification and Tentative Subdivision Map. The project consists of the demolition of an existing duplex, and the construction of a sustainable, 5,488 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Two bicycle parking spaces and a changing room are provided on-site. The residential units are two 1,506 s.f., two-bedroom, three-story units at the rear of the lot. The commercial units are a total of 998 s.f. and are located on the first and second floor adjacent to the street. The proposal includes 2,015 s.f. of green roof and upper level landscape plantings.

The discretionary applications required for this project are:

1. A Modification to allow the required common open area to be located in the front yard, and/or smaller than the required dimensions (SBMC §28.21.081.A.3. and §28.92.110.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) commercial and two (2) residential condominium units (SBMC 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (New Construction of Small Structures) and 15315 (Minor Land Use Divisions).

Case Planner: Suzanne Riegle, Assistant Planner
Email: SRiegle@SantaBarbaraCA.gov

Suzanne Riegle, Assistant Planner, gave the Staff presentation.

Dawn Sherry, Architectural Board of Review (ABR) member, summarized the ABR's consensus for making the compatibility finding and made herself available to answer any of the Planning Commission's questions.

Wanda Livernois, Appellant, gave the appellant presentation.

Clay Aurell, Architect, gave the applicant presentation, joined by David Lack, Owner.

Chair Larson opened the public hearing at 1:40 P.M.

The following people spoke in support of the appeal, or with concerns:

1. Paul Zink, Architectural Board of Review, stated that the ABR decision was very divided and the project needs more refinement.
2. Bill Mahan stated that the Tentative Subdivision Map finding C.3 could not have been made with regard to neighborhood compatibility
3. Joan Livingston, Allied Neighborhood Association: neighborhood incompatibility.
4. Joan Livingston, Allied Neighborhood Association: neighborhood incompatibility.
5. Jeanne Kahre: neighborhood incompatibility; size/bulk/scale.
6. Myfawny Learned: neighborhood incompatibility
7. Michael Terry, speaking for Caroline Vassallo: neighborhood incompatibility
8. Marcie Woolfolk: neighborhood incompatibility
9. Mary Louise Days: neighborhood incompatibility
10. Tim Buynak: neighborhood incompatibility
11. Kellem de Forest: size/bulk/scale
12. Mark Masslen: neighborhood incompatibility; size/bulk/scale
13. Robert Livernois, neighborhood incompatibility; size/bulk/scale

The following people spoke in opposition to the appeal:

1. Steve Yates
2. Andy Roteman
3. Mike McCormack

With no one else wishing to speak, the public hearing was closed at 2:21 P.M.

Staff answered the Planning Commission's questions about the 15' X 15' common open space dimensions; explained the required finding for sound community planning; the status of the rear property line, and summarized the projects five reviews by the ABR.

Mr. Aurell responded that the top of the parapet was below 30' and elaborated on the vegetation on the green roof and its low-water requirements.

The Commissioners made the following comments:

1. Commissioner Jacobs acknowledged the public input of the neighborhood. Puzzled that ABR found the project consistent with the existing neighborhood; did not see that the compatibility standard was met. Would like to see the project reviewed by the Historic Landmarks Committee and that story poles be mandatory. Cannot support the project and will uphold the appeal.
2. Commissioner Lodge appreciated that the applicant looked at the Victorian house across the street and used similar materials, but felt that the project needs to fit with the neighborhood.
3. Commissioner Jostes acknowledged the extent that the applicant has gone to make the project sustainable. Concerned with the project not being compatible with the neighborhood. The project maximizes use of the land at the expense of neighborhood compatibility.

4. The majority of the Commission agreed that the neighborhood is in transition. Cannot make the required finding and support project. Believes the scale and bulk can be reduced by reducing the bedroom sizes. The architecture needs to be softened.

MOTION: Jacobs/Lodge

Assigned Resolution No. 037-09

Uphold the appeal and deny the project. Recommended that if the project is resubmitted, the Historic Landmarks Committee should be given a courtesy review.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Thompson, White)

Scott Vincent, Assistant City Attorney, stated that per the Municipal Code, it was not in the Commission's purview to designate which review board could review which projects.

MOTION: Jostes/Jacobs

Motion to reconsider the prior motion.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Thompson, White)

MOTION: Jacobs/Lodge

Assigned Resolution No. 037-09

Uphold the appeal and deny the project.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Thompson, White)

Chair Larson announced the ten calendar day appeal period.

Mr. Kato sought input from the Commission on following the recommendations of Review Boards, which in this instance had found the project compatible with the neighborhood. Mr. Jostes stated that findings are viewed consistent with the principles of sound community planning. Commissioners Jostes and Jacobs referenced the multi-review board meeting that was held in July 18, 2007, and given the changes in review board membership, recommended that a similar meeting be put together again.

Mr. Vincent stated that the system that came out of the July meeting led to compatibility criteria that was adopted in the Historic Landmarks Committee and Architectural Board of Review sections of Title 22, and gave a communication tool for each Board and Commission and does not necessitate that each review board would arrive at the same conclusion.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 3:00 P.M.

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Chair Larson reported on the Staff Hearing Officer meeting of September 9, 2009.

2. Other Committee and Liaison Reports

a. Commissioner Lodge reported on the Downtown Parking Committee meeting of September 10, 2009.

B. Action on the review and consideration of the following Draft Minutes and Resolutions:

a. Draft Minutes of August 20, 2009

b. Resolution 030-09
500 N. Milpas Street

c. Resolution 031-09
226 and 232 Eucalyptus Drive

d. Resolution 032-09
803 N. Milpas Street

e. Draft Minutes of September 3, 2009

f. Resolution 033-09
124 Los Aguajes Avenue

MOTION: Jostes/Lodge

Continue the Minutes and Resolutions of August 20, 2009 to September 24, 2009 and approved the Minutes and Resolutions of September 3, 2009

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: As noted. Absent: 3 (Bartlett, Thompson, White)

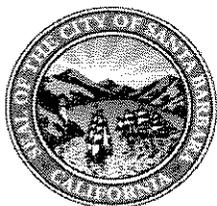
VII. ADJOURNMENT

Chair Larson adjourned the meeting at 3:07 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

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City of Santa Barbara California

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CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 037-09

617 BRADBURY AVENUE

FRONT YARD MODIFICATION AND TENTATIVE SUBDIVISION MAP

SEPTEMBER 17, 2009

APPEAL OF WANDA LIVERNOIS OF THE APPLICATION OF CLAY AURELL, ARCHITECT FOR LEED SANTA BARBARA LLC, 617 BRADBURY AVENUE, 037-122-006, C-2 COMMERCIAL ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/RESIDENTIAL 12 UNITS/ACRE (MST2007-00559)

This was an appeal of the July 15, 2009 Staff Hearing Officer decision to approve a Modification and Tentative Subdivision Map. The project consists of the demolition of an existing duplex, and the construction of a sustainable, 5,488 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Two bicycle parking spaces and a changing room are provided on-site. The residential units are two 1,506 s.f., two-bedroom, three-story units at the rear of the lot. The commercial units are a total of 998 s.f. and are located on the first and second floor adjacent to the street. The proposal includes 2,015 s.f. of green roof and upper level landscape plantings.

The discretionary applications required for this project are:

1. A Modification to allow the required common open area to be located in the front yard, and/or smaller than the required dimensions (SBMC §28.21.081.A.3. and §28.92.110.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) commercial and two (2) residential condominium units (SBMC 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (New Construction of Small Structures) and 15315 (Minor Land Use Divisions).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, 12 people appeared to speak in favor of the appeal, and 3 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 10, 2009
2. Site Plans
3. Correspondence received in support of the appeal, or with concerns:
 1. Judy Orias, Allied Neighborhood Association, via email
 2. Caroline Vassallo, via email

3. Marcella Woolfolk, via email
4. James and Kathleen Smock, via email
5. Jeanne Kahre, via email
6. Karen McFadden, via email
7. Wanda Livernois, via email
8. Neighborhood petition with 20 signatures
9. Theony Condos, via email
10. Naomi Kovacs, Citizens Planning Association, via email
11. Barry Dubin, via email
12. Deidre Dubin, via email
13. John Vasi, Santa Barbara, CA
14. Wendy Foster, via email
15. Barbara Prumeau, Santa Barbara, CA
16. Mark Maslan and Ann Cumming, Santa Barbara, CA
17. Correspondence received in opposition to the appeal:
18. Clay Aurell, via email
19. Greg Griffin, via email
20. Barry Winick, via email
21. Mike McCormack, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission upheld the appeal and denied the project due to the inability to make finding C.3 found on page 4 of the July 15, 2009 Staff Hearing Officer Staff Report.

This motion was passed and adopted on the 17th day of September, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 4 NOES: 0 ABSTAIN: 0 ABSENT: 3 (Bartlett, Thompson, White)

PLANNING COMMISSION RESOLUTION No. 037-09
617 BRADBURY AVENUE
SEPTEMBER 17, 2009
PAGE 3

DRAFT

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

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City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

October 1, 2009

CALL TO ORDER:

Chair Larson called the meeting to order at 1:02 P.M.

ROLL CALL:

Present:

Chair Stella Larson

Vice-Chair Addison S. Thompson

Commissioners Bruce Bartlett, Charmaine Jacobs, Sheila Lodge, and Harwood A. White, Jr.

Commissioner Bartlett arrived at 1:09 P.M.

Commissioner Jacobs arrived at 1:10 P.M.

Absent:

Commissioner John Jostes

STAFF PRESENT:

Danny Kato, Senior Planner

N. Scott Vincent, Assistant City Attorney

Rob Dayton, Principal Transportation Planner

Michael Berman, Project Planner/Environmental Analyst

Peter Lawson, Associate Planner

Julie Rodriguez, Planning Commission Secretary

I. ROLL CALL

II. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

Senior Planner Danny Kato announced that the lunch meeting was rescheduled to October 8, 2009.

- B. Announcements and appeals.

Mr. Kato made the following announcements:

1. The Planning Commission's decision on 617 Bradbury Avenue has been appealed to City Council by the Applicant.
 2. Item III, 803 N. Milpas Street, has been continued to November 5, 2009.
- C. Comments from members of the public pertaining to items not on this agenda.
- Chair Larson opened the public hearing at 1:05 P.M. and, with no one wishing to speak, closed the hearing.

III. CONTINUED ITEM:

APPLICATION OF JARRETT GORIN AGENT FOR 803 N MILPAS STREET LLC, 803 N MILPAS STREET, 031-042-028 COMMERCIAL (C-2) ZONE DISTRICTY, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2006-00510) This item was continued from August 20, 2009 and is now being continued to November 5, 2009.

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

The discretionary applications required for this project are:

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

The Planning Commission will consider approval of the Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

Case Planner: Peter Lawson, Associate Planner
Email: PLawson@SantaBarbaraCA.gov

IV. ENVIRONMENTAL HEARINGS:**ACTUAL TIME: 1:06 P.M.****APPLICATION OF LISA PLOWMAN, PEIKERT GROUP ARCHITECTS (AGENT) FOR HILLSIDE HOUSE, 1235 VERONICA SPRINGS ROAD, APN 047-010-039, DR.6 (SANTA BARBARA COUNTY) ZONE DISTRICT, GENERAL PLAN DESIGNATION: RESIDENTIAL 4.6 UNITS/ACRE (COUNTY) (MST2003-00793)**

The proposed project consists of annexing an approximate 24 acre project site to the City of Santa Barbara, the removal of all existing structures on the site, except the structure known as Harmony House (a single family residence), and the phased development of 120 residential units in 33 buildings. With the conversion of the Harmony House to a triplex, there would be a total of 121 residential units. The buildings would be two to three stories tall and include single and two car garages. Two non-residential buildings are included: a three-car garage and a 6,700 square foot administration and services building for Hillside House clients. The proposed residential units include 70 market-rate condominiums, 12 very-low income rental units (Hillside House units), 11 inclusionary ownership units and 28 low-income rental units. Hillside House would continue to operate its intermediate care assisted living in the 12 units. The project includes restoration of the portion of Arroyo Burro Creek within the boundaries of the project site, located along the south-west property line. A total of 222 covered and uncovered parking spaces would be provided on site.

As part of the annexation to the City of Santa Barbara the entire lot would receive a General Plan designation of Residential (5 units/acre) and a Zoning Map Amendment to SP-9 (Specific Plan). Two conservation easements are proposed on the project site, which would be recorded as part of the final tract map. The first conservation easement would encompass the entire segment of Arroyo Burro Creek, located within the project site boundaries, and include an area of approximately 100 feet on either side of the creek for its entire length on the project site. The second conservation easement would encompass the hillside on the north-east side of the project site.

The project would include a 36 foot wide public road that would be located along the south-western side of the lot. On the project site, near the intersection of the proposed public road and Veronica Springs Road, would be a turnout for a Metropolitan Transit District (MTD) bus stop. Offsite, a 20 foot wide emergency access road would be improved, within the City 60 foot wide public right-of-way easement, which crosses four privately owned parcels. It would serve as a pedestrian and bike path through to Palermo Road. A new 42 inch storm water pipe line would be trenched within the Veronica Springs Road right-of-way and terminate at an existing headwall in Arroyo Burro Creek, located approximately 420 feet south of the project site on the west side of Veronica Springs Road.

ENVIRONMENTAL HEARING: The purpose of the environmental hearing is to receive comments from the Planning Commission, interested agencies and the public on the proposed Environmental Impact Report (EIR) scope of analysis, consistent with the provisions of the California Environmental Quality Act (CEQA) Guidelines. The proposed EIR

Case Planner: Peter Lawson, Associate Planner
Email: PLawson@SantaBarbaraCA.gov

Peter Lawson, Associate Planner, gave the Staff presentation.

Lisa Plowman, Peikert Group Architects, gave the applicant presentation and introduced her team: Dan Need, Biologist; Scott Schell, Transportation Planner; Greg Dinlinger, Geologist; Craig Steward, Pennfield & Smith Engineers; and Detlev Peikert, Architect.

Chair Larson opened the public hearing at 1:37 P.M.

The following people commented on the project:

1. Judy Orias, Hidden Valley Association, summarized comments that will be submitted in writing asking for a financial feasibility study to be included in the EIR; a review of slope density, and a bedroom count. Concerned with the project's impact to evacuation routes. Cited a number of projects in development and asked for review of all impacts
2. Mickey Flacks, Housing Authority County of Santa Barbara, urged that the benches be kept on State Street. Stated the project can provide 42% of affordable housing and furthers the goals of Plan Santa Barbara to increase rental and affordable housing. Asked that the project be moved forward. Asked for a traffic impact EIR to consider the impacts on traffic.
3. Brad Frohling, Hillside House Board Member, feels the project has integrity and has met many of the community's concerns, such as public access, creek restoration, and dedicated open space.
4. Shannon O'Bryan would like to see financial disclosure for the project to address concern over potential for incompleteness of the project. Would also like traffic and parking studied. Felt that 46 units/acre is higher density than anything else in Santa Barbara.
5. Don Jones stated that Hillside House has been a very good neighbor, but the project would make it a poor neighbor because of the potential increase in traffic and density.
6. Heike Kilian asked that the EIR be looked at in conjunction with other EIRs being conducted in the Valley, such as Valle Verde. Would like to see a better baseline of traffic on Veronica Springs; does not see anything that counts the traffic flow.
7. William and Gail Kennedy submitted a written letter and were not able to stay for the hearing.

With no one else wishing to speak, the public hearing was closed at 1:57 P.M.

Scott Schell, Associated Transportation Engineers, answered Planning Commission questions about including the Elings Park project when considering cumulative traffic impacts in the Las Positas Valley. Impact to Mission/Hwy 101 area was not included in the scope of work, but will be considered as part of the traffic analysis.

Staff responded to the Commission's comments on surrounding impacted intersections. Staff stated that all impacted intersections will be considered in the traffic study and it will be based upon the project's trip distribution. Clarified how the number of residential units per acre is calculated, both based upon the current Santa Barbara County zoning designation of Design Residential (DR) and the City's zoning designation. Both the Planning Commission and members of the public asked if an economic study of the proposed project would be provided. Staff responded that economic feasibility is not considered unless the project results in financial impacts that result in physical impacts on the environment. Unless this can be demonstrated, a financial feasibility report would not be a part of the EIR.

Staff responded that the Transportation Division may use some data generated from the Plan Santa Barbara traffic model, but could not comment if the model can be used for specific projects. Staff will ask Transportation Staff if it can be used on specific projects.

The Commissioners made the following comments:

1. Chair Jacobs expressed concern that the Plan Santa Barbara traffic model could not be used on a project specific basis and also requested that cumulative traffic impacts be evaluated in the las Positas Valley. She was surprised that aesthetic impacts were not included in the EIR scope of work. With regard to a financial analysis, suggested that Staff look at what happened to St. Francis Hospital – they wanted zoning for office buildings based on the financial need of the hospital, but then the hospital failed and left residual office space.
2. Commissioner Thompson felt the project has a higher density than the surrounding neighborhood.
3. Commissioners Thompson and White would like to ensure the drainage proposal is consistent with the City's regulations, that neighborhood compatibility is evaluated; and to study traffic impacts. Adequate mitigation measures are needed to address impacts.
4. Commissioner White would like to ensure that the project and its increased use of water can be found consistent with Charter Section 1507. Feels that increased water usage would cause impact on the Gibraltar Reservoir. Appreciated the onsite transit stop, but would like reassurance that this will remain an ongoing transit stop. Would like to hear more about the bedroom count per unit.
5. Commissioner Bartlett would like to see sustainability aspects of the project explored. Would like to have employee parking issue addressed.
6. The majority of the Commission was concerned with traffic impacts.
7. Commissioner Lodge asked that Veronica Springs Road be included in the traffic study.

Scott Vincent, Assistant City Attorney, stated that the request from the public for financial feasibility study investigating the applicant's desire to fund their endowment would not address environmental effects of the project and therefore not a proper topic for the environmental review. Stated CEQA guidelines address how economic effects are

addressed and suggested looking at the short term impacts of the project going forward and what happens if the project does not get completed.

During deliberations about project alternatives, some Commissioners recalled that during prior concept review, a neighborhood market was considered, but not explored.

Mr. Vincent stated that project alternatives are a reasonable range of feasible alternatives, and if they are not economically feasible, then the proposed alternative is not considered feasible. The alternatives presented must also meet the majority of the project's goals.

With regard to zoning, Mr. Lawson responded that currently the site is within the County and is zoned 4.6 units/acre and the surrounding zoning is 5 units/acre.

Mr. Lawson reiterated that the 30 day public comment period begins 9/16/09 and ends 10/15/09

V. **ADMINISTRATIVE AGENDA**

ACTUAL TIME: 2:33 P.M.

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

None

2. Other Committee and Liaison Reports

- a. Commissioners White and Lodge reported on attending the opening of the Mercy Housing Project.
- b. Commissioner Jacobs encouraged the Commission and the public to attend "First Thursday" in the downtown area.

VII. **ADJOURNMENT**

Chair Larson adjourned the meeting at 2:37 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

October 8, 2009

CALL TO ORDER:

Chair Larson called the meeting to order at 1:05 P.M.

ROLL CALL:

Present:

Chair Stella Larson

Vice-Chair Addison S. Thompson

Commissioners Bruce Bartlett, Charmaine Jacobs, John Jostes, Sheila Lodge, and Harwood A. White, Jr.

STAFF PRESENT:

Betty Weiss, City Planner

Danny Kato, Senior Planner

Debra Andalaro, Senior Planner

N. Scott Vincent, Assistant City Attorney

Allison De Busk, Project Planner

Andrew Bermond, Associate Planner

Kathleen Kennedy, Associate Planner

Kelly Brodison, Assistant Planner

Julie Rodriguez, Planning Commission Secretary

I. ROLL CALL

All Commissioners were present.

II. PRELIMINARY MATTERS:

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

B. Announcements and appeals.

Mr. Kato announced that Staff anticipates that there will be an appeal filed on the Staff Hearing Officer's decision for the Medical Cannabis Dispensary Permit granted for 741-781 Chapala Street at the October 7, 2009 Staff Hearing Officer's meeting.

C. Comments from members of the public pertaining to items not on this agenda.

Chair Larson opened the public hearing at 1:06 P.M. and, with no one wishing to speak, closed the hearing.

III. CONSENT ITEMS:

ACTUAL TIME: 1:06 P.M.

APPLICATION OF DOUG REEVES, ARCHITECT, FOR THE CITY OF SANTA BARBARA, EL ESTERO WASTEWATER TREATMENT PLANT, 520 E. YANONALI STREET, APN 017-113-016, OM-1/SD-3, OCEAN-ORIENTED LIGHT MANUFACTURING AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2009-00011) (CDP2009-00011)

The proposed project involves the conversion of an existing concrete storage enclosure to a new one-story, 180 square foot office at the City's El Estero Wastewater Treatment Plant.

The discretionary applications required for this project are:

1. A Development Plan to allow 180 square feet of non-residential floor area (SBMC §28.87.300); and
2. A Coastal Development Permit to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the Californian Environmental Quality Act Guidelines Section 15301 (Existing Facilities).

Case Planner: Kathleen Kennedy, Associate Planner
Email: KKennedy@SantaBarbaraCA.gov

Mr. Kato requested that the Planning Commission waive the Staff Report.

MOTION: White/Jacobs

Waive the Staff Report

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Larson opened the public hearing at 1:07 P.M. and with no one wishing to speak, the public hearing was closed. Commissioner Lodge shared a brief explanation of the project to the public.

MOTION: White/Thompson

Assigned Resolution No. 038-09

Approved the project, making the findings for a Development Plan and Coastal Development Permit as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Larson announced the ten calendar day appeal period.

IV. NEW ITEMS:

ACTUAL TIME: 1:08 P.M.

A. APPLICATION OF JENNIFER WELCH, AGENT FOR THE GOLETA SANITARY DISTRICT, 705 NORMAN FIRESTONE ROAD, 073-045-003, A-F, SP-6, S-D-3, AIRPORT INDUSTRIAL AREA SPECIFIC PLAN AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST 2008-00524, CDP2008-00019)

The project consists of approximately 4,000 linear feet of sewer line and the construction of a new 400 square foot (sf) sewer lift station on a 4,560 sf site at the corner of Firestone and Donaldson Roads on Santa Barbara Airport property. The purpose of the proposed project is to replace the lift station at 6300 Hollister Avenue in Goleta with a modern lift station of comparable capacity, and to relocate it away from the site of a proposed hotel. This includes 2,100 linear feet of sewer line already installed between December 2008 and January 2009 under an Emergency Coastal Development Permit (CDP) to remove an impediment to flows in San Pedro Creek. The discretionary applications required for this project is a Coastal Development Permit (CDP2008-00019) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The Environmental Analyst completed a Master Environmental Assessment Checklist and determined the project was statutorily exempt from California Environmental Quality Act review (CEQA Guidelines §15303(d)).

Case Planner: Andrew Bermond, Associate Planner
Email: ABermond@SantaBarbaraCA.gov

Andrew Bermond, Associate Planner, gave the Staff presentation.

Chair Larson opened the public hearing at 1:14 P.M. and with no one wishing to speak, closed the hearing

Jennifer Welch, did not give an applicant presentation, but remained available for responding to any questions.

Discussion was held regarding the landscape plan reviewed by the Architectural Board of Review, storm water management, the amount of cubic yards of cut and fill, and explanation of the lift stations.

MOTION: White/Bartlett

Assigned Resolution No. 039-09

Approved the project, making the findings for Coastal Development Permit as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Larson announced the ten calendar day appeal period.

ACTUAL TIME: 1:24 P.M.

B. APPLICATION OF JARRETT GORIN, VANGUARD PLANNING, AGENT FOR RICHARD UNTERMANN AND GAIL ELNICKY PROPERTY OWNERS, 1712 ANACAPA STREET, APN 027-111-014, R-2, TWO FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2008-00435)

The proposed project involves the subdivision of a 23,160 square foot parcel into three parcels. The lot is currently developed with a 2,140 square foot, two-story, single-family residence and a detached two-car garage. Proposed Parcel 1 will be 8,310 net square feet and includes remodeling the existing residence and the construction of a new two-car carport. Proposed Parcel 2 will be 7,000 net square feet and includes the demolition of the existing garage and proposed Parcel 3 would be 7,850 net square feet. No new residential development is proposed on Parcels 2 or 3 at this time. Pedestrian and vehicular access, for all three parcels, are to be provided by a new 16-foot wide easement along the northwest property line. A total of 869 cubic yards of grading is proposed for the existing parcel.

The discretionary applications required for this project are:

1. Two (2) Street Frontage Modifications to allow two of the newly created lots to have less than the required 60 feet of frontage on a public street (SBMC § 28.15.080);

2. A Public Street Frontage Waiver from the requirement that each lot created by a new subdivision shall front upon a public street or private driveway serving no more than two lots (SBMC § 22.60.300); and
3. A Tentative Subdivision Map for a subdivision of one (1) existing lot into three (3) new lots (SBMC § 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315 [Minor Land Division].

Case Planner: Kelly Brodison, Assistant Planner
Email: KBrodison@SantaBarbaraCA.gov

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Richard Untermann, Owner, introduced Jarrett Gorin, Vanguard Planning, who gave the applicant presentation.

Chair Larson opened the public hearing at 1:41 P.M.

The following people spoke in support of the project:

1. Monte Fligsten
2. Jerry de Rose
3. Ken Jacobsen

With no one else wishing to speak, the public hearing was closed at 1:44 P.M.

Discussion was held regarding the carport in the front yard; the density in the R-2 zoning; clarification of General Plan consistency; commitments made by the Applicant to the neighbors that are not recorded in the Conditions of Approval; and notification of the Upper Eastside Association.

On reviewing the Conditions of Approval, Mr. Gorin confirmed that the applicant was amenable to a condition limiting development to not more than one unit/lot.

A majority of Commissioners were in consensus that the project was well-conceived and appropriate for the neighborhood, with some support expressed for a granny unit if desired by the applicant. Commissioner Jacobs asked the Commission to consider setting a ceiling on the FAR for the two newly created non-conforming lots and specifying that the front house is renovated. Develop the lots as single family residences following the design review of the Single Family Design Review Board and not to exceed 85% of the allowed FAR on the site.

Additional discussion was exchanged regarding inclusionary housing fees as related to the number of units built. Mr. Gorin stated that any development would be subject to the Neighborhood Preservation Ordinance (NPO). The inclusionary fee should be based on units proposed, not potential units.

Mr. Unterman expressed his intent to have a studio built for him and his wife with a small office and does not see a need for further restrictions.

MOTION: Jostes/Thompson

Assigned Resolution No. 040-09

Approved the project, making the findings for the two Street Frontage Modifications, a Public Street Frontage Waiver, and Tentative Subdivision Map as outlined in the Staff Report, and subject to the Conditions of Approval in Exhibit A of the Staff Report.

Commissioners Jacobs, White, and Lodge could not support the motion because the current conditions of approval did not assure the neighbors what they had been promised. Commissioner Jacobs suggested altering Condition A.1. to strike out "and the ABR for duplexes"; and in Condition B.1., lines three and five, to strike out "maximum of two dwelling units".

Mr. Vincent made clear that the lots are being treated as three lots with one main dwelling unit per lot with an option for a secondary dwelling unit per lot. Mr. Kato added that the R-2 Zone does not allow secondary dwelling units, but does allow multiple units. Mr. Kato suggested that the secondary unit be limited to 600 square feet.

Commissioner Jacobs remained concerned with the size and the potential for a larger building on the same spot. Would like to limit the FAR and designate the design review process that is compatible with the NPO.

Clarification was made that the NPO applies to single family zoned lots and this is not a single family lot.

The motion was withdrawn by the motion maker.

MOTION: Jostes/Bartlett

Assigned Resolution No. 040-09

Approved the project, making the findings for the two Street Frontage Modifications, a Public Street Frontage Waiver, and Tentative Subdivision Map as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval: 1) any second units developed on Lots 1 & 3 be restricted to 600 square feet.

This motion carried by the following vote:

Ayes: 4 Noes: 3 (Jacobs, Lodge, White) Abstain: 0 Absent: 0

Chair Larson announced the ten calendar day appeal period.

Chair Larson called for a break at 2:31 p.m. and resumed the meeting at 2:39 P.M.

Commissioners Bartlett and Jostes left at the break and did not return to the dais.

Scott Vincent left at the break and did not return to the dais. Steve Wiley, City Attorney, returned after the break.

V. **SUBSTANTIAL CONFORMANCE:**

ACTUAL TIME: 2:39 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, the following Commissioners recused themselves from hearing the next item and left at the break:

Commissioner Jostes recused himself due to his wife owning property in close proximity to the project.

Commissioner Bartlett recused himself due to his firm having done work on the project.

EX PARTE COMMUNICATION:

Commissioner White disclosed an ex parte communication with Mr. Romasanta.

Commissioner Lodge disclosed receiving a call from Mr. Romasanta, but did not speak with him.

APPLICATION OF KENNETH MARSHALL, DUDEK, AGENT FOR MF SANTA BARBARA, LLC; 35, 36 AND 118 STATE STREET ("LA ENTRADA DE SANTA BARBARA"); APN: 033-081-013, 033-102-018, 033-111-013; HRC-II/S-D-3 ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE II/BUFFER (MST97-00357)

The purpose of this discussion item was to inform the Planning Commission of proposed changes to the Entrada de Santa Barbara project, as approved by the City Council on December 11, 2001, within the context of a request for a Substantial Conformance Determination (SCD).

Key proposed changes include:

- Change from 56 timeshare units to 114 hotel units and 9 timeshare units.
- Hotel amenities (conference room gym, spa, business center, lounge and breakfast area) were added, totaling 8,066 square feet.
- All back-of-house (BOH) areas now located on the subject properties, rather than off-site, resulting in 1,491 square feet of additional BOH area on the subject properties.

- Storage space for timeshare units added to Areas A, B and C.
- Revised parking plan wherein all hotel and timeshare parking is provided on Areas A and B, and Area C's parking will accommodate all parking associated with the commercial development, Visitor Information Center and public parking.
- Main lobby and valet pick-up/drop-off relocated from Area C to Area B (along E. Mason Street).
- Guarantee for completion of Area C underground parking garage.
- Expanded public plaza on Area C.
- Less above-grade square footage, resulting in reduced mass on Area C and Area B, and improved mountain views.
- Minor changes to site plans for each Area, including changes to encroachments into required setbacks, for which modifications were originally granted.

The City Administrator will ultimately make a determination as to whether the proposed changes are in substantial conformance with the approved project.

The purpose of the discussion was to allow the Planning Commission an opportunity to review the proposed changes to the approved project and provide input with regard to the SCD request.

Case Planner: Allison De Busk, Project Planner

Email: ADebusk@SantaBarbaraCA.gov

Deborah Andaloro, Senior Planner explained the Substantial Conformance Determination (SCD) process, and disclosed that Paul Casey, Community Development Director, would not be making the SCD determination due to a perceived conflict with a relative working for the project's architectural firm. The SCD will be forwarded to the City Administrator for a decision.

Allison De Busk, Project Planner, gave the Staff presentation.

Ray Wicken, representing Owner, MF Santa Barbara, LLC, lead the applicant presentation, joined by his team: Doug Fell, Attorney; Ken Marshall, Dudek; Melisa Cinarli, DesignARC; Mark Shields, DesignARC; and Scott Shell, ATE.

Barbara Lowenthal, a former Planning Commissioner, provided a historic background of the project issues considered by an earlier Commission, which included consideration of time-shares, preservation of view corridors, and a review of the project's massing.

Steve Wiley, City Attorney, further clarified the SCD process as outlined in the Planning Commission Guidelines, as revised in 1997. Discussion was held on the decision criteria for the SCD in the face of times that have changed as being held to the criteria of today, although there has not been significant change.

Chair Larson opened the public hearing at 3:35 P.M.

The following people provided public comment:

1. Tony Romasanta questioned the outcome of the applicant's prior time extension and commitments made that did not materialize and resulted in the present blight of the properties. He remained concerned that granting a non-appealable SCD would not result in development of the property, but merely give the applicant a better position for selling the property to a third party and lead to further degradation during the time it would take for a new developer to process plans. Speaker time was waived to Mr. Romasanta by Mark Romasanta, Warren Richards, and Junior Zermeno.
2. Tim Benett supported SCD.
3. John Hughes, Electrical Workers of Santa Barbara County, supported the SCD.
4. Mark Edwards, supported the SCD.
5. Michael Seaman, Operating Engineers Local 12, supported the SCD.
6. Connie Hannah, Santa Barbara League of Women Voters, submitted and summarized written comment in support of the improvements presented in the current plans. Does not support the narrowing of State Street by the project and asked that it be reconsidered.
7. Beverly King, Santa Barbara League of Women Voters, continued the summary of the League's written comments in support of the underground parking; the bond requirement; and the demolition of the Californian Hotel if the project did not meet the development timeline. Stressed that the City should not bear any of the burden should water intrude into the underground parking garage.
8. Bernie Berglund supported the SCD. Current blight encourages crime and vandalism in the area.
9. Kellam de Forest found the SCD process confusing and asked that the General Plan Update provide clearer definition. Concerned with what would happen to the Visitors Center at Garden Street.
10. Steve Petersen supported the SCD.
11. Roy Millender supported the SCD and approved of the changes that have been made over time.
12. Glen Esterbrook could not stay but supported the SCD.

With no one else wishing to speak, the public hearing was closed at 4:02 P.M.

Discussion was held on the square footage changes over time under previous SCD's; conditions being developed by Staff to impose fixed timeframes for building permits and the initiation and completion of the project, along with absolute consequences for non-compliance; the inability to secure a bond in the face of an uncertain economy; and Staff's efforts to avoid a return to 'white space'.

The Commissioners made the following comments:

1. Commissioner Jacobs recalled the 2004 hearings with commitments that were made, and did not materialize. Finds it unacceptable that one of the consequences of non-conformance is demolition of Californian Hotel, a historic site; would like a return to

Historic preservation mode. Would like to see a return to the previous design in Area B with less mass and bulk. Parking is good, but would like to see more parking for circulation in the area. Would like to see access to the roof decks made available for public use.

2. Commissioner Larson supported the SCD but would feel deceived if the SCD were approved, the property sold, and the Californian Hotel allowed to be demolished by neglect.
3. Commissioner White was concerned with the encroachments on the north face of Mason Street and how they would factor into the SCD. Liked that there is more commercial space and the hotel, but wished that there was more conference space. Suggested trading out some rooms. Appreciates that there is more parking and would like Staff to review the feasibility of underground parking. Still does not see Area B representative of Santa Barbara.
4. Commissioner Thompson felt the proposed land use is consistent with the project for the SCD. The environmental impacts have been reduced from the approved project. Feels the proposed conditions, along with consequences, are a good thing to provide motivation to move the project forward.

Mr. Wiley noted that the City's enforcement program for seismically unsafe buildings during the early 90's found the Californian Hotel to be unsafe by building officials. A Superior Court code enforcement action against the owners resulted in a resolution that allowed for time to redevelop the property or if plans for new development were to lapse, would require demolition. The Californian Hotel is eligible as a potential structure of merit, but has not been listed and is not a historic landmark.

Commissioner Larson had to leave the dais at 4:28 P.M. Vice Chair Thompson continued the meeting as Chair.

Additional discussion was held regarding the \$50,000 landscaping bond that was previously committed but did not materialize due to the building permits having been kept valid.

Staff thanked the Commission for comments made and will pass them onto the City Administrator. The Commission asked that the Historic Landmarks Committee review the renovation of the Californian Hotel.

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 4:46 P.M.

- A. Committee and Liaison Reports.
 1. Staff Hearing Officer Liaison Report

Mr. Kato reported on the Staff Hearing Officer's meeting of October 7, 2009.

2. Other Committee and Liaison Reports

- a. Commissioner Lodge reported on the Downtown Parking Committee meeting held earlier today.
- b. Commissioner Lodge reported that she and Commissioner Jostes attended a conference at Pepperdine University on AB32 and AB375.

B. Action on the review and consideration of the following Draft Minutes and Resolutions:

- a. Draft Minutes of September 10, 2009
- b. Resolution 034-09
1900 Lasuen Road
- c. Resolution 035-09
920 Summit Road
- d. Resolution 036-09
631 Olive Street

MOTION: Jacobs/Lodge

Approve the minutes and resolutions of September 10, 2009 as corrected.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: As noted. Absent: 3 (Bartlett, Jostes, Larson)

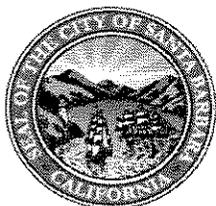
VII. ADJOURNMENT

Chair Thompson adjourned the meeting at 4:51 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary





City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 038-09

520 E. YANONALI STREET

COASTAL DEVELOPMENT PERMIT, DEVELOPMENT PLAN

OCTOBER 8, 2009

APPLICATION OF DOUG REEVES, ARCHITECT, FOR THE CITY OF SANTA BARBARA, EL ESTERO WASTEWATER TREATMENT PLANT, 520 E. YANONALI STREET, APN 017-113-016, OM-1/SD-3, OCEAN-ORIENTED LIGHT MANUFACTURING AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2009-00011) (CDP2009-00011)

The proposed project involves the conversion of an existing concrete storage enclosure to a new one-story, 180 square foot office at the City's El Estero Wastewater Treatment Plant.

The discretionary applications required for this project are:

1. A Development Plan to allow 180 square feet of non-residential floor area (SBMC §28.87.300); and
2. A Coastal Development Permit to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (Existing Facilities).

Case Planner: Kathleen Kennedy, Associate Planner
Email: KKennedy@SantaBarbaraCA.gov

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 1, 2009
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Approved the subject application making the following findings and determinations:

A. DEVELOPMENT PLAN APPROVAL (SBMC§28.87.300)

1. The proposed development complies with all provisions of the Zoning Ordinance. *The proposed addition will comply with the OM-1/SD-3 Zone standards, as described in Section V of the Staff Report.*
2. The proposed development is consistent with the principles of sound community planning. *The proposed project is consistent with the principles of sound community planning because the new office space would be compatible with the current use of the property as a wastewater treatment plant, which is an allowed use in the OM-1 Zone, and is consistent with the General Plan and Local Coastal Plan.*
3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood. *All exterior alterations onsite require review and approval by the Architectural Board of Review (ABR). The ABR has conceptually reviewed the project and has found it to be compatible with the existing wastewater treatment facility and surrounding neighborhood.*
4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock. *The 180 square foot office is not expected to have a potential adverse impact upon City and South Coast affordable housing stock because it will provide a small office space to serve existing employees of the El Estero Wastewater Treatment Plant, and it would not generate housing demand in and of itself.*
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources. *Adequate City services are currently available to the project site. Water resource impacts are not anticipated with the construction of the proposed 180 square foot office space.*
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic. *Traffic impacts are not anticipated with the construction of the proposed development because no additional employees are required. Existing employees would use the proposed office space.*
7. Resources will be available and traffic improvements will be in place at the time of project occupancy. *Adequate City services are currently available to the project site, and traffic improvements are not required.*

B. Coastal Development Permit (SBMC §28.44)

The project is consistent with the policies of the California Coastal Act, all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable

provisions of the Code because the proposal is a conversion of an existing storage enclosure to office space which would be compatible with the existing wastewater treatment facility, and would not impact public access and public recreation, as described in Section VI of the Staff Report.

II. Said approval is subject to the following conditions:

- A. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 8, 2009 is limited to approximately 180 square feet of building area and the improvements shown on the project plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
- B. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
 - 1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review.
 - 2. **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., Archaeologist contract submitted to Community Development 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.

- C. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.
 - 1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and

containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.

2. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
3. **Construction 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 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number that is answered by a person, not a machine.

4. **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.
5. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
6. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
- D. **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.

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.

This motion was passed and adopted on the 8th day of October, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

PLANNING COMMISSION RESOLUTION No.038 -09
520 E. YANONALI STREET
OCTOBER 8, 2009
PAGE 6

DRAFT

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

DRAFT



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 039-09
705 NORMAN FIRESTONE ROAD
COASTAL DEVELOPMENT PERMIT
OCTOBER 8, 2009

APPLICATION OF JENNIFER WELCH, AGENT FOR THE GOLETA SANITARY DISTRICT, 705 NORMAN FIRESTONE ROAD, 073-045-003, A-F, SP-6, S-D-3, AIRPORT INDUSTRIAL AREA SPECIFIC PLAN AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST 2008-00524, CDP2008-00019)

The project consists of approximately 4,000 linear feet of sewer line and the construction of a new 400 square foot (s.f.) sewer lift station on a 4,560 s.f. site at the corner of Firestone and Donaldson Roads on Santa Barbara Airport property. The purpose of the proposed project is to replace the lift station at 6300 Hollister Avenue in Goleta with a modern lift station of comparable capacity, and to relocate it away from the site of a proposed hotel. This includes 2,100 linear feet of sewer line already installed between December 2008 and January 2009 under an Emergency Coastal Development Permit (CDP) to remove an impediment to flows in San Pedro Creek. The discretionary applications required for this project is a Coastal Development Permit (CDP2008-00019) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The Environmental Analyst completed a Master Environmental Assessment Checklist and determined the project was statutorily exempt from California Environmental Quality Act review (CEQA Guidelines §15303(d))

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 2 2009
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Approved the subject application making the following findings and determinations:
 - A. **Coastal Development Permit (SBMC §28.44.150)**
 1. The project is consistent with the policies of the California Coastal Act, because it would be a public works facility that has been designed and limited to accommodate needs generated by permitted development (Coastal Act Section 30254).

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, because it would be constructed in previously disturbed areas and would not affect cultural or biological resources (Policies F-3 and C-12).
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation, because it would not introduce a new impediment to public access as the project site is predominantly underground and clear of public access routes.

II. Said approval is subject to the following conditions:

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

1. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure. The drip system along the bluff edge shall be removed after one full season of plant growth.
2. **Landscape Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to screen the lift station wall from Firestone Road and Donaldson Place.
3. **Minimize Visual Effects of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
4. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices shall be provided in a location screened from public view or included in the exterior wall of the building.

B. **Approved Development and Future Maintenance Requirements:**

1. **Approved Development.** The development of the project approved by the Planning Commission on October 8, 2009 is limited to a 2,100 linear feet of 10-inch force main sewer pipeline between 705 Norman Firestone Road and the east bank of San Pedro Creek, 1,960 linear feet of gravity line from 6300 Hollister Avenue to 705 Norman Firestone Road, a sewer lift station at 705 Norman Firestone Road and the improvements shown on the Site Plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Landscape Plan Compliance.** The Applicant shall install and maintain the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any

reason without approval by the ABR, the Applicant is responsible for its immediate replacement.

3. **Storm Water Pollution Control and Drainage Systems Maintenance.** Applicant shall maintain the project's 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 Applicant 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/or Coastal Development Permit is required to authorize such work. The Applicant 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.
4. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the vicinity of Firestone Channel which drains directly into Carneros Creek as well as near San Pedro Creek.
5. **BMP Training.** applicant shall provide employee training on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/unloading areas in order to keep debris from entering the storm water collection system.

C. **Public Works Requirements Prior to Building Permit Issuance.** The Applicant 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. **Hollister Avenue and Firestone Road Public Improvement Plans.** The Applicant shall submit building plans for construction of improvements along the property frontage on 705 Firestone Road. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: asphalt concrete, crack seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limit of all trenching, underground service utilities, preserve

and/or reset survey monuments and contractor stamps. Any work in the public right-of-way requires a Public Works Permit.

2. **Agreement to Construct and Install Improvements.** The Applicant shall submit an executed Agreement to Construct and Install Improvements, prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
3. **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.

D. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance:

1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and 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 Applicant 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. **Archaeological Monitoring Contract.** Submit to the Planning Division a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Archaeological Resources Report prepared for this site. The contract shall be subject to the review and approval of the Planning Division.

The archaeologist's monitoring contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist 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, preparation of further site studies and/or mitigation.

If the discovery consists of possible human remains, the Applicant shall contact the Santa Barbara County Coroner immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The Applicant shall retain 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, the Applicant shall retain 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.

- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined above.
 2. **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., Archaeologist contract submitted to Community Development 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:

Applicant		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Applicant and/or Contractor for the duration of the project construction. (Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)
1. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Applicant (Archaeologist, Architect, Arborist, Landscape Architect, Biologist, Geologist, Project Engineer, Project Environmental Coordinator), Contractor and each Subcontractor.
 2. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
 3. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager.
 4. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating (GVWR) of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
 5. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
 6. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa

Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

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

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number that is answered by a person, not a machine.

7. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.

8. **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.
9. **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.
10. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
11. **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.
12. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
13. **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) and Project Environmental Coordinator's (PEC) name, contractor(s) and PEC's telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The construction contact phone number shall include an option to contact a person instead of a machine in case of emergency. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall

not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

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.** Applicant 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 Applicant's expense, as provided in SBMC Chapter 9.66.
- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Applicant 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 Applicant shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
 4. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Final Inspection, whichever is earlier.
- H. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant 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 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 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 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.

This motion was passed and adopted on the 8th day of October, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 040-09

1712 ANACAPA STREET

PUBLIC STREET FRONTAGE WAIVERS (2), LOT FRONTAGE MODIFICATIONS (2)
AND TENTATIVE SUBDIVISION MAP

OCTOBER 8, 2009

APPLICATION OF JARRETT GORIN, VANGUARD PLANNING, AGENT FOR RICHARD UNTERMANN AND GAIL ELNICKY PROPERTY OWNERS, 1712 ANACAPA STREET, APN 027-111-014, R-2, TWO FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2008-00435)

The proposed project involves the subdivision of a 23,160 square foot parcel into three parcels. The lot is currently developed with a 2,140 square foot, two-story, single-family residence and a detached two-car garage. Proposed Parcel 1 will be 8,310 net square feet and includes remodeling the existing residence and the construction of a new two-car carport. Proposed Parcel 2 will be 7,000 net square feet and includes the demolition of the existing garage and proposed Parcel 3 would be 7,850 net square feet. No new residential development is proposed on Parcels 2 or 3 at this time. Pedestrian and vehicular access, for all three parcels, are to be provided by a new 16-foot wide easement along the northwest property line. A total of 869 cubic yards of grading is proposed for the existing parcel.

The discretionary applications required for this project are:

1. Two (2) Street Frontage Modifications to allow two of the newly created lots to have less than the required 60 feet of frontage on a public street (SBMC § 28.15.080);
2. A Public Street Frontage Waiver from the requirement that each lot created by a new subdivision shall front upon a public street or private driveway serving no more than two lots (SBMC § 22.60.300); and
3. A Tentative Subdivision Map for a subdivision of one (1) existing lot into three (3) new lots (SBMC § 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315 [Minor Land Division].

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, 3 people appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 1, 2009
2. Site Plans

3. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Approved the subject application making the following findings and determinations:

A. Public Street Waiver (SBMC §22.60.300)

1. The private driveway will provide adequate access to the proposed parcels. The proposed driveway has been found acceptable to the Fire Department and Public Works Department
2. The proposed driveway will provide adequate access for fire suppression vehicles, as required by applicable fire regulations. Said driveway will meet Fire Department requirements in terms of width, length, materials and weight capacity.
3. There is adequate provision for maintenance of the proposed driveway because the owners of the proposed lots would be required to maintain the private driveways pursuant to an agreement with the subdivider, to be recorded prior to or concurrent with the recordation of the Parcel Map.
4. The waiver is in the best interests of the City and will improve the quality and reduce impacts of the proposed development. The private driveway does not require expenditure of public money for maintenance.

B. Street Frontage Modifications (SBMC §28.15.080)

As discussed in Section VI.A of this staff report, these modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on a lot. The proposed lot configuration is consistent with the surrounding pattern of development. The subdivision will create two additional lots that take access from Anacapa Street through a shared private driveway. The development satisfies the minimum Fire Department access requirements and does not compromise public health or safety. The subdivision is consistent with other lots in the surrounding area.

C. The Tentative Map (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara as discussed in Sections VI and VII.A of this staff report. The site is physically suitable for the proposed development because the proposed lots would meet the minimum lot size specified in the R-2 zone and the density requirements of the General Land Use Designation of 12 units per acre. The site is physically suitable for the proposed development due to its generally flat topography and mid-block location. The project is consistent with the density provisions of the Municipal Code and the General Plan as demonstrated in Sections VI and VII.A of this staff report, and the proposed use is consistent with the vision for this neighborhood because it provides single-family in-fill housing that is compatible in size

and scale with the surrounding development. 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.A of this staff report.

II. Said approval is subject to the following conditions:

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

1. **Future Construction.** Any new residence constructed on one of the lots created by the proposed subdivision shall be subject to the review and approval of the appropriate Design Review Board; the Single Family Design Board for single family residences and the ABR for duplexes.
2. **Design Features.** The existing sandstone block wall bordering the sidewalk and driveway wall be salvaged and reused when the driveway is moved so as to retain the ability to contribute to the visual character of the neighborhood. The existing balcony on the south elevation or a replication of it shall be incorporated in the design of the present building's alterations.
3. **Tree Removal and Replacement.** All native or specimen trees removed or damaged, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site. Replacement trees shall be a minimum of three to one (3:1) 24" boxed or five to one (5:1) 15 gallon trees, as determined by the Design Review Board, of an appropriate species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
4. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures, intended to minimize impacts on trees:
 - a. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
 - b. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist report prepared by Peter Winn, Westree, dated December 8, 2008, shall be implemented.
 - c. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
 - (1) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Design Review Board. No irrigation system shall be installed under the dripline of any oak tree.
 - (2) Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be

replaced at a three to one (3:1) 24" boxed or five to one (5:1) 15 gallon rations, from South Coastal Santa Barbara County Stock as determined by the Design Review Board.

5. **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.
 6. **Permeable Paving.** Incorporate a permeable paving system for the project driveways, patios and walkway(s) that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.
- 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 **October 8, 2009**, is limited to 3 lots (Lot 1 will be 8,140 square feet with a maximum of 2 dwelling units, Lot 2 will be 7,000 square feet with a maximum of 1 dwelling unit and Lot 3 will be 7,850 square feet with a maximum of 2 dwelling units) for a total maximum of 5 dwelling units and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. Any second units developed on Lots 1 & 3 will be restricted to 600 square feet.
 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 Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Design Review Board.
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Design Review Board. Such plan shall not be modified unless prior written approval is obtained from the Design Review Board. 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 Design Review Board, the owner is responsible for its immediate replacement. The following tree protection measures shall be incorporated:

5. **Oak Tree Protection.** The existing oak tree(s) shown on the Tentative Subdivision Map, Tree Protection Plan and Landscape Plan shall be preserved, protected, and maintained (in accordance with the recommendations contained in the arborist's report prepared by Peter Win, Westree, dated December 8, 2008. A copy of this report shall be attached to the recorded conditions as an exhibit. During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the tree(s).) The following provisions shall apply to any oak trees to remain on the property:
 - a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
6. **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 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.
7. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants (CC&R's), 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 parcels.

- 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.
- C. **Public Works Submittal Prior to Parcel 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 Parcel Map and prior to the issuance of any permits for the project:
- 1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
 - 2. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
 - 3. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department.
 - 4. **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.
 - 5. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants (CC&R's), reciprocal easement agreement, or similar private agreements required for the project.

6. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
7. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management 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.
8. **Anacapa Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Anacapa Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: *saw-cut and reconstruct all cracked and/or uplifted sidewalk, construct one driveway apron modified to meet Title 24 requirements, close existing curb cut and replace with 10-12 lf of curb & gutter, access crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations for installation curb drain outlets, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per the MUTCD w/CA supplements during construction, trim tree in front yard setback out of the public rights-of-way under the direction of the City Arborist,* 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 *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
10. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.

- 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 Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department prior to issuance of building permits for individual parcels.
 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.
- E. **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 Design Review Board, outlined in Section A above.
 2. **Drainage and Water Quality.** The recommendations in the Preliminary Drainage Analysis, prepared by Flowers & Associates, Inc. dated May 11, 2009, shall be incorporated in the project plans.
 3. **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.

4. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B.6, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
5. **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.

- F. **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. **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 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

4. **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.
5. **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.
6. **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.
7. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
8. **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.
9. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.

10. **Oak Tree Protection.** The existing oak tree(s) shown on the Tentative Subdivision Map, Tree Protection Plan and Landscape Plan shall be preserved, protected, and maintained (in accordance with the recommendations contained in the arborist's report prepared by Peter Win, Westree, dated December 8, 2008. A copy of this report shall be attached to the recorded conditions as an exhibit. During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the tree(s).) The following provisions shall apply to any oak trees to remain on the property:
- a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
 - c. Fence off all trees from construction at the critical root zone or where practical with 6' chain link or orange construction fence with metal stakes.
 - d. No activities or storage of construction materials shall be allowed within the fenced areas unless approved by the project arborist.
 - e. Any root disturbance to any of the protected trees shall be done by hand and the project arborist alerted.
 - f. All roots encountered shall be cut cleanly with a sharp saw to allow for new root regeneration, backfilled immediately or kept moist to prevent drying out and dying.
 - g. Any tree affected by the construction process shall be deep-root fertilized to promote better health and vigor.
 - h. Compaction of the root zone shall be avoided by spreading 3-4" of mulch. If necessary plywood or equivalent shall be placed on top.
 - i. During hot, dry periods the foliage may need to be washed with high pressure water to remove construction dust.
 - j. Project arborist shall be notified prior to any activities within the critical root zone.
 - k. All trenching of utilities, irrigation and lighting shall not encroach with in the critical root zone unless approved by th eproject Biologist or Arborist.
 - l. Native or Specimen trees removed or damaged shall be mitigated, utilizing the current City recommendations of 5:1 – 15 gallon or 3:1 24" boxed trees.

11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
12. **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.
13. **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.

- G. **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 building plans, including utility service undergrounding and installation of street trees.

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

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

NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

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

This motion was passed and adopted on the 8th day of October, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 4 NOES: 3 (Jacobs, Lodge, White) ABSTAIN: 0 ABSENT: 0

PLANNING COMMISSION RESOLUTION No. 040-09
1712 ANACAPA STREET
OCTOBER 8, 2009
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DRAFT

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

DRAFT