



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

January 16, 2014

CALL TO ORDER:

Chair Jordan called the meeting to order at 1:00 P.M.

I. ROLL CALL

Chair Mike Jordan, Vice Chair Deborah L. Schwartz, Commissioners Bruce Bartlett, John P. Campanella, Sheila Lodge, June Pujo, and Addison Thompson.

STAFF PRESENT:

Renee Brooke, Senior Planner
Jill Zachary, Assistant Parks and Recreation Director
N. Scott Vincent, Assistant City Attorney
Barbara Shelton, Project Planner/Environmental Analyst
Mandy Burgess, Parks and Recreation Planning Technician
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

Chair Jordan announced a change in the order of preliminary matters, with agenda item A being heard last.

- 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 Jordan opened the public hearing at 1:01 P.M. and, with no one wishing to speak, closed the hearing.

- D. Nominations and election of Chair and Vice Chair.

MOTION: Bartlett/Lodge

Nomination of Deborah Schwartz as Chair.

This motion carried by the following vote:

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

MOTION: Bartlett/Lodge

Nomination of Addison Thompson as Vice Chair

This motion carried by the following vote:

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

III. RECOMMENDATIONS TO CITY COUNCIL:

ACTUAL TIME: 1:03 P.M.

A. URBAN FORESTRY MANAGEMENT PLAN

The Planning Commission will review the Urban Forestry Management Plan, and consider recommending that City Council adopt the plan.

Case Planner: Jill Zachary, Assistant Parks and Recreation Director

Email: JZachary@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 5437

Jill Zachary, Assistant Parks and Recreation Director; and Mandy Burgess, Parks and Recreation Planning Technician, gave the Staff presentation.

Chair Schwartz opened the public hearing at 1:54 P.M., and with no one wishing to speak, closed the public hearing.

Commissioners' comments:

The Commission thanked Staff for developing guidelines and believes they will help applicants, property owners, and design review boards. Staff was encouraged to move forward after reviewing the document for editing, clarification, and some condensing.

The environmental benefits of trees to public health were acknowledged along with funding restrictions. Staff was encouraged to develop more public/private partnerships, especially when trying to fill empty street tree wells.

MOTION: Jordan/Lodge

Assigned Resolution No. 001-14

Recommend to City Council adoption of the Urban Forest Master Plan with the following recommendations:

1. Include neighborhood associations in public/private partnerships.
2. Develop a resource for the public, similar to the tool guide for Storm Water Management.
3. Make program a policy level process, rather than ancillary level process.
4. Correct last item in the chart on page 22 to read "Average Unit-Size Density".
5. Make sure the 60 foot height limit range in the overlay zone is the most current information.
6. Clarify solar access versus tree shading.
7. Include "tree pruning" in the glossary.
8. Benefits of the Urban Forest should be at the beginning of the document.
9. Encourage more of the 3,500-7,000 empty tree wells to be filled.
10. Include Parma Park in the Plan.

This motion carried by the following vote:

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

Chair Schwartz called a recess at 2:19 P.M. and resumed the meeting at 2:27 P.M.

ACTUAL TIME: 2:27 P.M.

B. AIR QUALITY DESIGN STANDARDS FOR DEVELOPMENT NEAR HIGHWAY 101

The Planning Commission will hold a public hearing on a draft ordinance to establish air quality design standards for new development of sensitive uses within 250 feet of Highway 101. The intent of the ordinance is to reduce health risks from highway vehicle exhaust for any future development of residences, nursing or retirement homes, schools, or family day care. Project design criteria involve site layouts, vegetative screening, and interior air filtration. The Planning Commission will consider recommendations to City Council regarding ordinance adoption. Public comment is welcome.

Case Planner: Barbara Shelton, Project Planner/Environmental Analyst

Email: BShelton@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4467.

Barbara Shelton, Project Planner/Environmental Analyst, gave the Staff presentation. Public comment received was acknowledged that included three new

letters and one phone call. An additional late communication from Cynthia Ruano was also acknowledged.

Molly Pearson and Carly Wilburton from the Santa Barbara Air Pollution Control District (APCD) were present to answer any of the Commission's questions.

Chair Schwartz opened the public hearing at 2:47 P.M.

The following people commented on the project:

1. Azam Mirtorabi, affected property owner, submitted written and verbal comments objecting to the ordinance and noting improvements in air quality.
2. Mary Rose Bryson, affected neighbor, was concerned with the ordinance impact on the ability to upgrade her 1902 home. She was also concerned with trees that were removed from buffering the freeway and asked the City to plant trees on City property.
3. Steven Johnson, affected property owner, submitted written and verbal comments objecting to underlying City air quality studies and supporting a wider corridor.

With no one else wishing to speak, the public hearing was closed at 2:56 P.M.

Commissioners' comments:

- Commissioner Pujo recommended changes to the ordinance to clarify that design measures apply to primary structures and not accessory structures.
- Commissioners Campanella and Schwartz appreciated Staff's time on the report. The ordinance implements the General Plan and the intent of City Hall, and represents the best job with information available.
- Commissioner Thompson requested clarification on whether the ordinance was addressing only particulates, and on the effectiveness of Caltrans sound walls. He recommended clarifying applicable types of fences.
- Commissioner Bartlett expressed concern about the overall benefits of the policy and ordinance for residents. He requested clarification regarding application of the ordinance to new vacant lots created through subdivision; whether properties become legal non-conforming under the ordinance; and why the ordinance does not apply to temporary stay facilities. He suggested that the hedges and fences ordinance establish a different standard for the highway corridor.
- Commissioners Bartlett and Jordan suggested addition of an automatic sunset clause based on time frame and/or specific air quality criteria. Commissioner Schwartz was not entirely comfortable with the absence of a sunset clause but would not push for it.

- Commissioner Lodge requested clarification for the public that a single-family home could be upgraded under the ordinance (i.e., remodels and minor additions would be exempt, and substantial additions and new units could be permitted with design compliance). She would have preferred a 500 foot corridor, as other communities have used, but thinks that 250 feet is as good as we will get. She recommended that Caltrans be encouraged to build additional sound walls in those areas without, such as by Mission Terrace and the nearby nursery school.
- Commissioner Campanella noted that walls, vegetation, and other design measures have precedence in other communities and are supported by evidence of effectiveness. He requested confirmation that off-site structures may be used as a measure toward compliance with ordinance design standards.
- Commissioner Jordan expressed concern that design boards might apply ordinance provisions outside of the 250 foot corridor, and recommended an upfront exemption for parcels partially within the corridor when applicable new development is outside of it. He suggested clarification of the general exemption based on site-specific conditions, so that the submittal analysis and basis of determination is clear. He expressed concern about the ordinance, asserting that tangible benefits and quantifiable criteria are unclear.
- Commissioners Jordan and Bartlett could support a recommendation to Council with the following exceptions: 1) Ordinance needs an exemption when the parcel is partly within the corridor but the project is outside; and 2) Ordinance needs a sunset provision.
- Commissioner Schwartz noted a questionable benefit of interior filtration given the local climate

Scott Vincent, Assistant City Attorney, stated that the ordinance would apply to lots that are in whole or in part within 250 feet of the freeway, but that the design standards would only apply to new development within 250 feet. He will address accessory uses in the ordinance language found in Section 22.65.040 Design Standards for Air Quality, subsection A (Proximity to Highway 101 and Project Design Features), on page 3 of the draft ordinance dated January 9, 2014 with inclusion of “...*that will be occupied by or for Sensitive Land Uses...*” in the first sentence. He noted that the provision for exempting one new unit on a vacant lot could be changed because the policy and ordinance design measures provide for a means of permitting potentially precluded development such that a property taking is not a concern.

Chair Schwarz left the dais at 4:34 P.M and returned at 4:36 P.M.

- Commissioner Campanella recommended that the ordinance purpose and intent be clarified.
- Commissioner Thompson could accept the ordinance without a sunset clause, and would support a recommendation moving it to Council.
- Commissioner Lodge supports the ordinance and sending it to Council.
- Commissioner Jordan supports the ordinance philosophically and supports the applicability provisions and flexibility exemption. He cannot support recommending the ordinance without an exemption for development outside of the 250 foot corridor and a sunset clause.
- Commissioner Bartlett supports Mr. Vincent's revised wording of the draft ordinance language regarding accessory structures; and supports use of the property as trigger for applying the ordinance. He does not support the "*in whole or part*" provision without an exemption for development outside of 250 feet; or the lack of a sunset provision.
- Commissioner Pujo felt that the ordinance needed more clarity on what we are trying to capture and the workability of the ordinance. She does not support subsection C, applying the ordinance to substantial residential additions and suggested removing it. Commissioner Pujo felt that in the absence of a sunset clause, tracking and monitoring are needed as a part of adaptive management.
- Commissioners Pujo and Schwartz commented that the ordinance is flexible and open-ended and can be interpreted differently, and recommended templates or handouts for applicants with examples of what would fit some of the design standards.
- Commissioner Schwartz noted that air pollution monitoring and air quality control measures are an ever changing issue, and a number of national studies of this issue are underway. She requested more clarity in the site-specific analysis exemption. She noted the tie-in with the Urban Forest Plan, and agreed with Commissioner Lodge that adding vegetation should be the preferred mitigation over hardscape solutions, and provides for more visual compatibility and other benefits.

MOTION: Jordan/Bartlett

Continue indefinitely for Staff to return with ordinance refinements that could be supported by a Commission majority.

Commissioner Pujo asked that when this item returns to the Commission, examples be provided to show applicants and homeowners how design standards apply.

Commissioner Bartlett asked Staff to review Page 6 of the Staff report dated, December 12, 2014, requesting that the sentence "*Following such studies, the City may reassess the Ordinance provisions for amendment or appeal.*" to add something more quantifiable rather than "may".

This motion carried by the following vote:

Ayes: 5 Noes: 2 (Lodge, Thompson) Abstain: 0 Absent: 0

Commissioners Lodge and Thompson believed the ordinance should be forwarded to City Council.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:16 P.M.

Chair Schwartz prefaced the Commission's reports with comments from the Chair.

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report
None.
2. Other Committee and Liaison Reports
 - a. Commissioner Thompson reported on the Single Family Design Board meeting of January 13, 2014.
 - b. Commissioner Thompson reported on the Airport Committee meeting of January 15, 2014.
 - c. Commissioner Schwartz reported on the Downtown Parking Committee meeting of January 15, 2014.
 - d. Chair Schwartz summarized agenda items of upcoming January 23, 2014.

V. ADJOURNMENT-

Chair Schwartz adjourned the meeting at 5:25 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 001-14

CITY WIDE

RECOMMENDATION TO CITY COUNCIL ON

URBAN FOREST MANAGEMENT PLAN

JANUARY 16, 2014

URBAN FOREST MANAGEMENT PLAN

The Parks and Recreation Department (Department) began developing the proposed Urban Forest Management Plan (Plan) in July 2012. The purpose of the Plan is to provide a long-term guide for the preservation and enhancement of trees in Santa Barbara. The Plan was developed in collaboration with a technical advisory committee and staff in the Community Development, Public Works and Fire Departments, and through extensive public input. Public input was gathered through four community meetings, an online survey, individual meetings with stakeholders, and presentations to City Boards and Commissions, including the Single Family Design Board, Historic Landmarks Commission, Architectural Board of Review, Street Tree Advisory Committee, Parks and Recreation Commission and the Planning Commission (April 4, 2013). The Sustainability Council Committee and the City Council also reviewed the draft plan goals, objectives and actions.

In addition to extensive public input, development of the Plan included a review of current urban forest management policies and practices, completion of a city-wide tree canopy assessment, evaluation of other community forest plans, and identification of key urban forest issues. The proposed Plan documents these efforts and outlines a series of goals, objectives and action steps for the City and community to preserve and enhance Santa Barbara's urban forest over the next 30+ years.

There are four primary goals for the Plan, including: 1) Elevate the importance of the urban forest, 2) Continue Santa Barbara's horticultural legacy, 3) Promote a vibrant and healthy community, and 4) Foster awareness and appreciation of trees.

Fifteen Plan objectives are organized under three areas: Tree Resource Management, City Organization and Policy, and Community Involvement. Each objective has a series of actions. Tree Resource Management objectives and implementation actions are primarily focused on the planning, planting, and maintenance of trees as well as maximizing the economic, environmental and aesthetic benefits of the urban forest. City Organization and Policy objectives and implementation actions address enhancing the City's investment in the health and management of the urban forest through funding, inter-departmental coordination, and City policy and planning initiatives. Community Involvement objectives and implementation actions focus on enhancing and expanding community participation and investment in the urban forest through partnerships and education and volunteer programs.

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 recommendation, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 9, 2014

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

- I. Recommended to City Council approval of the Urban Forestry Master Plan with the following recommendations:
1. Include neighborhood associations in public/private partnerships.
 2. Develop a resource for the public, similar to the tool guide for Storm Water Management.
 3. Make program a policy level process, rather than ancillary level process.
 4. Correct last item in the chart on page 22 to read "Average Unit-Size Density".
 5. Make sure the 60 foot height limit range in the overlay zone is the most current information.
 6. Clarify solar access versus tree shading.
 7. Include "tree pruning" in the glossary.
 8. Benefits of the Urban Forest should be at the beginning of the document.
 9. Encourage more of the 3,500-7,000 empty tree wells to be filled.
 10. Include Parma Park in the Plan.

This motion was passed and adopted on the 16th day of January, 2014, 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



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

January 23, 2014

CALL TO ORDER:

Chair Schwartz called the meeting to order at 1:08 P.M.

I. ROLL CALL

Chair Deborah L. Schwartz, Vice Chair Addison Thompson, Commissioners Bruce Bartlett, John P. Campanella, Mike Jordan, Sheila Lodge, and June Pujo.

STAFF PRESENT:

Betty Weiss, Acting Community Development Director
Renee Brooke, Senior Planner
Susan Reardon, Staff Hearing Officer
N. Scott Vincent, Assistant City Attorney
Steve Foley, Supervising Transportation Planner
Derrick Bailey, Supervising Transportation Engineer
Suzanne Riegle, Associate Planner
Kelly Brodison, Assistant Planner
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

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

1. Draft Minutes of December 12, 2013
2. PC Resolution 015-13
101 S. La Cumbre Road
3. PC Resolution 016-13
900 Channel Drive
4. Draft Minutes of December 19, 2013
5. PC Resolution 018-13
520 E. Yanonali Street

MOTION: Bartlett/Lodge

Approve the Minutes of December 12, 2013 and Resolutions as corrected.

This motion carried by the following vote:

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

MOTION: Thompson/Lodge

Approve Resolution 015-13 as corrected.

This motion carried by the following vote:

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

MOTION: Lodge/Jordan

Approve Resolution 016-13.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: As 2 (Thompson, Bartlett) Absent: 0

MOTION: Bartlett/Lodge

Approve the Minutes of December 19, 2013 as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 1 (Schwartz). Absent: 0

Commissioner Bartlett reopened the motion to allow for Commissioner Campanella's additional comments.

MOTION: Bartlett/Lodge

Approve the Minutes of December 19, 2013 as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 1 (Schwartz). Absent: 0

MOTION: Thompson/Lodge

Approve Resolution 018-13.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 1 (Schwartz). Absent: 0

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

None.

- C. Announcements and appeals.

None.

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

Chair Schwartz opened the public hearing at 1:24 P.M. and, with no one wishing to speak, closed the hearing.

III. STAFF HEARING OFFICER APPEAL:

ACTUAL TIME: 1:24 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Pujo recused herself due to associations with the Applicant.

Commissioner Pujo left the dais at 1:24 P.M.

APPEAL BY MEHDI HADIGHI OF THE STAFF HEARING OFFICER'S DECISION FOR THE APPLICATION OF MEHDI HADIGHI, AGENT FOR KC YOUNG, LLC, 1732 GILLESPIE ST, APN: 043-181-017, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL (MAX 12 DU/ACRE) (MST2013-00381)

The 4,000 square-foot site is developed with a 1,894 square foot two-story single-family residence. The project site is currently under construction. There are two open building permits (BLD2013-01155 and BLD2013-00761) that were issued for alterations to the residence, including exterior repairs and alterations, an interior remodel, and a replacement roof. The proposed project includes permitting the "as-built" alterations to the entry porch, proposed construction of an attached one-car garage (Option 1), relocation of utilities, and removal of an existing tree along the proposed driveway. An alternate detached garage design (Option 2) was also proposed for consideration that would result in a reduction of the required open yard.

On November 13, 2013, the Staff Hearing Officer approved the modification to allow the alterations to the front porch and denied Modification requests to allow a one-car garage to be constructed within the interior setback and the open yard at the rear of the house. The applicant is appealing the partial denial of the project.

Staff recommends that the Planning Commission also consider a third alternative (Option 3) to allow an uncovered parking space within the required 20-foot front setback and the three-foot interior setback to the east.

The discretionary applications required for this project, as proposed, are:

1. An Interior Setback Modification to allow the "as-built" alterations to the entry porch, including an increase in the roof height, within the required six-foot interior setback to the west (SBMC § 28.18.060 and SBMC § 28.92.110); and
2. An Interior Setback Modification to allow the construction of a one-car garage within the required three-foot interior setback to the east (SBMC § 28.18.060 and SBMC § 28.92.110); and

3. An Open Yard Modification to reduce the required 1,250 square foot open yard area due to construction of a one-car garage (SBMC § 28.18.060 and SBMC § 28.92.110); and

An additional discretionary application that may be required for this project is:

4. A Front Setback Modification to allow an uncovered parking space within the required twenty-foot front setback (SBMC § 28.18.060 and SBMC § 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations in Land Use Limitations).

Case Planner: Suzanne Riegler, Associate Planner
Email: SRiegler@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 2687

Suzanne Riegler, Associate Planner, gave the Staff presentation. Susan Reardon, Staff Hearing Officer and Steve Foley, Supervising Transportation Planner were available to answer any of the Commission's questions.

Evan McDonald, agent for KC Young LLC, gave the Appellant presentation.

Chair Schwartz opened the public hearing at 1:45 P.M., and with no one wishing to speak, closed the public hearing.

MOTION: Bartlett/Thompson

Assigned Resolution No. 002-14

Uphold the appeal and approve the project, as shown on the plans as Parking Option 2, with the following revisions:

1. Allow the garage to encroach one foot into the southern (project plan eastern) interior setback and allow flexibility to move the garage east (project plan north), up to the three-foot interior setback, if necessary;
2. Delete "Option 1" and "Option 3" from the various options listed under Condition I.B.1; and
3. Revise Condition I.B.1. – "Option 2" to also include an Interior Setback Modification for the proposed garage.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 1 (Pujo) Absent: 0

Chair Schwartz announced the ten calendar day appeal period.

Chair Schwartz called for a recess at 2:15 P.M. and reconvened at 2:21 P.M.

IV. **NEW ITEM:**

ACTUAL TIME: 2:21 P.M.

Commissioner Pujo returned to the dais at 2:21 P.M.

APPLICATION OF MOLLER INVESTMENT GROUP, APPLICANT FOR MOLLER RETAIL, INC., 150 S. LA CUMBRE ROAD, APN 051-032-002, COMMERCIAL ZONE (C-2) AND THE UPPER STATE AREA (SD-2), GENERAL PLAN DESIGNATION: COMMERCIAL/HIGH RESIDENTIAL (MST2011-00384)

The proposal includes elimination of three automobile service bays at the existing service station and expansion of the mini-market within the existing building footprint. The project involves interior and exterior remodeling of the existing 1,600 square foot building, new accessible parking, entry and trash enclosures, and dedication of additional public right-of-way along La Cumbre Road. The project requires Planning Commission review of an amendment to the previous Conditional Use Permit approved on March 7, 1985.

The discretionary application required for this project is an Amendment to a Conditional Use Permit to eliminate the existing auto mechanic service bays and allow the expansion of the existing mini-market at the automobile service station/mini-market (SBMC 28.94.030.V).

The project activity is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. No further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183). City Council environmental findings adopted for the 2011 General Plan, remain applicable for this project. The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

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

Phone: (805) 564-5470, ext. 4531

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Rick Jhaj gave the Applicant presentation.

Chair Schwartz opened the public hearing at 2:39 P.M. and, with no one wishing to speak, closed the public hearing.

Mr. Jhaj agreed to repair the damaged downspout at the rear of the building as part of the project.

MOTION: Thompson/Lodge

Assigned Resolution No. 003-14

Approved the project, making the findings for the Amended Conditional Use Permit, as outlined in the Staff Report, dated January 16, 2014, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following additional Conditions of Approval:

1. Compliance with the City's Outdoor Lighting Guidelines and strict compliance with the City's Sign Ordinance.
2. Landscape plan will include replacement of trees in empty tree wells along La Cumbre Lane.

This motion carried by the following vote:

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

Chair Schwartz announced the ten calendar day appeal period.

V. RECOMMENDATION TO CITY COUNCIL:

ACTUAL TIME: 2:50 P.M.

PROPOSED AMENDMENTS TO THE SANTA BARBARA MUNICIPAL CODE RELATED TO FENCES, SCREENS, WALLS AND HEDGES (SBMC §28.87.170)

Santa Barbara Municipal Code (SBMC) §28.87.170 regulates the height and location of fences, screens, walls and hedges on private property in the A, E, R, C-O, and C-X Zones. Specifically, it limits the height of those elements to eight feet (8') in required setbacks, and to three and one-half feet (3½') within ten feet of a front lot line, within ten feet of either side of driveway for a distance of 20 feet back from the front lot line, or within 50 feet of a street corner (measured from the edge of the vehicular travelled way).

In 2008, the City Council suspended for two years the application of SBMC §28.87.170.A and §28.87.170.B.1 to hedges to enable adequate community outreach and a possible comprehensive amendment to this section of the Municipal Code. The suspension was extended on March 15, 2011 for three additional years and will expire March 23, 2014.

The purpose of this meeting is to present the proposed Municipal Code amendments and accompanying guidelines, and request that the Planning Commission make a recommendation to City Council for their adoption. Background material and additional information regarding this subject is available at: www.SantaBarbaraCA.gov/Hedges.

Case Planner: Renee Brooke, AICP, Senior Planner

Email: RBrooke@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 5564

Renee Brooke, AICP, Senior Planner, gave the Staff presentation. Steve Foley, Supervising Transportation Planner, and Derrick Bailey, Supervising Transportation Engineer, were available to answer any of the Commission's questions.

Chair Schwartz opened the public hearing at 3:14 P.M.

The following people commented in support of the Ordinance Amendments:

1. Linda Courtney supported amendment changes with allowed exception of up to 12' hedges for hillside terrain or privacy.
2. Marguerite Nash supported amendment changes, especially for safety reasons. Would like to see more objective criteria for exceptions.
3. Pamela Stafford agreed with Mrs. Nash in support of ordinance amendments.
4. Dr. A. E. Nash asked that Staff consider application of the ordinance to the 'hilly, curvy' parts of Santa Barbara, and also develop compliance monitoring for areas such as Mission Street, from Anacapa Street to Garden Street.

The following people commented in opposition to or with concerns about the Ordinance Amendments:

1. Diane Powell did not think Modifications should be approved if an administrative exception was not found acceptable. Would also like to see noticing beyond 300' of neighborhood for Modifications.
2. Fred Sweeney, Upper East Association Board Member, read a statement into the record asking for preservation of the Upper East Side. Opposes resurrecting the 1957 wall and hedge ordinance and 42" hedge restriction at the front property line. Believes there are other options for public safety consideration.
3. Florence Sanchez does not agree with the 42" height limit at front property lines; people do not comply with it. Asked Staff to return to the ordinance committee and look at what the community wants to see rather than tweaking the 1957 ordinance.
4. Gus Gurley lives on the Riviera where hedges exceed 42", including at the El Encanto Hotel, where they are also closer to the road than the ordinance allows. Agreed with Ms. Sanchez that there is little public agreement with the proposed amendments. Main opposition is with 42" restriction at the front property line. Supports amendment changes for purposes of dispute resolution, but should not be used as a general enforcement issue.
5. Meg Gurley appreciated comments made by the Upper East Association. If there are no neighbor disputes, then do not create one. Ordinance should be dispute driven. Traffic enforcement should be included in safety decisions.
6. Bernardo de Albergaria commented on how hedges provide privacy, safety, and a noise buffer. Believes this ordinance would affect neighborhood character, privacy and home values. Ordinance should not be a wholesale implementation but for dispute resolution only.
7. Michael Corrigan showed a picture of his home and believes the ordinance would alter his privacy, eliminate a noise barrier, and reduce market value.
8. Joan Livingston does not support current hedge height limits and concurs with Upper East neighbors. Disagreed that there is general agreement for the proposed hedge height limits. Sees the ordinance amendments moving forward without complete community support.

9. Terry Hartz believes hedges provide privacy and keep soot and noise away. Thinks this ordinance will create enemies out of neighbors and is needed in Santa Barbara.
10. Elizabeth Reifel supported tall hedges, such as those on Mission Street where she resides, for providing privacy and softening the noise from traffic. The proposed ordinance is complicated: the scope needs more definition and the objectives need clear explanation that is easy to understand.
11. William Nash felt the majority present did not support the ordinance moving forward. The 42" height restriction is very low. If this ordinance moves forward, then there should be a public safety exception included for properties that pose a unique challenge. Suggested looking at what Santa Barbara County does with its height restrictions (8' fences on the side; 6' in the front) since it has no problems.

With no one else wishing to speak, the public hearing was closed at 3:44 P.M.

Chair Schwartz called a break at 3:44 P.M and reconvened at 3:51 p.m.

Many commissioners supported the ordinance amendments, especially for dispute resolution, but could not agree on the height limits for fences, screens, walls and hedges. Staff recommended that they consider a different height limit for hedges than for walls and fences.

MOTION: Lodge/Thompson

Assigned Resolution No. 004-14

Recommend that City Council approve the following proposed regulations with respect to walls and fences:

1. Maintain 8' height limit in required setbacks;
2. Maintain 3½' height limit within 10' of front lot line;
3. Revise visibility area next to driveways; 3½' height limit within 10' x 10' or 10' x 20' triangle;
4. Refer to "Intersection Sight Distance" in Guidelines for most corner lots;
5. Allow code-required guardrails;
6. Allow decorative elements (posts, light fixtures) and entry arbors;
7. Allow Administrative Approval for Minor Exceptions, up to a 4' height increase; and
8. Refer to Guidelines for additional direction and guidance.

This motion carried by the following vote:

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

MOTION: Bartlett/Pujo

Assigned Resolution No. 004-14

Recommend that City Council approve the following proposed regulations with respect to hedges:

1. Allow 12' height limit in required setbacks; Administrative Approval for an exception must be found to comply with the Solar Access Ordinance;
2. Allow 7½ height limit within 10' of front lot line;
3. Revise visibility area next to driveways; 3½' height limit within 10' x 10' or 10' x 20' triangle;
4. Refer to "Intersection Sight Distance" in Guidelines for most corner lots;
5. Allow Administrative Approval for Minor Exceptions, up to a 4' height increase; and
6. Refer to Guidelines for additional direction and guidance.

This motion carried by the following vote:

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

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:54 P.M.

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Commissioner Lodge reported on the Staff Hearing Officer meeting held on January 22, 2014.

2. Other Committee and Liaison Reports

a. Commissioner Campanella reported on ABR meeting on January 21, 2014.

b. Commissioner Schwartz reported she will be attending the Transportation and Circulation Committee meeting.

3. Report from the Chair

Chair Schwartz asked the public to check the Planning Commission website for staying updated on the possibility of a February 6, 2014 meeting cancellation.

B. Approval of 2014 Primary and Alternate Liaisons to City Boards and Commissions made in B.1. of this Agenda.

Airport Commission

Addison Thompson - Primary

Bruce Bartlett – Alternate

Architectural Board of Review

Bruce Bartlett - Primary
John Campanella – Alternate

**Creeks Restoration & Water Quality Improvement
Program Citizen Advisory Committee**

June Pujo - Primary
Mike Jordan – Alternate

Downtown Parking Committee

John Campanella- Primary
Deborah L. Schwartz - Alternate

Harbor Commission

June Pujo - Primary
Michael Jordan – Alternate

Highway 101 Improvements Design Subcommittee

Bruce Bartlett - Primary
Deborah L. Schwartz- Primary
June Pujo – Alternate

Historic Landmarks Commission

Sheila Lodge - Primary
Addison Thompson – Alternate

Parks and Recreation Commission

Sheila Lodge - Primary
Deborah L. Schwartz – Alternate

Single Family Design Board

Addison Thompson - Primary
Bruce Bartlett – Alternate

Staff Hearing Officer/ Modification Liaison

Michael Jordan - Primary
Sheila Lodge – Alternate

Sustainability Council Committee

June Pujo – Primary
John Campanella - Alternate

Transportation and Circulation Committee

Deborah L. Schwartz - Primary
June Pujo – Alternate

Water Commission

Deborah L. Schwartz - Primary

Sheila Lodge – Alternate

Zoning Information Report Working Group

John Campanella

June Pujo

Deborah L. Schwartz

MOTION: Lodge/Thompson

Approved the 2014 Planning Commission Liaisons to Boards and Commissions

This motion carried by the following vote:

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

VII. ADJOURNMENT

Chair Schwartz adjourned the meeting at 5:59 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 002-14

1732 GILLESPIE STREET

INTERIOR SETBACKS, FRONT SETBACK, AND OPEN YARD MODIFICATIONS

JANUARY 23, 2014

APPEAL BY MEHDI HADIGHI OF THE STAFF HEARING OFFICER'S DECISION FOR THE APPLICATION OF MEHDI HADIGHI, AGENT FOR KC YOUNG, LLC, 1732 GILLESPIE ST, APN: 043-181-017, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL (MAX 12 DU/ACRE) (MST2013-00381)

The 4,000 square-foot site is developed with a 1,894 square foot two-story single-family residence. The project site is currently under construction. There are two open building permits (BLD2013-01155 and BLD2013-00761) that were issued for alterations to the residence, including exterior repairs and alterations, an interior remodel, and a replacement roof. The proposed project includes permitting the “as-built” alterations to the entry porch, proposed construction of an attached one-car garage (Option 1), relocation of utilities, and removal of an existing tree along the proposed driveway. An alternate detached garage design (Option 2) was also proposed for consideration that would result in a reduction of the required open yard.

On November 13, 2013, the Staff Hearing Officer approved the modification to allow the alterations to the front porch and denied Modification requests to allow a one-car garage to be constructed within the interior setback and the open yard at the rear of the house. The applicant is appealing the partial denial of the project.

Staff recommends that the Planning Commission also consider a third alternative (Option 3) to allow an uncovered parking space within the required 20-foot front setback and the three-foot interior setback to the east.

The discretionary applications required for this project, as proposed, are:

1. An Interior Setback Modification to allow the “as-built” alterations to the entry porch, including an increase in the roof height, within the required six-foot interior setback to the west (SBMC § 28.18.060 and SBMC § 28.92.110); and
2. An Interior Setback Modification to allow the construction of a one-car garage within the required three-foot interior setback to the east (SBMC § 28.18.060 and SBMC § 28.92.110); and
3. An Open Yard Modification to reduce the required 1,250 square foot open yard area due to construction of a one-car garage (SBMC § 28.18.060 and SBMC § 28.92.110); and

An additional discretionary application that may be required for this project is:

4. A Front Setback Modification to allow an uncovered parking space within the required twenty-foot front setback (SBMC § 28.18.060 and SBMC § 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations in Land Use Limitations).

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, January 16, 2014
2. Site Plans

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

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

A. INTERIOR SETBACK MODIFICATION (West)

The Planning Commission finds that the western Interior Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed change to the height of the roofed entry porch will provide a minimum vertical clearance of 8' – 6", and is an appropriate improvement to a single-family residence that is not anticipated to adversely impact the adjacent neighbor.

B. FRONT SETBACK MODIFICATION FOR OPTION 3 (SBMC§28.18.060)

The Planning Commission finds that the Front Setback Modification to allow an uncovered parking space (Option 3) to be located within the twenty-foot front setback is not consistent with the purposes and intent of the Zoning Ordinance, is not necessary to secure an appropriate improvement on the lot, and is inconsistent with the pattern of development within the neighborhood.

C. EAST INTERIOR SETBACK MODIFICATIONS FOR OPTION 1 (SBMC§28.18.060)

The Planning Commission finds that the Interior Setback Modification to allow the construction of an attached one-car garage (Option 1) to be constructed up to the property line is not consistent with the purposes and intent of the Zoning Ordinance. The proposed zero setback is not appropriate and it does not provide an adequate setback from the interior property line, which is anticipated to adversely impact the adjacent neighbor to the east.

D. OPEN YARD AND EAST INTERIOR SETBACK MODIFICATIONS FOR OPTION 2 (SBMC§28.18.060)

The Planning Commission finds that the eastern Interior Setback and Open Yard Modifications to allow construction of the detached garage (Option 2) to encroach one foot into the required three-foot setback and to reduce the required open yard to 935 square feet are consistent with the purposes and intent of the Zoning Ordinance. The construction of the one-car garage is appropriate because it will provide a one-car garage on a site that is currently developed without on-site parking, the 40' wide lot is constrained by the location of the existing development limiting the opportunity for a conforming garage, and is an appropriate improvement to a single-family residence that is not anticipated to adversely impact the adjacent neighbor. The Open Yard Modification is appropriate because the new one-car garage will provide an on-site parking space that is consistent with the pattern of development for the neighborhood and the proposed 935 sq. foot open yard will provide a useable open yard at the rear of the residence.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Record any required documents (see Recorded Conditions Agreement section).
2. Permits.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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 January 23, 2014 is limited to the approval of an Interior Setback Modification to allow alterations to a ~~1,894~~1,984 square foot (net), two-story, single-family residence to increase the height of roofed front porch within the required six-foot interior setback ~~and, the approval of Interior Setback Modification and an an~~ Open Yard Modification to allow the construction of a detached 210 square foot, one-car garage that will ~~encroach one foot into the required three-foot interior setback and~~ reduce the conforming open yard to ~~1,012~~935-square feet,

1. and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.

3. **Deck Expansion Prohibited.** The second floor deck shall not be extended over the new entry porch and shall be maintained at a minimum distance of 7' – 3" from the interior property line.

4. **Fences, Hedges, Walls, and Screens to be Removed.** The fence and hedges along the eastern edge of the new driveway shall be removed for the entire length of the residence's first floor to provide a minimum driveway width of 8' – 8".

5. **Vertical Clearance along Driveway.** A minimum vertical clearance of seven feet shall be maintained for the entire length of the driveway.

6. **Documentation on Plan.** The locations of all fences, hedges, walls, and screens shall be documented on the plans and it shall be noted that the hedges will be trimmed and maintained in compliance with SBMC § 28.87.170.

C. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the

issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **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 prepares said agreement for the Owner's signature.
- b. **Drainage and Water Quality.** The project is required to comply with Tier 2 of the Storm Water Management Plan (treatment). The Owner shall submit worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the 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 (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
- c. **Agreement to Construct and Install Improvements.** The Owner 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.
- d. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.

D. **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, including demolition and grading.

1. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

E. **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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. 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 public improvement plans or building plans, shall be completed.

F. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the City of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.

- c. Any deviations from the project description, approved plans, or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **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 being notified of a lawsuit regarding 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.

III. NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission action approving the Conditional Use Permit, Modification, Performance Standard Permit, or Variance 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 and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

This motion was passed and adopted on the 23rd day of January, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 1 (Pujo) 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

PLEASE BE ADVISED:

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

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 003-14 150 S. LA CUMBRE ROAD CONDITIONAL USE PERMIT AMENDMENT JANUARY 23, 2014

**APPLICATION OF MOLLER INVESTMENT GROUP, APPLICANT FOR MOLLER RETAIL, INC.,
150 S. LA CUMBRE ROAD, APN 051-032-002, COMMERCIAL ZONE (C-2) AND THE UPPER
STATE AREA (SD-2), GENERAL PLAN DESIGNATION: COMMERCIAL/HIGH RESIDENTIAL
(MST2011-00384)**

The proposal includes elimination of three automobile service bays at the existing service station and expansion of the mini-market within the existing building footprint. The project involves interior and exterior remodeling of the existing 1,600 square foot building, new accessible parking, entry and trash enclosures, and dedication of additional public right-of-way along La Cumbre Road. The project requires Planning Commission review of an amendment to the previous Conditional Use Permit approved on March 7, 1985.

The discretionary application required for this project is an Amendment to a Conditional Use Permit to eliminate the existing auto mechanic service bays and allow the expansion of the existing mini-market at the automobile service station/mini-market (SBMC 28.94.030.V).

The project activity is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. No further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183). City Council environmental findings adopted for the 2011 General Plan, remain applicable for this project. The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

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, January 16, 2014.
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. ENVIRONMENTAL FINDING

The Planning Commission finds that the project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA certificate of determination on file for this project.

B. CONDITIONAL USE PERMIT AMENDMENT (SBMC §28.94.020)

1. The 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.

The project includes eliminating three mechanical service bays and converting the area to expand the existing mini-mart on the site. This proposal complies with the applicable General Plan Policies and Commercial Land Use Designation.

2. The uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved. The proposal to expand the mini-mart will take place within the existing building and will not expand the existing footprint. The project site is in close proximity to Highway 101 and is within the La Cumbre Road and State Street commercial zones and is the proposal was found compatible with the surrounding neighborhood by the Architectural Board of Review.
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 project site is located in an urban area, adjacent to other commercial uses along La Cumbre Road with varying setbacks. The project site meets all physical requirements for a service station/mini-market.
4. Adequate access and off-street parking including parking for guests 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 amount of parking provided on-site is anticipated to meet the project demand and is consistent with the Zoning Ordinance requirement. Vehicular access to the site is adequate and will be maintained, and pedestrian access will be improved by widening the sidewalk on La Cumbre Road and making both driveway aprons on La Cumbre Road ADA compliant.
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.

II. Said approval is subject to the following conditions:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
 1. Obtain all required design review approvals.
 2. Pay Land Development Team Recovery Fee.
 3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
 4. Record any required documents (see Recorded Conditions Agreement section).
 5. Permits.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

- B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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 January 23, 2014 is limited to the elimination of three automobile service bays at the existing service station and expansion of the mini-market within the existing building footprint. The project involves interior and exterior remodeling of the existing 1,600 square foot building, new accessible parking, entry and trash enclosures, and dedication of additional public right-of-way along S. La Cumbre Road and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic 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 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, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, 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 in a functioning state. 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 Owner 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.
 - 4-6. **Sign Regulation Compliance.** Owner shall maintain compliance with the City of Santa Barbara Sign Regulations.

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

1. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.
2. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by ABR.
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. [Outdoor Lighting Guidelines. Project plans shall verify compliance with the City of Santa Barbara Outdoor Lighting Guidelines.](#)
5. [Landscape Plan. The landscape plan shall include the installation of trees in empty tree wells on the property frontage along La Cumbre Lane.](#)

D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**
 - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.1.e "S. La Cumbre Road" Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement to Construct and Install Improvements (Not a Subdivision)*.
 - b. **Dedication(s).** A two-foot wide access easement for pedestrians, as shown on the approved site plan, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division.
 - c. **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 prepares said agreement for the Owner's signature.

- d. **Drainage and Water Quality.** The project is required to comply with Tier 3 Storm Water Management Requirements and shall comply with the Final Drainage Study prepared by Audra Torres/Pasquini Engineering dated November 12, 2013. Proposed drainage improvements shall consist of two Kristar FloGard LoPro Matrix catch basin filter inserts to address volume reduction and storm water quality. The storm water runoff will be treated by the catch basin inserts located in the southwest part of the site and/or in a proposed catch basin located at the northwest corner of the site.

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 (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

The Kristar FloGard LoPro Matrix filters shall be serviced and maintained as described in the manufacturer's specifications for maintenance. This includes servicing each catch basin at least three times a year and changing the filter media once per year. During each service the following shall be performed:

1. The catch basin grate(s) or cover shall be removed and set to one side.
2. The service shall commence with collection and removal of sediment and debris (litter, leaves, papers, cans, etc.).
3. The catch basin shall be visually inspected for defects and possible illegal dumping.
4. Using an industrial vacuum, the collected materials shall be removed from the filter liner and interior of the catch basin.
5. When all of the collected materials have been removed, the filter assembly shall be removed from the drainage inlet. The outer filter liner shall be removed from the filter assembly and filter medium pouches shall be removed by unsnapping the tether from the stainless steel hooded outlet cover and set to one side. The filter liner, PVC body and fittings shall be inspected for continued serviceability. Minor damage or defects found shall be corrected on the spot.
6. The filter liner and filter medium pouches shall be inspected for defects and continued serviceability and replaced as necessary and the pouch tethers re-attached to the stainless steel hooded outlet cover assembly.
7. The grate(s) or cover shall be replaced.

The Owner shall provide an Operations and Maintenance Procedure Plan for the operation and use of the proprietary catch basin filter systems. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

- e. **S. La Cumbre Road Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on **S. La Cumbre Road**. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the

following: two foot dedication at front of property for ADA accessibility, fifty linear feet of sidewalk, two commercial driveway aprons modified to meet Title 24 requirements with a maximum width of thirty-seven linear feet for the northern driveway and a maximum of thirty feet for the southern driveway, one "No Left Turn" sign at the northern driveway on La Cumbre Road, preserve and/or reset survey monuments, protect and relocate existing contractor stamps, two new street grates per approval of the Parks and Recreation Commission and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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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, including demolition and grading.

- 1. **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) , contractor(s) name and telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said

sign shall not exceed six 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.

2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
3. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- 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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. 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 public improvement plans or building plans, shall be completed.

G. General Conditions.

1. **Prior Conditions.** These conditions shall supersede the conditions identified in Planning Commission Resolution 18-85.
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
5. **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 being notified of a lawsuit regarding 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.

III. NOTICE OF CONDITIONAL USE PERMIT APPROVAL TIME LIMITS:

The Planning Commission action approving the Conditional Use Permit, Modification, Performance Standard Permit, or Variance 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 and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

This motion was passed and adopted on the 23rd day of January, 2014 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

PLEASE BE ADVISED:

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



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 004-14

CITY WIDE

RECOMMENDATION TO CITY COUNCIL ON PROPOSED AMENDMENTS

TO SANTA BARBARA MUNICIPAL CODE RELATED TO FENCES, SCREENS, WALLS, AND HEDGES

JANUARY 23, 2014

PROPOSED AMENDMENTS TO THE SANTA BARBARA MUNICIPAL CODE RELATED TO FENCES, SCREENS, WALLS AND HEDGES (SBMC §28.87.170)

Santa Barbara Municipal Code (SBMC) §28.87.170 regulates the height and location of fences, screens, walls and hedges on private property in the A, E, R, C-O, and C-X Zones. Specifically, it limits the height of those elements to eight feet (8') in required setbacks, and to three and one-half feet (3½') within ten feet of a front lot line, within ten feet of either side of driveway for a distance of 20 feet back from the front lot line, or within 50 feet of a street corner (measured from the edge of the vehicular travelled way).

In 2008, the City Council suspended for two years the application of SBMC §28.87.170.A and §28.87.170.B.1 to hedges to enable adequate community outreach and a possible comprehensive amendment to this section of the Municipal Code. The suspension was extended on March 15, 2011 for three additional years and will expire March 23, 2014.

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

WHEREAS, 4 people appeared to speak in favor of the proposed amendments, and 11 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 26, 2013
2. Staff Memorandum with Attachments, January 16, 2014.
3. Correspondence received in support of the ordinance amendments:
 - a. Patricia and Tom Foley, via email
 - b. Maggie Moss-Tucker, via email
 - c. Hand-delivered petition with 68 signatures
 - d. Patrick Corrigan, via email
 - e. Nicholas P. Bartolini, via email
 - f. Stan & Adela Leband, via email
 - g. Lynda Courtney, via email
 - h. Navid Eskandari, via email
4. Correspondence received in opposition, or with concerns, to the ordinance amendment:
 - a. Steve Johnson, via email
 - b. Kurt Huffman, et al, via email

- c. Bruce Venturelli, via email
- d. Laurel Heintz, via email
- e. Jane Frederick, via email
- f. Peggy Polos, via email
- g. Michael Dean, via email
- h. Meg Gurley, via email
- i. Peter Walker Hunt, via email
- j. Chris Kamen, via email
- k. Joe Rution, via email
- l. Lori Smith, via email.
- m. Dr. Marguerite B. Nash & A.E. Keir Nash, via email
- n. Shelley Bookspan, The Riviera Association, via email
- o. Robert C. Meltzer, via email
- p. John Gurley, via email
- q. W. Scott & Lisa Knox Burns, via email
- r. Daniel & Isabelle Cohen, via email
- s. Christopher A. Jacobs, via email
- t. Ann Scheid, via email

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

- I. Recommend that City Council approve the following proposed regulations with respect to walls and fences :
 - 1. Maintain 8' height limit in required setbacks;
 - 2. Maintain 3½' height limit within 10' of front lot line;
 - 3. Revise visibility area next to driveways; 3½' height limit within 10' x 10' or 10' x 20' triangle;
 - 4. Refer to "Intersection Sight Distance" in Guidelines for most corner lots;
 - 5. Allow code-required guardrails;
 - 6. Allow decorative elements (posts, light fixtures) and entry arbors;
 - 7. Allow Administrative Approval for Minor Exceptions, up to a 4' height increase; and
 - 8. Refer to Guidelines for additional direction and guidance.

This motion was passed and adopted on the 23rd day of January, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

- II. Recommend that City Council approve the following proposed regulations with respect to hedges:
1. Allow 12' height limit in required setbacks; Administrative Approval for an exception must be found to comply with the Solar Access Ordinance;
 2. Allow 7½ height limit within 10' of front lot line;
 3. Revise visibility area next to driveways; 3½' height limit within 10' x 10' or 10' x 20' triangle;
 4. Refer to "Intersection Sight Distance" in Guidelines for most corner lots;
 5. Allow Administrative Approval for Minor Exceptions, up to a 4' height increase; and
 6. Refer to Guidelines for additional direction and guidance.

This motion was passed and adopted on the 23rd day of January, 2014 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