



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: November 18, 2010
AGENDA DATE: December 2, 2010
PROJECT ADDRESS: 1816 State Street (MST2009-00281)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Allison De Busk, Project Planner *AD*

I. PROJECT DESCRIPTION

The project consists of a proposed facelift to an existing hotel (Fiesta Inn and Suites) that includes a new tower, a lobby addition, the enclosure of part of the 3rd floor roof deck to create storage space, the demolition of the as-built water heater closet, the enlargement and relocation of the trash enclosure, and the permitting of an as-built patio area. The project results in an increase of approximately 332 net square feet.

The subject parcel is split-zoned, with the front of the property (to approximately the rear of the existing building) zoned C-2 (Commercial) and the rear of the property zoned R-1 (One Family Residential). A Conditional Use Permit (CUP) is requested to legalize the "as-built" encroachment of parking spaces into the R-1 zone, and to permit a trash enclosure and deck/patio in the R-1-zoned portion of the property. Modifications are requested to allow parking to encroach into the required interior setback and to allow the proposed trash enclosure to encroach into the interior (rear) setback.

This project is also intended to abate the violations identified in ENF2008-01335 (refer to Exhibit E), which are:

- Raised deck, block walls and stairs at rear of property being built without permit. Deck to be used as a spa area. Associated mechanical room being built onto rear of motel structure with new electrical sub panel.
- Covered balcony area on 3rd floor of motel has been enclosed without approvals or permit.
- Zero clearance gas heaters and associated exterior vents have been installed in each guest room without permit. Some venting is not installed correctly with walls left open to weather around and under vent collars.
- Improperly installed water heater at rear of building.
- Hazardous electrical existing in lower floor laundry room. Hazardous electrical on exterior of front of building. Open electrical conduit.

- Brick retaining wall on right front of driveway is failing.
- Portion of deck & trellis built within the 5' side yard setbacks. Debris stored in side yard setbacks and around property.
- Dilapidation on property. Decorative columns deteriorating. Missing and torn window screens. Missing window box on front of building.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification to allow to parking to encroach into the interior setback (SBMC §28.92.110.A.2);
2. A Modification to allow to the trash enclosure to encroach into the interior setback (SBMC §28.92.110.A.2); and
3. A Conditional Use Permit to allow to allow a driveway and nonresidential parking in a residential zone and to allow a nonresidential trash enclosure and deck/patio area in the portion of the property zoned R-1 (SBMC §28.94.030).

III. RECOMMENDATION

It is staff's opinion that the requests for CUPs to allow the patio/deck and the trash enclosure in the R-1 zoned portion of the lot may not be acted upon by the Planning Commission because neither request is specifically listed as allowed by Conditional Use Permit in SBMC §28.94.030. However, the Planning Commission may determine that the trash enclosure can be permitted as part of the CUP for the parking area in the R-1 zone. Nevertheless, staff does not support the setback modification for the trash enclosure, and without the setback modification, the site planning efficiencies associated with locating the trash enclosure in the R-1 zone are lost.

Staff does support the CUP request for parking in the R-1 zoned portion of the lot and the Modification request to allow that parking to encroach into the required interior setback.

With the approval of the requested interior setback modification to allow nonresidential parking to be located two feet from the property line, the removal of the trash enclosure and patio/deck area from the R-1 zoned portion of the property, and the approval of the CUP for parking in the R-1 portion of the lot, the project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood.

Therefore, Staff recommends that the Planning Commission approve the setback modification for parking, and approve a CUP for the parking, making the findings outlined in Section VIII of this report, and subject to the conditions of approval in Exhibit A.

APPLICATION DEEMED COMPLETE: November 2, 2010
DATE ACTION REQUIRED: January 1, 2010

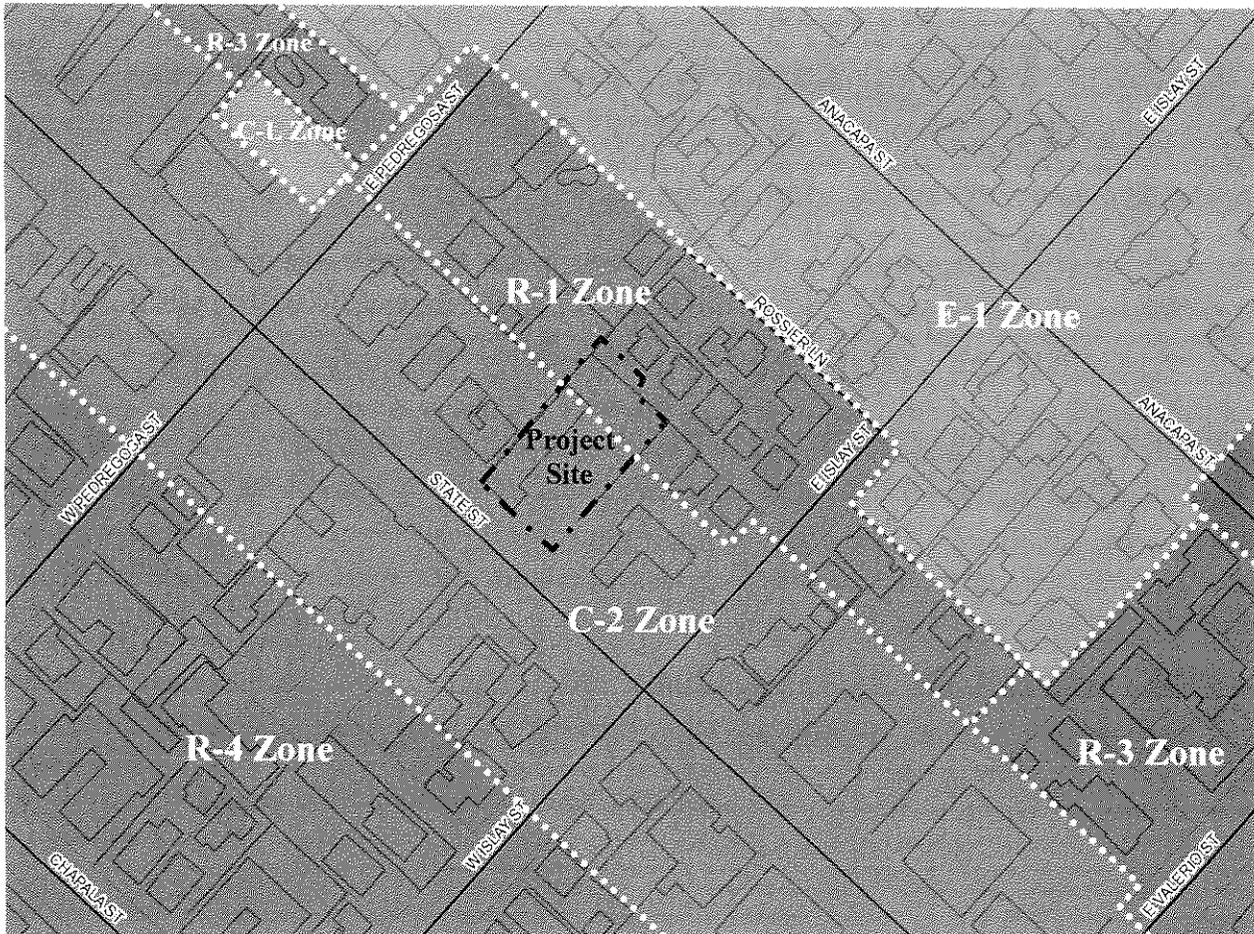
IV. SITE INFORMATION / VICINITY MAP

The existing building was originally approved by the City in 1953 as an apartment hotel (a Travelodge with 19 hotel rooms and 6 studio apartment units) with 25 parking spaces. The number of rooms/units and parking spaces remains as originally permitted.

A. SITE INFORMATION

Applicant:	Bryan Murphy	Property Owner:	Alamar II, LLC
Parcel Number:	027-032-021	Lot Area:	17,640 sq. ft.
General Plan:	General Commerce/Offices	Zoning:	C-2 (front) / R-1 (rear)
Existing Use:	Hotel and apartments	Topography:	7% (slopes up from southwest corner to northeast corner)
Adjacent Land Uses:			
North – offices / commercial		East – private driveway and residences	
South – gas station		West – State Street and commercial	

B. VICINITY MAP



Project Site - 1816 State Street

V. ISSUES

Staff recommends that the Planning Commission focus on the issues of locating the trash enclosure in the R-1 zoned portion of the lot and within the required setbacks, and locating the patio/deck in the R-1 zoned portion of the lot. These issue areas are discussed in full detail under the applicable Modification and Conditional Use Permit sub-headings in this staff report. Staff does not believe that the findings to support such requests can be made, and the recommended findings and conditions have been developed accordingly.

Staff recommends that the trash enclosure be relocated out of the R-1 zoned portion of the lot, in which case it will have fewer setback limitations. Due to the site topography and the need to have the trash enclosure be accessible, there are few locations in which to locate the trash enclosure. Its relocation will result in the displacement of approximately two parking spaces, which will then need to be relocated on site. Given the constrained nature of the site as it relates to parking, this means that additional parking spaces will likely need to be moved into the R-1 zone, which will reduce the amount of area available for landscaping or patio use. Staff understands this trade-off and believes that additional parking in the R-1 portion of the lot will have less impact on neighbors than the trash enclosure would.

In considering the Applicant's requests, the Planning Commission may also want to consider the fact that the General Plan update proposes to re-align the existing zone boundary for these split-zoned lots along State Street such the R-1 zone boundary is co-terminus with the rear lot lines. Meaning that these lots would be zoned entirely C-2, with no portion zoned R-1. In that case, most of the applicant's requests would be allowed without any special use permits or modifications (the trash enclosure would be required to be setback at least five feet from the adjacent R-1 zoned property). While staff realizes that these changes are likely on the horizon, it may be several years before they are implemented, and staff is not able to support the requests at this time simply in anticipation of those potential changes.

VI. CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front -Interior	<u>C-2 portion / R-1 portion</u> 0 feet / N/A 0 feet / 10 feet	<u>C-2 portion / R-1 portion</u> 0 feet / N/A 5 feet to bldg / N/A	<u>C-2 portion / R-1 portion</u> 0 feet / N/A 5 feet to bldg / 0 feet to trash enclosure* and 2 feet to parking*
Building Height	60 feet	32 feet	32 feet
Parking	28 spaces	25 spaces	25 spaces
Lot Coverage			
-Building	N/A	3,335 s.f. 19%	3,484 s.f. 20%
-Paving/Driveway	N/A	9,570 s.f. 54%	11,433 s.f. 65%
-Landscaping	N/A	4,735 s.f. 27%	2,723 s.f. 15%

* Requires a modification.

The proposed project would meet the requirements of the applicable zone district, with the exception of the as-built (proposed) parking, the proposed trash enclosure, and the deck/patio in the R-1 Zone. Refer to discussion below. Additionally, the existing parking (25 spaces) is a legally non-conforming situation.

1. **MODIFICATIONS**

a. **Parking**

The applicant is proposing to locate some of their required parking in the R-1 zoned portion of the lot. (Please note that locating nonresidential parking anywhere in the R-1 zone requires a Condition Use Permit, as discussed below.) The required interior setback for a nonresidential use in the R-1 zone is 10 feet (double the normal five foot setback). The applicant is proposing a two-foot setback from the southern property line. Staff is able to support the reduced setback because it would not impact the adjacent use, which is the gas station parking lot, and is consistent with the surrounding development pattern. The originally approved layout for the hotel's parking lot does not comply with our current parking lot standards, so in order to provide the required 25 parking spaces, the parking needs to encroach into the R-1 zoned portion of the property. Staff believes that continuing the development pattern that was established at the front of the lot (the C-2 zoned portion) into the rear of the lot (zoned R-1) is appropriate.

b. **Trash Enclosure**

The applicant is proposing to relocate and enlarge the nonresidential trash enclosure on the interior (rear) property line, with no setback. Currently, the trash enclosure is located in the southwest corner of the property (R-1 portion with no setback), although it is unclear as to how long this has been the designated trash area. (Please note that this use is not typically an allowed use in the R-1 zone, refer to the Conditional Use Permit discussion below.) The required interior setback for a nonresidential structure in the R-1 zone is 10 feet. Staff is unable to support the modification request because the findings to support a modification cannot be made: locating the trash enclosure in the setback is not necessary to secure an appropriate improvement on the lot, to prevent unreasonable hardship, to promote uniformity of improvement or to provide affordable housing. Staff has consistently recommended against modification requests to locate trash enclosures in the required setback in any zone that require setbacks. This type of modification request has only been approved under very special circumstances.

2. **CONDITIONAL USE PERMIT**

a. **Nonresidential Parking in Residential Zone**

A portion of the existing development's nonresidential parking lot is proposed to be located within the R-1 zoned portion of the property. Based on aerial photos

of the site, some parking has been provided within the R-1 zoned portion of the lot for at least ten years. The zoning ordinance (SBMC§28.94.030.I) allows a CUP to be approved to provide nonresidential parking areas in a residential zone provided that the findings can be made, most significantly that the parking would not negatively impact the surrounding neighborhood.

Several CUPs have been granted throughout the years for nonresidential parking in a residential zone along this portion of State Street because many of the commercially developed lots that front State Street are zoned R-1 in the rear. For example, CUPs were granted on the two adjacent parcels (for 1824 State Street in 1986 and for 1802-1808 State Street in 1968), and more recently at 1722 State Street (in 2007) and 1700-1704 State Street (in 2009). Staff finds that the nonresidential parking is compatible with the adjacent residential uses, particularly in this case, where a 20-foot wide shared driveway provides a permanent buffer between the adjacent single-family homes and the nonresidential parking area.

b. Patio/Deck Area

Approval of an "as-built" patio and deck area at the rear of the hotel is requested. On the originally approved plans, this area was identified as a "planting area." This portion of the site is zoned R-1, and staff finds that replacing a planting area with a patio and deck intended to serve the guests of the hotel results in a commercial use of that portion of the property. The applicant is requesting a Conditional Use Permit (CUP) in order to allow this use in the R-1 zone. However, the CUP section of the zoning ordinance does not address this type of use, nor does it provide a "catch-all" statement that allows decision-makers to grant a CUP for uses not specifically enumerated. Therefore, the Planning Commission does not have the ability to approve a CUP for the use.

Even if the Zoning Ordinance allowed such a CUP, Staff would not be supportive of the "as-built" deck, because this use, and its potential impacts on adjacent neighbors, is exacerbated by the fact that the patio and deck are raised by approximately 3-6 feet, thus creating the potential for more noise and privacy impacts on adjacent residential uses.

The distinction between a patio/deck area and the originally approved planting area may not seem significant; however, staff does not believe that a raised patio/deck intended to serve a nonresidential use qualifies as a permitted use in the R-1 zone. Staff has informed the applicant that the "as-built" raised deck cannot be approved by the Planning Commission, and that an at-grade patio with landscaping would be in keeping with the original approval and would not require any discretionary permits from the City, other than design review.

c. Trash Enclosure

Similar to the patio/deck area issue discussed above, the CUP section of the zoning ordinance does not specifically allow nonresidential trash enclosures in a residential zone. Because the use is not specifically allowed in the R-1 zone, and because there is no section of the CUP Ordinance under which it could be permitted, staff does not believe that the Planning Commission has the ability to approve a CUP for the use. However, the Planning Commission may determine that a trash enclosure is appropriately considered under the CUP section that allows for driveways and parking areas for nonresidential uses in residential zones (SBMC §28.94.030.I), as trash storage areas require vehicular access and are typically contained within parking lots. Feedback from the Commission on this point would be appreciated.

Even if the Planning Commission determines that use could be considered with a CUP, staff does not support the proposed location within the setback because a trash enclosure has the potential to impact and be incompatible with adjacent residential neighbors, particularly due to noise and odor issues (refer to Modification discussion above).

B. GENERAL PLAN CONSISTENCY

The project site is located within the Upper East neighborhood of the General Plan. The neighborhood is characterized by a district of large, prestigious homes, with the exception of office and motels fronting State Street below Mission Street. The plan states this Neighborhood is predominately developed with single-family homes to the north east, with a mix of multi-family, office and retail uses in the southwest corner. The proposed refurbishment of the existing hotel is consistent with the goals and policies outlined in the General Plan, including the Land Use Element, Conservation Element and Noise Element.

C. DESIGN REVIEW

This project was reviewed by the HLC on three separate occasions (meeting minutes are attached as Exhibit D). After the first HLC review, the project design was simplified in response to the HLC's comments. On February 17, 2010, the HLC forwarded the project to the Planning Commission with positive comments and direction for the applicant to re-study some of the architectural details.

VII. ENVIRONMENTAL REVIEW

Staff has determined that the project qualifies for an exemption from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 Existing Facilities for the interior and exterior alterations and small addition to the existing motel building, and Section 15303 New Construction for the new trash enclosure.

VIII. FINDINGS

The Planning Commission finds the following:

A. INTERIOR SETBACK MODIFICATION (SBMC §28.92.110.A.2)

The Modification to allow nonresidential parking to be located less than 10 feet from the interior lot line is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Although the parcel has split zoning, the approved use is as a motel. The originally approved layout for the parking lot does not comply with our current parking lot standards, and allowing parking in the rear of the lot (zoned R-1) to maintain the development pattern from the front of the lot (zoned C-2) is appropriate. While the parking is for a nonresidential use, it will have minimal impact on adjacent development, which also includes commercial development or uses. Additionally, a twenty-foot wide shared private driveway provides separation between the proposed parking and the single-family residences to the east.

B. CONDITIONAL USE PERMIT (SBMC §28.94.020)

In granting a Conditional Use Permit for nonresidential parking in a residential zone (SBMC §28.94.030.I), the Planning Commission finds that:

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan. Locating a small portion of the parking lot in the R-1 zoned portion of the property is essential in order for this development to provide adequate on-site parking, due to the approved and as-built configuration of the building and lot. The use is in harmony with the General Plan as it does not negatively impact adjacent uses, as described in Section VI.A.2.a of the staff report.
2. The nonresidential parking will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the neighborhood because similar uses surround the project site and there is a driveway that buffers the site from adjacent residential uses, as described in Section VI.A.2.a of the Staff Report.
3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided. The new parking includes a small landscape buffer adjacent to the commercial use to the south, and there is an existing 20-foot wide private driveway that buffers the nonresidential parking from the residential uses to the east, as described in Section VI.A of the Staff Report.
4. Adequate access and off-street parking is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time. The

intent of allowing a portion of the nonresidential parking in the R-1 zoned portion of the property is to allow for a more code-compliance parking configuration to better accommodate the parking associated with the existing uses.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. Allowing some nonresidential parking spaces to be located in the R-1 zoned portion of the property allows for better-functioning parking than was originally permitted, allows for a van accessible parking stall to be provided without losing any of the originally approved 25 parking spaces, while maintaining adequate area for open space and landscaping for the development.
6. Conditions of approval are required to ensure the development is consistent with the General Plan. These are shown in Exhibit A of the staff report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated May 24, 2010
- D. HLC Minutes dated October 14, 2009, February 3, 2010, February 17, 2010
- E. Notice of Violation issued by Building and Safety Division, dated December 10, 2008

PLANNING COMMISSION CONDITIONS OF APPROVAL

1816 STATE STREET

CONDITIONAL USE PERMIT, MODIFICATION

DECEMBER 2, 2010

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

- A. **Design Review.** The project is subject to the review and approval of the Historic Landmarks Commission (HLC). HLC shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.
 1. **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.
 2. **Permeable Paving.** Incorporate a permeable paving system for the driveway and parking area(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 a written instrument, 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 December 2, 2010 is limited to approximately 332 square feet of commercial development, commercial parking in the R-1 zone and located within the interior setback, and the improvements shown and described on the Site Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. Said approval specifically excludes the location of the trash enclosure in the R-1 zoned portion of the property and/or within any required setbacks and excludes the new deck in the R-1 zoned portion of the property.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said

landscape plan. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.

5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
 6. **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.
- C. **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. **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.
 2. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development complies with the City's Storm Water Management Plan.
 3. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan. 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 Permit. 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.

4. **State Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on State 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 replace all cracked and/or uplifted sidewalk, reduce driveway apron width to a maximum of 24 feet wide modified to meet Title 24 requirements, curbs, gutters, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching (if any), public drainage improvements with supporting drainage calculations for installation of curb drain outlets, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
 5. **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.
 6. **Temporary Traffic Control Plan.** A temporary traffic control plan (TTC) shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.
- D. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Historic Landmarks Commission, outlined in Section A above.
 2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

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

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

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

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

4. **Stop Bar.** A painted "STOP" bar and legend shall be installed at the driveway exit.
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., 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.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.
1. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
 2. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
 3. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating (GVWR) of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
 4. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
 5. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31 st *
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.

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

7. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.

- b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
8. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
 9. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
 10. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
 11. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 12. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The 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.
 13. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained as follows.
 - a. **Grading Notes.** Notes on the grading plan that specify the following:
 - (1) No grading shall occur within three feet of the driplines of the existing tree(s).

- (2) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - (3) No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
- b. **Oak Tree Protection Measures.** The following provisions shall apply to the existing 24" oak tree identified on the Site Plan:
- (1) During construction, fencing or protective barriers shall be placed three feet outside of the dripline of all oak trees located within 25 feet of development.
 - (2) No grading shall occur under any oak tree dripline.
 - (3) If grading within the dripline of the oak is required, it shall be minimized and done by hand. A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
 - (4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
14. **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.

F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding and installation of street trees.
3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.

G. **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 APPROVAL TIME LIMITS:

The Planning Commission's action approving the Conditional Use Permit and Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

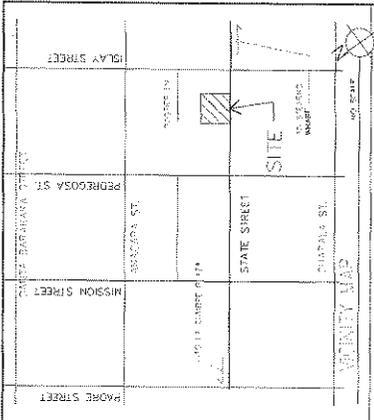
1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

11-B-10
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MURPHY & ASSOCIATES, ARCHITECTS
 3040 STATE STREET, #C
 SANTA BARBARA, CA 93101
 (805) 569-0754

1816 STATE STREET
 SANTA BARBARA, CA 93101

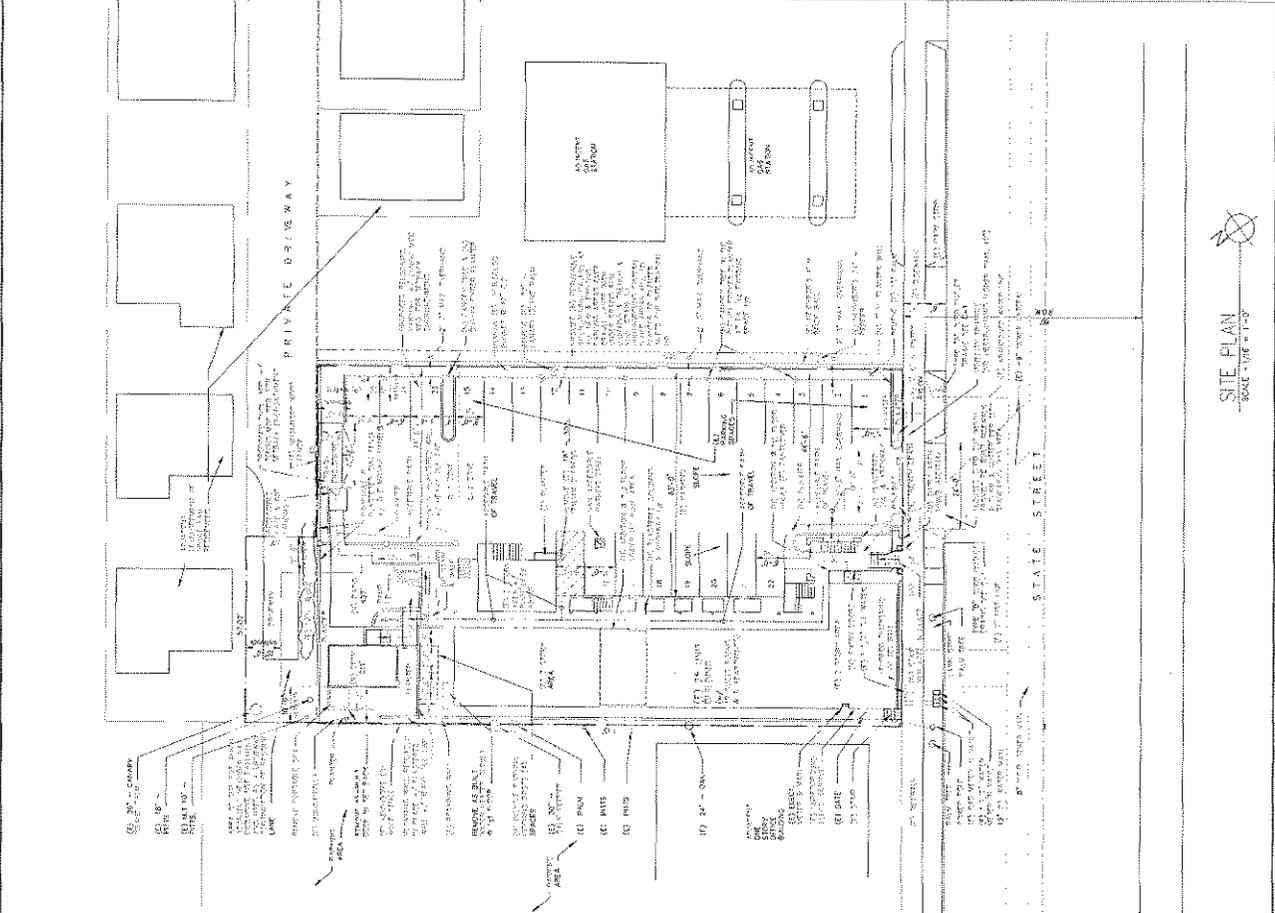
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 SHEET



PROJECT ADDRESS: 1816 STATE STREET
 APR. 2014 - ON THE TABLE FOR THE CITY OF SANTA BARBARA
 PROJECT ADDRESS: 1816 STATE STREET
 PROJECT ADDRESS: 1816 STATE STREET
 PROJECT ADDRESS: 1816 STATE STREET

PROJECT STATISTICS
 SITE AREA: 7,545 S.F. (0.17 AC)
 PROJECTED FLOOR AREA: 117,450 S.F. (2.66 AC)
 PROJECTED FLOOR AREA: 117,450 S.F. (2.66 AC)
 PROJECTED FLOOR AREA: 117,450 S.F. (2.66 AC)

SCOPE OF WORK
 THE SCOPE OF WORK FOR THIS PROJECT INCLUDES THE ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF THE PROPOSED 1816 STATE STREET PROJECT. THE ARCHITECTURAL SERVICES INCLUDE THE PREPARATION OF ARCHITECTURAL DRAWINGS, INCLUDING BUT NOT LIMITED TO: SITE PLAN, FLOOR PLANS, SECTION AND ELEVATION DRAWINGS, AND EXTERIOR ELEVATION DRAWINGS. THE ENGINEERING SERVICES INCLUDE THE PREPARATION OF STRUCTURAL, MECHANICAL, ELECTRICAL, AND PLUMBING DRAWINGS. THE ARCHITECT AND ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SANTA BARBARA AND OTHER AFFECTED AGENCIES. THE ARCHITECT AND ENGINEER SHALL ALSO BE RESPONSIBLE FOR COORDINATING WITH ALL OTHER PROFESSIONAL CONSULTANTS AND CONTRACTORS INVOLVED IN THE PROJECT.



NO.	DESCRIPTION	AMOUNT	TOTAL
1	GENERAL CONTRACTOR	1,000,000	1,000,000
2	MECHANICAL CONTRACTOR	500,000	500,000
3	ELECTRICAL CONTRACTOR	300,000	300,000
4	PLUMBING CONTRACTOR	200,000	200,000
5	LANDSCAPING CONTRACTOR	100,000	100,000
6	PAINTING CONTRACTOR	50,000	50,000
7	CONCRETE CONTRACTOR	150,000	150,000
8	IRONWORK CONTRACTOR	80,000	80,000
9	GLASS CONTRACTOR	120,000	120,000
10	MECHANICAL CONTRACTOR	100,000	100,000
11	ELECTRICAL CONTRACTOR	80,000	80,000
12	PLUMBING CONTRACTOR	60,000	60,000
13	LANDSCAPING CONTRACTOR	40,000	40,000
14	PAINTING CONTRACTOR	30,000	30,000
15	CONCRETE CONTRACTOR	100,000	100,000
16	IRONWORK CONTRACTOR	80,000	80,000
17	GLASS CONTRACTOR	120,000	120,000
18	MECHANICAL CONTRACTOR	100,000	100,000
19	ELECTRICAL CONTRACTOR	80,000	80,000
20	PLUMBING CONTRACTOR	60,000	60,000
21	LANDSCAPING CONTRACTOR	40,000	40,000
22	PAINTING CONTRACTOR	30,000	30,000
23	CONCRETE CONTRACTOR	100,000	100,000
24	IRONWORK CONTRACTOR	80,000	80,000
25	GLASS CONTRACTOR	120,000	120,000
26	MECHANICAL CONTRACTOR	100,000	100,000
27	ELECTRICAL CONTRACTOR	80,000	80,000
28	PLUMBING CONTRACTOR	60,000	60,000
29	LANDSCAPING CONTRACTOR	40,000	40,000
30	PAINTING CONTRACTOR	30,000	30,000
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38	PAINTING CONTRACTOR	30,000	30,000
39	CONCRETE CONTRACTOR	100,000	100,000
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84	PLUMBING CONTRACTOR	60,000	60,000
85	LANDSCAPING CONTRACTOR	40,000	40,000
86	PAINTING CONTRACTOR	30,000	30,000
87	CONCRETE CONTRACTOR	100,000	100,000
88	IRONWORK CONTRACTOR	80,000	80,000
89	GLASS CONTRACTOR	120,000	120,000
90	MECHANICAL CONTRACTOR	100,000	100,000
91	ELECTRICAL CONTRACTOR	80,000	80,000
92	PLUMBING CONTRACTOR	60,000	60,000
93	LANDSCAPING CONTRACTOR	40,000	40,000
94	PAINTING CONTRACTOR	30,000	30,000
95	CONCRETE CONTRACTOR	100,000	100,000
96	IRONWORK CONTRACTOR	80,000	80,000
97	GLASS CONTRACTOR	120,000	120,000
98	MECHANICAL CONTRACTOR	100,000	100,000
99	ELECTRICAL CONTRACTOR	80,000	80,000
100	PLUMBING CONTRACTOR	60,000	60,000

MURPHY AND ASSOCIATES, ARCHITECTS

3040 State Street, Suite C

Santa Barbara, CA 93105 Ph. (805) 569-0759 Fax (805) 569-9339

email murpharch@live.com

5-24-2010

DART Committee members
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

RECEIVED
MAY 27 2010

CITY OF SANTA BARBARA
PLANNING DIVISION

Re: Modifications & Planning Commission approvals requested for 1816 State Street
APN: 027-032-021
Land use zone C-2 & R-1

Dear DART committee members,

This letter is intended to describe the Conditional Use Permit for which we are seeking Planning Commission approval and the zoning modifications requested therewith for 1816 State Street. The project has been conceptually reviewed by the Historic Landmarks Committee with the last review and positive comments on 2-17-10. Also a preliminary modification appointment was held on 6-23-09 with Roxanne Milazzo from which the basic direction of the project and its needed approvals was forged.

I. EXISTING CONDITIONS:

The existing conditions of the site include an existing three story commercial building, originally permitted as (19) hotel units and (6) apartments. Built in the early 1950's the building has net areas of 3,218 sq.ft. on the First floor, 3,226 sq.ft. on the Second floor, and 869 sq.ft. on the Third floor, (7,313 sq.ft total). The building is located in the front portion of the lot that is zoned C-2 and the rear portion of the lot that is zoned R-1 was originally shown as "planting area only". (25) parking spaces were shown on the original plan however they were substandard in both size and arrangement. The lot has a net and gross area of 17,640 sq. ft. (.40 acres) and is in the General Plan Neighborhood designated as Downtown Upper East.

II. AS-BUILT CONDITIONS:

As-built conditions have existed on the site for a very long time including parking that extends into the R-1 area, for decades, as has an as-built deck / patio area (also located in the R-1 zone portion), and a trash enclosure that sits in the R-1 setback. The deck area was also recently rebuilt by the current owner. A portion of what was a roof deck (on the third floor) was enclosed as a storage area, and a water heater closet was added off the rear of the building extending over the line and into the R-1 zone.

III. PROPOSED PROJECT:

Our proposed project is to legalize the as-built parking's extension into the R-1 zone (1,144sq.ft.), while providing (25) parking spaces in a compliant parking arrangement including the required van accessible space. To legalize a reduced deck area that is in the R-1 Zone, to enclose an area of the existing covered roof deck (on the third floor, for some much needed storage space (270 sq.ft.), to demolish the as-built water heater closet & abate the violations noted in ENF.2008-01335.

The proposal also includes new landscaping, a façade remodel, an addition of 62 sq. ft. to the lobby, to add a new tower element (with no new floor area), a widening of the second floor balcony corridor (164 sq.ft.), a new patio area of 437 sq.ft., add an accessible ramp, and an enlargement of the trash enclosure.

The existing and proposed use of the project are hotel / motel use.

The existing total square footage of the building is 7,313 sq.ft. and the proposed total is 7,645 sq.ft, an addition of 332 sq.ft..

No trees or significant vegetation will be removed for the project.

The new parking area and the new patio will be permeable paving for storm water management and roof drain water from the new roof area shall be run to new planter boxes for infiltration.

MURPHY AND ASSOCIATES, ARCHITECTS

3040 State Street, Suite C

Santa Barbara, CA 93105 Ph. (805) 569-0759 Fax (805) 569-9339

email murpharch@live.com

The landscaped area of the site is 2,532 sq..ft. (aprox. 14% of lot) and the total parking area is 7,738 sq..ft.(44% of lot area).

The adjacent properties to the Northwest and Southeast are both zoned C-2 with a small portion at the rear of each that, like our site, is zoned R-1. The adjacent property to the Northeast is zoned R-1 but is separated by a portion of our property for which they have an exclusive use easement that they use as a driveway/ extension of Rossier Lane

The project is proposed to include added exterior lighting including the following :

1. Shielded carriage lamps and step lights at the entry stair.
2. Low voltage path lights at the deck area, stairs and accessible ramp.
3. Shielded low voltage landscape lighting at the parking areas.

The project will not create additional smoke or odors.

The project may create a minimal amount of additional noise with the use of the deck and patio area but this would only the have potential to impact the properties to the Northeast and they are buffered by the separation of Rossier Lane and its extension and the masonry walls that are also a part of this proposal. No resource constraint reports, Biological Assessment, Archaeological, Historical reports or Geotechnical studies have been prepared for the site.

There are no recreational trails that traverse the site and no creeks or water ways are adjacent or nearby.

The demolition portion of the proposed construction is minimal and should take approximately 3 days.

The grading portion of the proposed construction is minimal with no rough grading proposed, and only fine grading for the parking area proposed, that should take approximately 3 days.

The overall proposed construction should be accomplished in a 6 month period, and shall be accomplished by teams of approximately (4) workers, framers, electricians, plumbers, tile, stone & concrete workers. All work may be accomplished with hand tools and equipment except that concrete trucks pumpers and some heavier equipment will be required for a brief time as foundations are prepared.

Construction staging will be located in the rear portion of the existing parking lot

No known hazardous materials are to be disposed of from the project and there is no known contamination or abandoned oil wells on the site. The site is not on the list of hazardous waste sites.

IV. CONDITIONAL USE PERMIT ITEMS

The parking, trash enclosure, and the commercial use deck and patio that are located in the portion of the lot that is zoned R-1 require a CUP.

V. ZONING MODIFICATION REQUESTS

The zoning modification requests are as follows:

1. To allow the Parking to encroach 7'-6" into the doubled residential side yard setback and 1'-0 into the doubled rear yard setback at the North/East corner of the lot.
2. To allow the as-built trash enclosure and its proposed extension to encroach 7'-6" into the doubled residential rear yard setback at the North/East corner of the lot.
3. To allow a proposed accessible ramp to encroach 6'-8" into the doubled residential interior yard setbacks at the North/East corner of the lot.

VI. PROJECT BENEFITS AND JUSTIFICATIONS

We feel the requested CUP and these modifications are appropriate for the following reasons:

1. This lot has a portion of it that is Zoned R-1 it is the back 40' away from State Street and this change of zoning line continues through the two adjacent lots, both of which have currently and historically used there R-1 areas for commercial uses. Furthermore the up dated General Plan Land Use Map (available through

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email murpharch@live.com

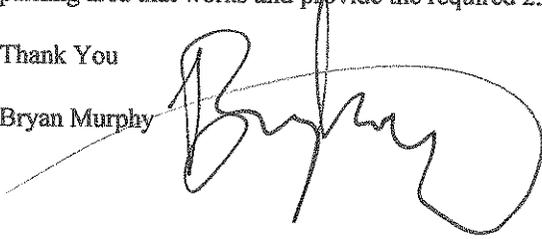
Plan Santa Barbara) appears to have fixed this zoning anomaly and designates this area as a commercial use.

2. The setback encroachments requested are necessary to allow the parking, and trash enclosure layouts to function, they do not directly abut any areas that are in fact used as residential uses, and as was noted above the rear portion of the lot should probably not now and will probably not in the future be a residential zone.

3. The project will abate the violations of the enforcement case and legalize the as-built work, create a parking area that works and provide the required 25 spaces.

Thank You

Bryan Murphy

A handwritten signature in black ink, appearing to read "Bryan Murphy", written over a horizontal line.

Staff comments: Susan Gantz, Planning Technician, stated that Dr. Glassow reviewed the report and concluded that the archaeological investigation supports the report's conclusions and recommendations that, although the proposed creeks capacity improvement project would not result in any potentially significant impacts on known archaeological resources within the site, it is recommended that all project earth disturbances be monitored by a City-qualified archaeologist and Barbareno Chumash observer.

Motion: To accept the report as presented.

Action: Boucher/Sharpe, 6/0/0. (Shallanberger absent. Murray absent.) Motion carried.

CONCEPT REVIEW - NEW

5. 1816 STATE ST C-2/R-1 Zone

(2:40) Assessor's Parcel Number: 027-032-021
 Application Number: MST2009-00281
 Owner: Alamar II, LLC
 Architect: Bryan Murphy
 Business Name: Fiesta Inn & Suites

(Proposal for an addition and exterior alterations to an existing three story commercial building. The proposal includes facade alterations, a 62 square foot lobby addition, a tower addition having no new floor area, a 270 square foot storage room addition on the 3rd floor of the building, a new 312 square foot deck, two new patio areas totaling 585 square feet, widening the second floor corridor by 164 square feet, and alterations to the existing parking lot. Planning Commission approval is requested for a Conditional Use Permit for a non-residential use in a residential zone and zoning modifications for the new deck, parking, and trash enclosure to encroach into the interior yard setback of the residentially-zoned portion of the site. Approval of this project will abate violations outlined in ENF2008-01335.)

(Comments only; project requires Environmental Assessment and Planning Commission approval.)

Present: Bryan Murphy, Architect
 Dario Pini, Owner

Public comment opened at 2:54 p.m.

Kellam de Forest, local resident, inquired as to how the motel was allowed to encroach into the R-1 zone, the height of the existing building, and if it is over 45 feet tall in the back. He commented that a tower and a giant arch do not need to be added to the building and would make State Street too "busy."

Public comment closed at 2:56 p.m.

Motion: Continued indefinitely with the following comments:

1. The intent of the project is commendable.
2. The tower and arch need to be revisited.
3. Simplify the stylistic elements of the building.
4. Explore more landscaping at the ramp and explore other narrow, upright trees as opposed to the Queen palms.

Action: Pujó/Adams, 7/0/0. (Murray absent.) Motion carried.

CONCEPT REVIEW - CONTINUED**5. 1816 STATE ST**

C-2/R-1 Zone

(2:18)

Assessor's Parcel Number: 027-032-021
Application Number: MST2009-00281
Owner: Alamar II, LLC
Architect: Bryan Murphy
Business Name: Fiesta Inn & Suites

(Proposal for an addition and exterior alterations to an existing three story commercial building. The proposal includes facade alterations, a 62 s.f. lobby addition, a tower addition having no new floor area, a 270 s.f. storage room addition on the 3rd floor of the building, a new 312 s.f. deck, two new patio areas totaling 585 s.f., widening the second floor corridor by 164 s.f., and alterations to the existing parking lot. Planning Commission approval is requested for a Conditional Use Permit for a non-residential use in a residential zone and zoning modifications for the new deck, parking, and trash enclosure to encroach into the interior yard setback of the residentially-zoned portion of the site. Approval of this project will abate violations outlined in ENF2008-01335.)

(Second Concept Review. Comments only; project requires Environmental Assessment and Planning Commission approval.)

Present: Bryan Murphy, Architect

Public comment opened at 2:26 p.m.

Kellam de Forest, local resident, commented that he highly approved sprucing up the hotel of which the original design was utilitarian. He added that a tower should serve some function.

Public comment closed at 2:27 p.m.

Motion: Continued two weeks with the following comments:

- 1) The applicant's response to the request that the design be simplified is appreciated; particularly the southwest elevation on State Street.
- 2) Explore returning the southeast elevation facing the parking lot to the Monterey style with its simplicity and charm.
- 3) Provide a landscape plan.
- 4) The existing and proposed plans should be in a more clear presentation.

Action: Pujo/Suding, 8/0/0. (Drury absent.) Motion carried.

CONCEPT REVIEW - CONTINUED**4. 1816 STATE ST**

C-2/R-1 Zone

(3:45)

Assessor's Parcel Number: 027-032-021
 Application Number: MST2009-00281
 Owner: Alamar II, LLC
 Architect: Bryan Murphy
 Business Name: Fiesta Inn & Suites

(Proposal for an addition and exterior alterations to an existing three story commercial building. The proposal includes facade alterations, a 62 square foot lobby addition, a tower addition having no new floor area, a 270 square foot storage room addition on the 3rd floor of the building, a new 312 square foot deck, two new patio areas totaling 585 square feet, widening the second floor corridor by 164 square feet, and alterations to the existing parking lot. Planning Commission approval is requested for a Conditional Use Permit for a non-residential use in a residential zone and zoning modifications for the new deck, parking, and trash enclosure to encroach into the interior yard setback of the residentially-zoned portion of the site. Approval of this project will abate violations outlined in ENF2008-01335.)

(Third Concept Review. Comments only; project requires Environmental Assessment and Planning Commission approval.)

Present: Bryan Murphy, Architect
 Dario Pini, Owner

Public comment opened at 3:49 p.m. and, as no one wished to speak, it was closed.

<V/02:25:20>

Straw votes: How many of the Commissioners would prefer the option with all three floors in the Monterey style? 0/9.

How many of the Commissioners would prefer the option with the arches below, and the Monterey style on the second and third floors above? 9/0.

<V/02:25:45>

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

- 1) The applicant's exploration of options suggested by the Commission is appreciated; as well as the presentation of an acceptable alternative.
- 2) The proposed option with the arches below and the Monterey style on the second and third floors above would be preferred.
- 3) Return with more of a separation between the arch surround at the street and possibly lower the ornamentation.
- 4) Restudy the southwest elevation balcony in relation to the windows below.
- 5) Restudy the proposed interior courtyard circulation.

Action: Pujo/Boucher, 9/0/0. Motion carried.

Building & Safety Division
Notice of Violation

December 10, 2008

Alamar II, LLC
329 E. Carrillo St. Suite H
Santa Barbara, CA 93101

APN: 027-032-021

Case Number: ENF2008-01335

Subject Property: 1816 State St., Santa Barbara, CA 93101

Dear Alamar II, LLC:

Due to a recent concern filed with the Building & Safety Division, an inspection at the Subject Property was performed on 12/10/2008. As a result of our investigation, we have found the Property to be in violation of Santa Barbara Municipal Code Section 22.04.010 as follows:

**STOP WORK IMMEDIATELY ON THE FOLLOWING
ILLEGAL WORK AND OBTAIN APPROVALS AND
PERMITS BEFORE COMPLETING WORK.**

VIOLATION #1: Raised deck, block walls and stairs at rear of property being built without permit. Deck to be used as a spa area. Associated mechanical room being built onto rear of motel structure with new electrical sub panel. Pictures 1-12.

CODE SECTION: 2007 California Building Code 108.4 Permits. Except as specified in Appendix Chapter 1, Section 105.2, a written permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, moving or alteration of any building or structure.

REMEDY: OWNER'S CHOICE

“Bring this Notice to the Building Permit Counter at 630 Garden Street. While there, choose one of the following options; 1. Obtain an over-the-counter demolition permit to remove all of the illegal construction and occupancies and to restore the structures to their legally permitted configurations and uses. 2. Ask for an explanation of the plan submittal that will be required for permit application and issuance. If you elect to choose the plan submittal option, be aware that permit issuance must be obtained by the dates prescribed in this Notice. If permits are not obtained within the prescribed time frames, you will be ordered to obtain a demolition permit immediately.

VIOLATION #2: Covered balcony area on 3rd floor of motel has been enclosed without approvals or permit. Pictures 13 & 14.

CODE SECTION: 2007 California Building Code 108.4 Permits. Except as specified in Appendix Chapter 1, Section 105.2, a written permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, moving or alteration of any building or structure.

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VIOLATION #3: Zero clearance gas heaters and associated exterior vents have been installed in each guest room without permit. Some venting is not installed correctly with walls left open to weather around and under vent collars. Pictures 15, 16 & 17.

CODE SECTION: 2007 California Building Code 108.4 Permits. Except as specified in Appendix Chapter 1, Section 105.2, a written permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, moving or alteration of any building or structure.

REMEDY: Obtain a mechanical permit for the "as-built" installation of the heaters.

VIOLATION #4: Improperly installed water heater at rear of building. Picture 18.

CODE SECTION: 1997 Uniform Housing Code 1001.7 Hazardous Mechanical Equipment. Mechanical equipment that was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good and safe condition shall be considered substandard.

REMEDY: Install water heater per Minimum standards of the 2007 California Plumbing Code Section 501.0.

VIOLATION #5: Hazardous electrical existing in lower floor laundry room. Picture 19. Hazardous electrical on exterior of front of building, Picture 29. Open electrical conduit, picture 30.

CODE SECTION: 1997 Uniform Housing Code 1001.5 Hazardous Electrical Wiring. Electrical wiring that was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not being used in a safe manner shall be considered substandard.

REMEDY: Install a listed approved light fixture in lower floor laundry room or secure wiring and close off electrical box in a safe and approved manner. Repair open conduit and electrical panel on front of building.

VIOLATION #6: Brick retaining wall on right front of driveway is failing, pictures 20 & 21.

CODE SECTION: 1997 Uniform Housing Code 1001.3 Structural Hazards. Buildings or portions thereof shall be deemed substandard when they are or contain structural hazards. Structural hazards shall include, but not be limited to, the following:
4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.

REMEDY: Obtain proper approvals and permit to rebuild wall.

VIOLATION #7: Portion of deck & trellis built within the 5' side yard setbacks. Debris stored in side yard setbacks and around property. Pictures 22, 23, 24 & 25.

CODE SECTION: 28.87.062 Setback, Open Yard, Common Outdoor Living Space, and Distance between Main Buildings Encroachments.

A. Where setbacks, open yards, common outdoor living space, and minimum distances between main buildings are required in this title, they shall be not less in depth or width than the minimum dimensions specified for any part, and they shall be at every point unobstructed by structures from the ground upward...

REMEDY: Remove all items built and stored within the side yard setback and around property.

VIOLATION #8: Dilapidation on property. Decorative columns deteriorating, pictures 26 & 27. Missing and torn window screens, picture 28. Missing window box on front of building, picture 30.

CODE SECTION: 1997 Uniform Housing Code 1001.10 Faulty Materials of Construction. The use of materials of construction, except those that are specifically allowed or approved by this code and the Building Code, and that have been adequately maintained in good and safe condition, shall cause a building to be substandard.

REMEDY: Repair above listed items and have completed by final inspection on required permits for other items.

The Building Official has determined that the violations on the Property must be abated in an expeditious manner.

- **A permit must be obtained and work commenced within 60 days of the date of this Notice of Violation.**
- **Work must be completed and all violations abated within 90 days of the date of permit issuance.**

If either of these dates is not met, further legal action may be necessary.

This Notice of Violation identifies the concerns of the Building and Safety Division of the City of Santa Barbara. Other departments or divisions of this City and other governmental agencies may have additional concerns or requirements.

My direct office phone number is (805) 897-2604. Inspector office hours are 7:30-8:30 a.m. and 3:30-4:30 p.m. Monday through Friday. You may also contact our office for plan submittal and permit issuance requirements at (805) 564-5485 between the hours of 7:30 and noon or 1:00 and 4:30 p.m., Monday through Friday. The Community Development public counters are located at 630 Garden Street. Additional information is available online at www.ci.santa-barbara.ca.us.

Your prompt attention to this matter is appreciated.

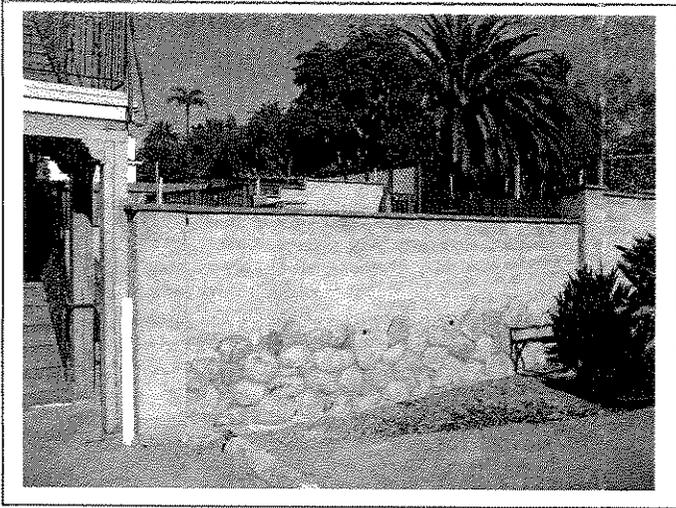
Sincerely,

Lauren Nocis, Sr. Building Inspector/Code Enforcement Coordinator

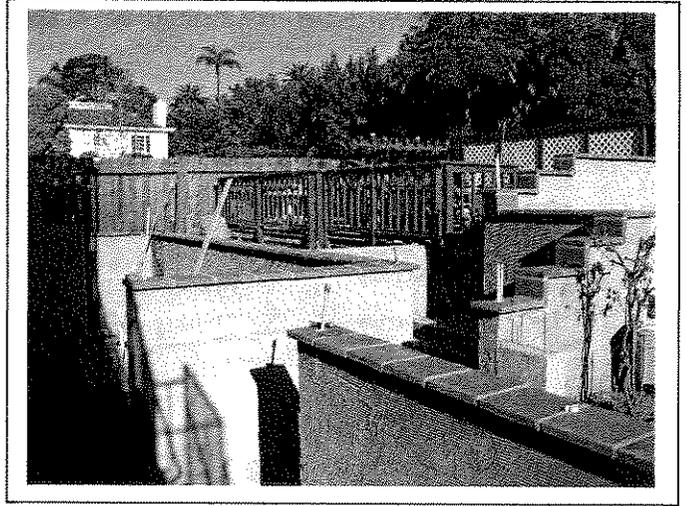
Attachment: Field Investigation Images (1-31)

Cc: File
Alamar II, LLC, P.O. Box 4853, Santa Barbara, CA 93140
Mr Larry Powell, 4299 Carpinteria Ave. 2nd floor, Carpinteria, CA 93013
Mr. Stephen Wiley, City Attorney

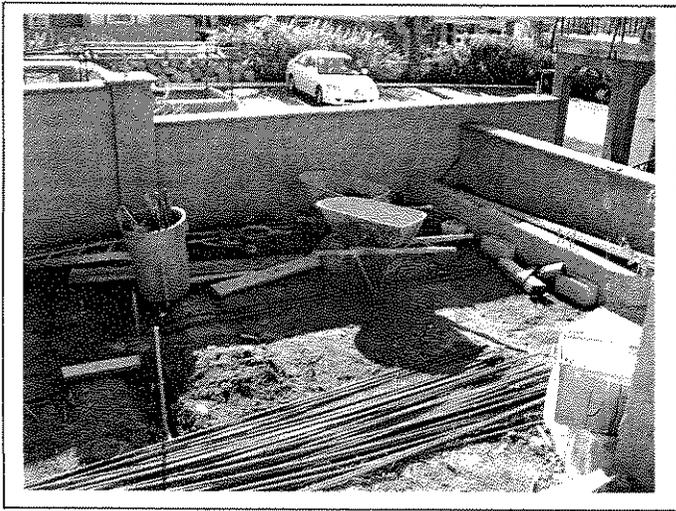
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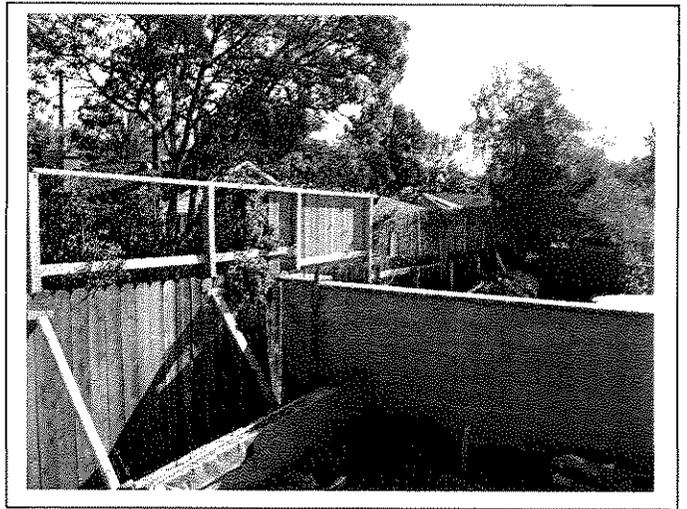
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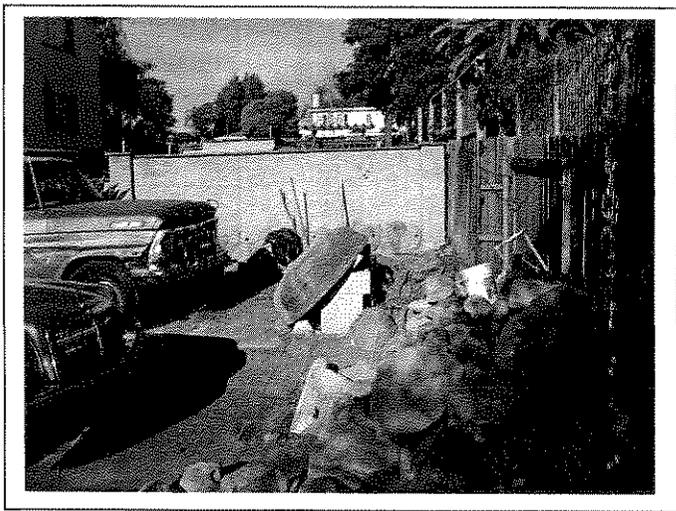
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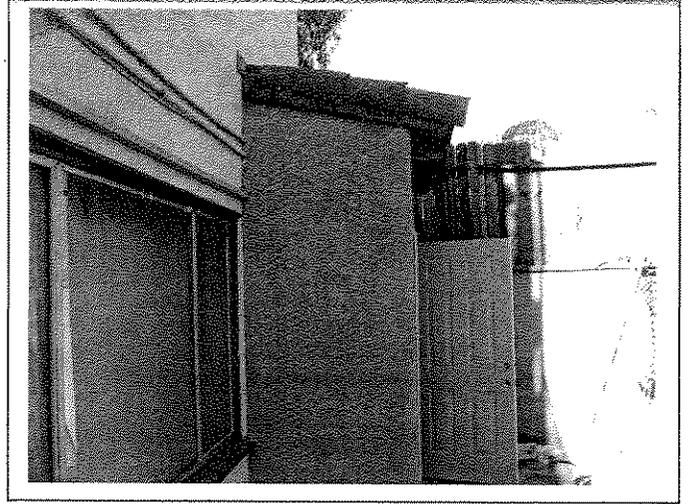
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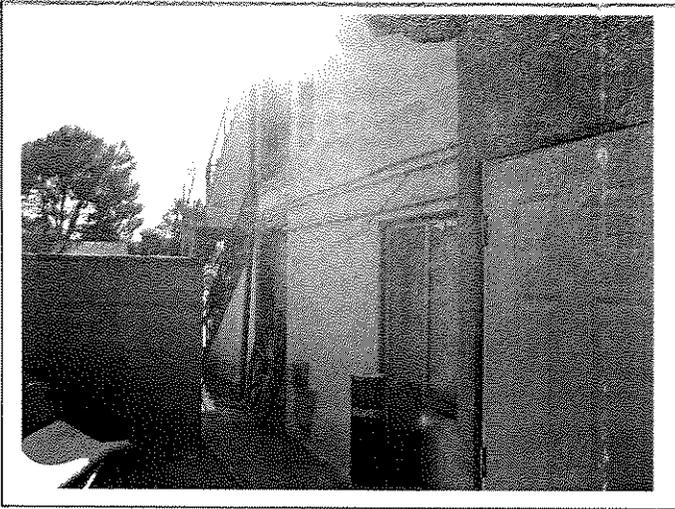
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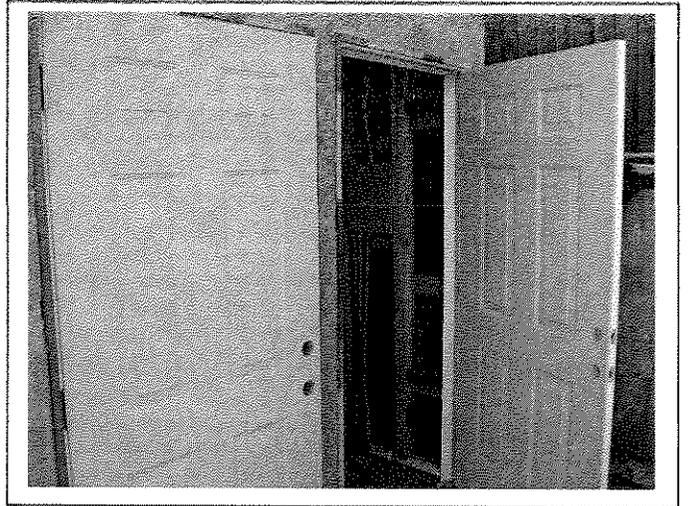
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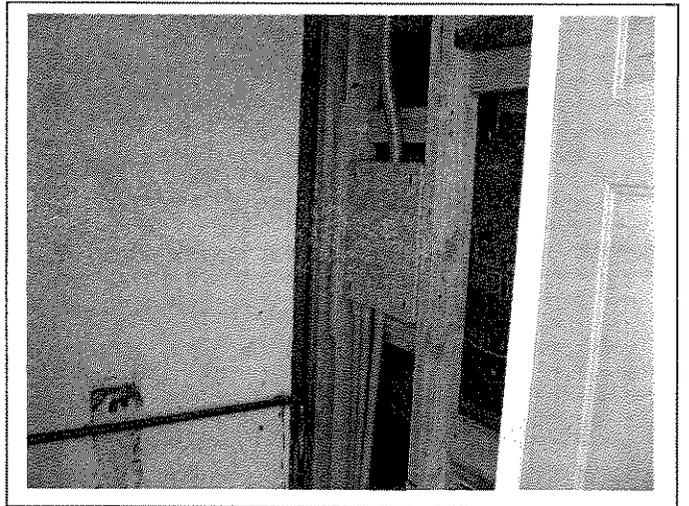
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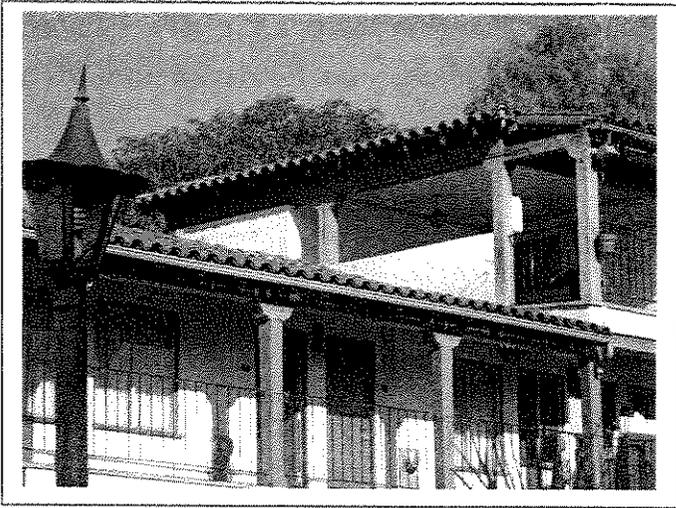
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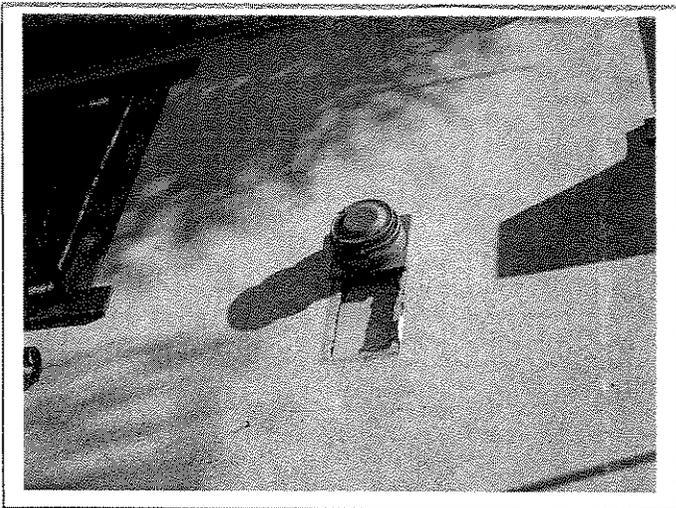
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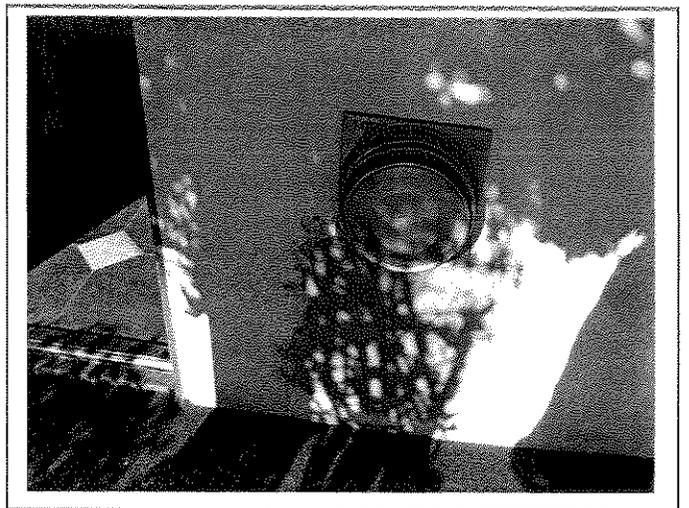
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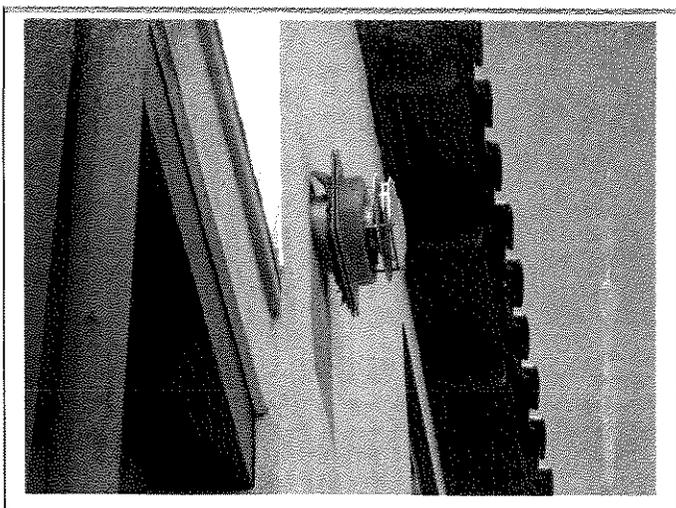
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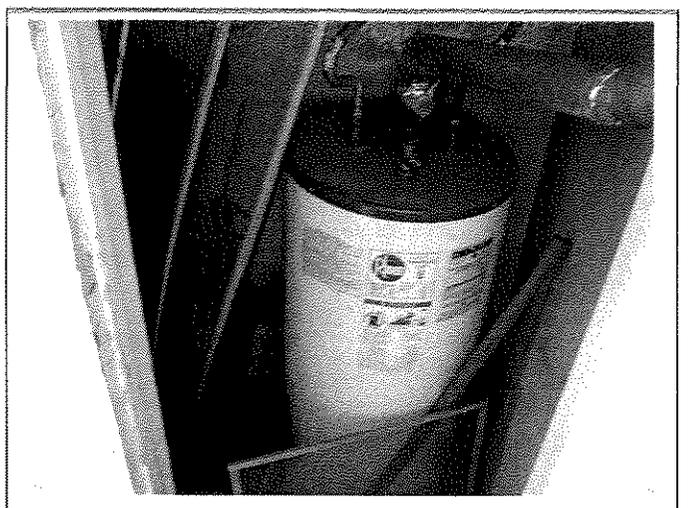
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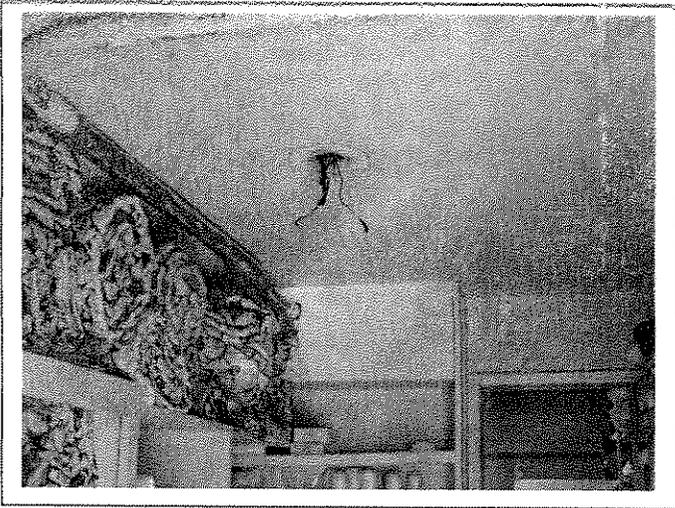
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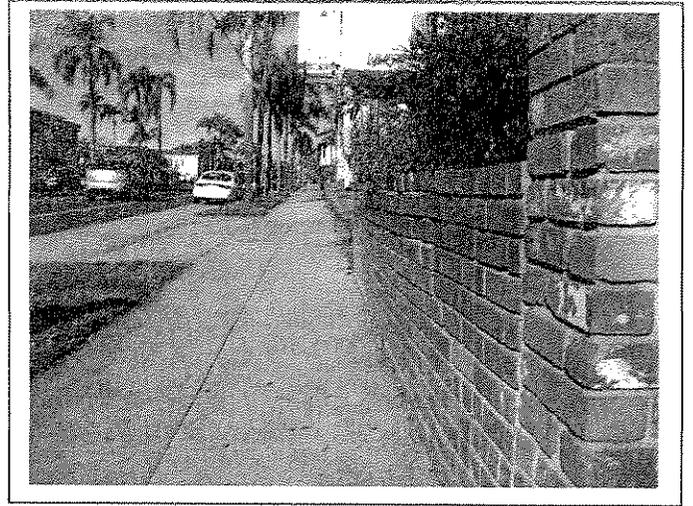
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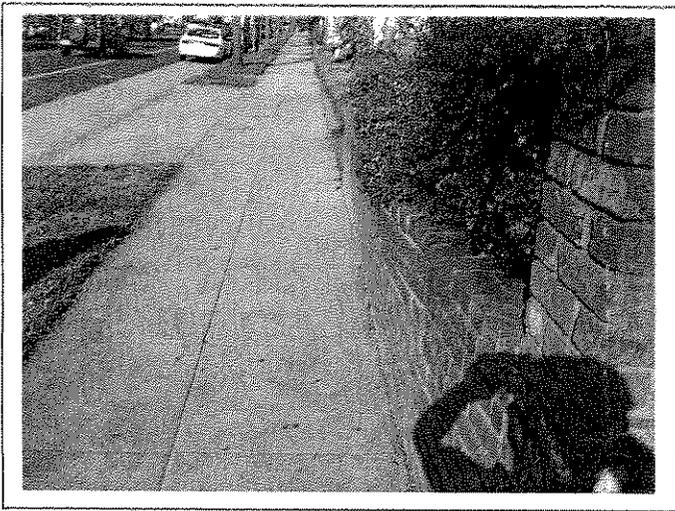
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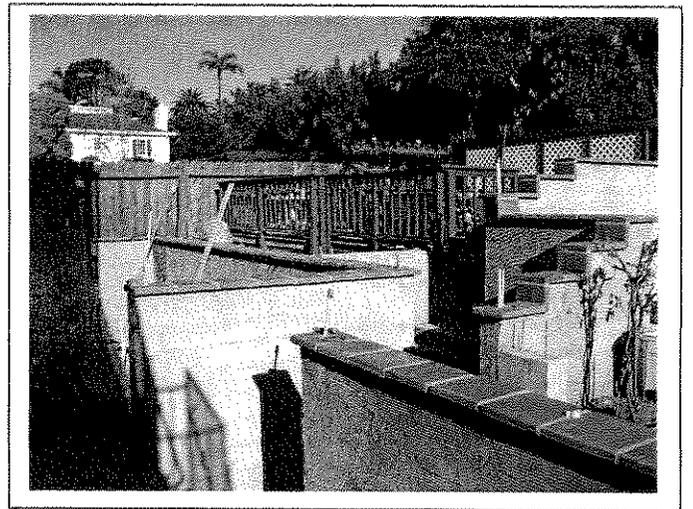
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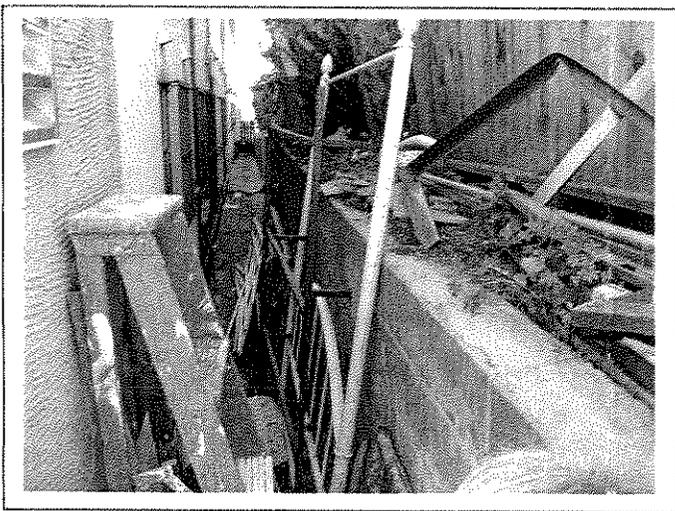
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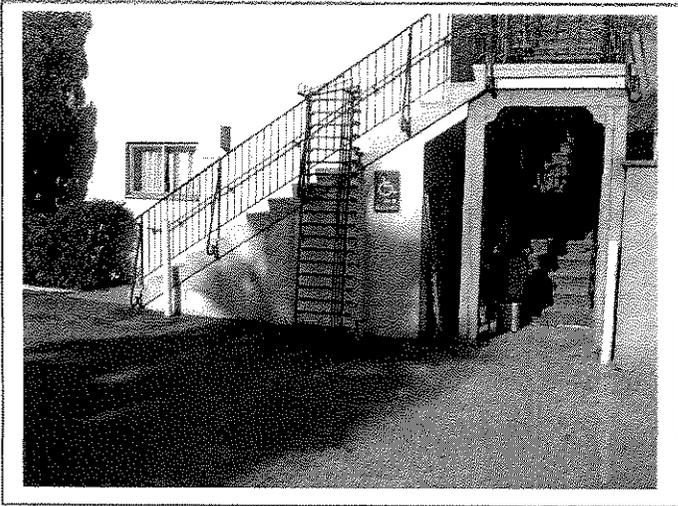
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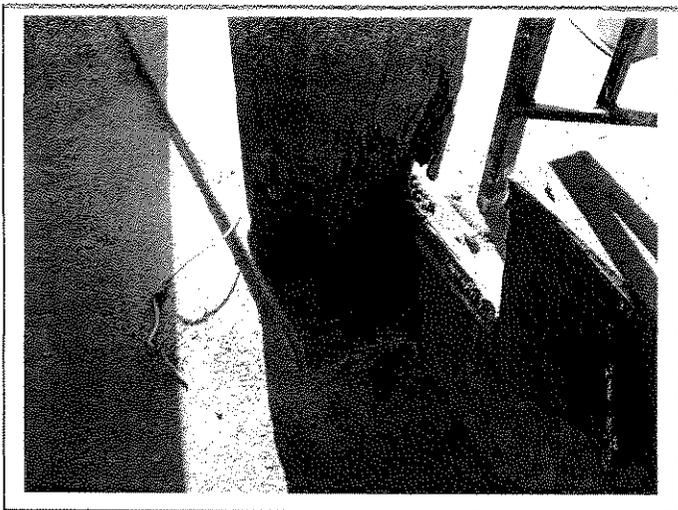
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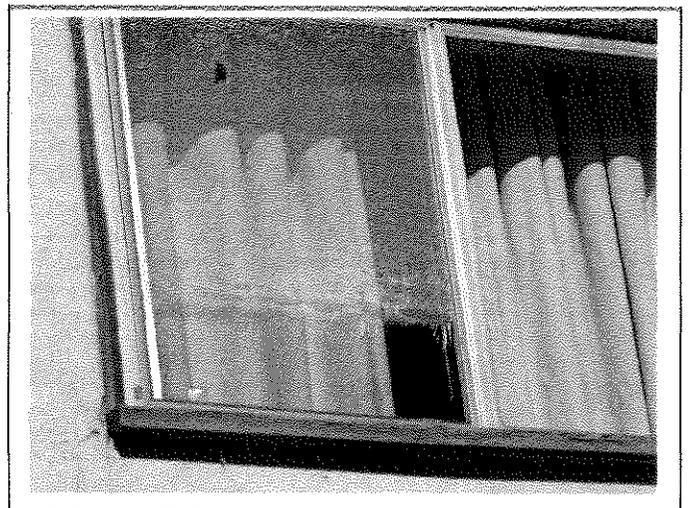
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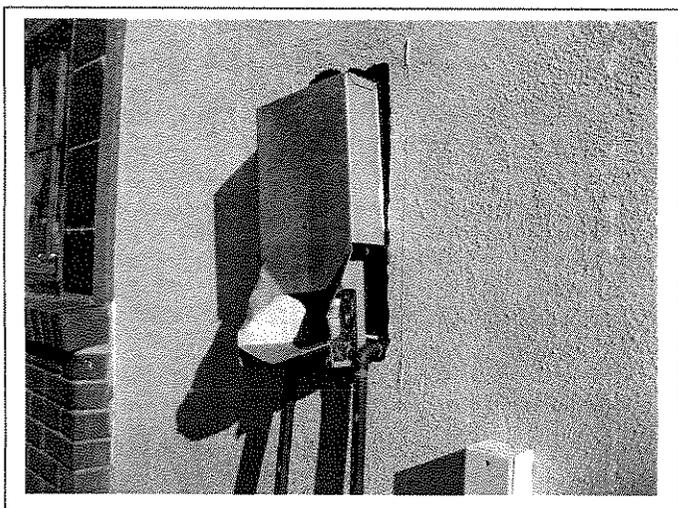
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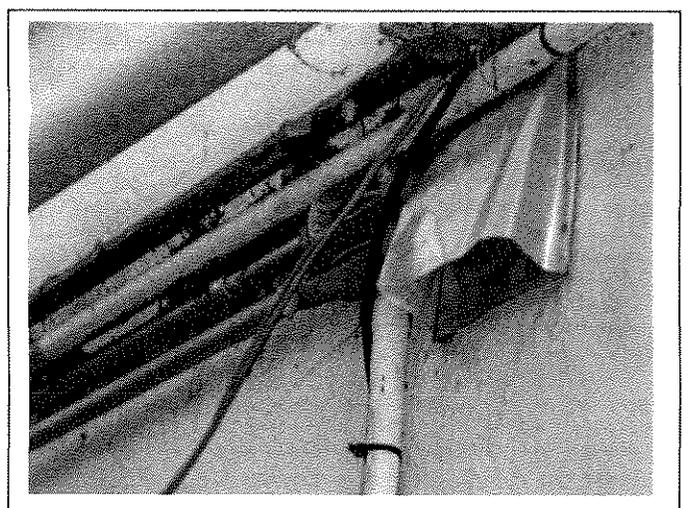
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