



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 012-09

124 LOS AGUAJES AVENUE

MODIFICATIONS AND TENTATIVE SUBDIVISION MAP

APRIL 16 2009

APPLICATION OF PETE EHLEN, AGENT FOR MARK EDWARDS, 124 LOS AGUAJES AVENUE, APN 033-041-007, MULTI-FAMILY RESIDENTIAL/ COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RESIDENTIAL (MST2004-00725)

The Planning Commission will review two project alternatives. Project alternative 1 consists of the demolition of an existing 884 square foot, single-family residence and 440 square foot detached garage, and the construction of three new residential condominium units in the Appealable Jurisdiction of the Coastal Zone. The proposed structure would be three stories with a maximum building height of 30' 2" consisting of 4,049 square feet of residential floor area above 1,172 square feet of garage floor area on a 6,000 square foot lot located adjacent to Mission Creek. The project includes two two-car garages and a one-car garage on the first floor, and a two-bedroom unit and two one-bedroom units. The proposed project proposes 25 cubic yards of cut and 135 cubic yards of fill outside the main building footprint. Grading under the main building footprint would involve 110 cubic yards of cut. The project also includes landscaping changes, bioswales and retention basin adjacent to the proposed residences. Project alternative 2 is a slightly larger three-story, three-unit project that has a portion of the second and third stories projecting into the Mission Creek Development Limitation area. Alternative 2 was previously reviewed by the Planning Commission on November 2, 2006.

The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2005-00021) to develop a three unit residential condominium project located in the Appealable Jurisdiction of the Coastal Zone. (SBMC §28.44.060)
2. A Modification to allow the building to encroach into the front setback (SBMC §28.21.060 and §28.92.110.A.2);
3. A Modification to allow the building to encroach into the interior setback to the east (SBMC §28.21.060 and §28.92.110.A.2);
4. A Modification to allow the building to encroach into the other interior setback to the west. (SBMC §28.21.060 and §28.92.110.A.2); and
5. A Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC 27.07 and 27.13).

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

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

WHEREAS, 1 person appeared to speak in favor of the application, and 5 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments. April 9, 2009
2. Site Plans
3. Correspondence received in support of the project:
 - a. Richard Sanders, Santa Barbara, CA
 - b. Jason Reeder, Santa Barbara, CA
4. Correspondence received in opposition to the project or with concerns:
 - a. Caren Rager, Pearl Chase Society
 - b. Robert and Patricia Maxim, Santa Barbara, CA
 - c. Kellam de Forest, via email
 - d. Paula Westbury, Santa Barbara, CA

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

I. Approved the following findings and determinations:

A. Final Mitigated Negative Declaration Adoption

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated April 9, 2009 for the 124 Los Aguajes Avenue Project (MST2004-00725), and comments received during the public review process.
2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.
3. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated April 9, 2009, is hereby adopted.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval. Additional mitigation measures minimize adverse but less than significant environmental effects have also been included as conditions of approval.

5. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.
6. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
7. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included which requires the applicant to pay the fee within five days of project approval.

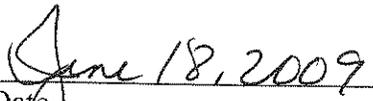
This motion was passed and adopted on the 16th day of April, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Bartlett)

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.

