



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

June 5, 2014

CALL TO ORDER:

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

I. ROLL CALL

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

Absent: Commissioner Thompson

STAFF PRESENT:

Renee Brooke, Senior Planner
N. Scott Vincent, Assistant City Attorney
Stacey Wilson, Associate Transportation Planner
Dan Gullett, Project 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 May 8, 2014
2. Resolution No. 010-14
1423 Shoreline Drive

MOTION: Jordan/Lodge

Approve the minutes and resolution as presented.

This motion carried by the following vote:

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

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 1:05 P.M.

Kate Schwab, Santa Barbara Downtown Organization, encouraged the Commission to attend First Thursday activities.

With no one else wishing to speak, the hearing was closed at 1:07 P.M.

III. **NEW ITEMS:**

ACTUAL TIME: 1:07 P.M.

A. **APPLICATION OF MARK MANION, ATTORNEY FOR PLAZA DEL ORO LLC, 351, 361, AND 371 SOUTH HITCHCOCK WAY AND 350 AND 360 SOUTH HOPE AVENUE, APN 051-240-004, E-3/PD/SD-2, ONE FAMILY RESIDENTIAL/PLANNED DEVELOPMENT/SPECIAL DESIGN DISTRICT TWO, ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM-HIGH DENSITY RESIDENTIAL (MST2013-00339)**

The Plaza Del Oro development is sited on a 2.96-acre lot known by the following addresses: 351, 361, and 371 South Hitchcock Way and 350 and 360 South Hope Avenue. The site is currently developed with three office buildings totaling 39,338 square feet (351 S. Hitchcock Way and 350 & 360 S. Hope Ave.), a 4,490 square foot restaurant with 80 seats (361 S. Hitchcock Way), a 8,162 square foot movie theater with 594 seats (371 S. Hitchcock Way), and a shared 147-space parking lot. The applicant is requesting to amend a 1976 condition that currently prohibits the theater from operating before 6:30 p.m. on weekdays or at any time when the offices are open.

The discretionary applications required for this project are

1. An Amendment to the Conditions of Approval for the site, required by the October 7, 1976 Board of Land Use Controls approval, related to the operating hours of the movie theater; and
2. A Modification to allow less than the required number of parking spaces on the site (SBMC §28.92.110.A.1).

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

Case Planner: Kelly Brodison, Assistant Planner

Email: KBrodison@SantaBarbaraCA.gov

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

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Mark Manion, Attorney, and Scott Schell, Associated Transportation Engineers, gave the Applicant presentation. The Applicant team included Jeff Gorell, Architect, and Bob Cunningham, Landscape Architect. David Korwin, Metropolitan Theatres was available to answer any questions.

Chair Schwartz opened the public hearing at 1:19 P.M. and with no one wishing to speak, the public hearing was closed.

STRAW POLL:

Would the commission support a different start time or removal of a time restriction for operation of the theater?

- Commissioners Campanella, Lodge, and Jordan supported keeping the requested 1:30 p.m. start time.
- Commissioner Bartlett supported a start time of Noon.
- Commissioners Schwartz and Pujo preferred removal of a time restriction.

STRAW POLL

Would the Commission support a noon time restriction

- Commissioners Bartlett, Lodge, Jordan, Schwartz and Pujo supported a noon time restriction.
- Commissioner Campanella was not in support.

MOTION: Jordan/Lodge

Assigned Resolution No. 013-14

Approve the project, making the findings for the Amendment to the Conditions of Approval and the Parking Modification as outlined in the Staff Report, dated May 29, 2014, subject to the Conditions of Approval in Exhibit A of the Staff Report, with the following revisions to the Conditions of Approval:

1. Change the first sentence of Condition B.1. to read, "Due to potential parking impacts, the theater shall not operate before 12:00 noon on non-holiday weekdays. The theatre may operate on weekends and City holidays without restrictions as to time."

This motion carried by the following vote:

Ayes: 5 Noes: 1 (Campanella) Abstain: 0 Absent: 1 (Thompson)

Chair Schwartz announced the ten calendar day appeal period.

Chair Schwartz called for a recess at 2:06 P.M. and reconvened the meeting at 2:15 P.M.

ACTUAL TIME: 2:15 P.M.

B. APPLICATION OF SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES FOR THE SANTA BARBARA MUSEUM OF NATURAL HISTORY, 2559 PUESTA DEL SOL, APNS 023-271-003 & -004; 023-250-039, -056, -066 & -068, COUNTY ZONING: 20-R-1 (SINGLE FAMILY RESIDENTIAL, 20,000 SQ.FT. MINIMUM LOT SIZE), CITY ZONING: E-1 (ONE FAMILY RESIDENCE), COUNTY GENERAL PLAN DESIGNATION: RES 1.8 (RESIDENTIAL, 1.8 DWELLING UNITS PER ACRE) CITY GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAXIMUM DENSITY THREE DWELLING UNITS PER ACRE) (MST2014-00116)

The City received a request from the Santa Barbara Museum of Natural History (Museum) to initiate annexation of three Museum-owned parcels to the City: APNs 023-250-039; -066; and -068, totaling approximately five acres. Those parcels would be included in the Museum's Master Plan and subject to an updated and consolidated Conditional Use Permit for the Museum. While the Museum institutional complex is within the City, the City-County boundary bisects the land area owned and used by the Museum.

The Museum also requests a Planning Commission Concept Review of its proposed 10-15 year Master Plan, which anticipates the following improvements over that time period: improved accessibility and ADA compliance; full renovations to the Marine/Paleontology/Geology Exhibit Hall and restrooms, including an 82 square foot addition; full replacement of the butterfly exhibit; rehabilitation of Gould Hall; relocation of trash and recycling; new fencing; enhancements to existing outdoor activity areas; landscape improvements; native habitat restoration; mechanical equipment upgrades; and interior repairs to existing buildings. No operational changes to activities, programs or events are proposed. New improvements in the largely undeveloped area proposed for annexation include an enhanced bioswale with an associated boardwalk and overlook, and restoration of the woodland area with replacement of non-native plants with native plants.

In addition to annexation of the three Museum-owned parcels, staff requests that the Planning Commission initiate annexation of two additional privately-owned parcels, adjacent to the Museum property, located at 609 Mission Canyon Road (APNs 023-271-005 & -006), if the property owner consents.

Staff recommends a General Plan Designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) and a Zoning Designation of E-1 (One-Family Residence Zone) for the five parcels considered for annexation.

Case Planner: Dan Gullett, Project Planner

Email: DGullett@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4550

Dan Gullett, Project Planner, gave the Staff presentation.

Luke Swetland, President and CEO of Santa Barbara National History Museum, and Suzanne Elledge, Suzanne Elledge Planning & Permitting Services, gave the

Applicant presentation. Suzanne Van Atta, Landscape Architect; Walter Shacht, Architect; and Barbara Barker, Museum Project Manager, were available to answer any questions.

Chair Schwartz opened the public hearing at 3:05 P.M.

The following people spoke in support of Initiating Annexation of the parcels:

1. Elizabeth Fowler, Santa Barbara Museum of Natural History
2. Virginia Guess, Santa Barbara Museum of Natural History
3. Garry Robinson read letter from Dennis Allen into the record
4. Kevin Snow, Mission Canyon Association
5. Valeria Velasco read a letter from Melinda Greene, neighbor

With no one else wishing to speak, the public hearing was closed at 3:16 P.M.

Chair Schwartz left the dais at 3:31 P.M. and returned at 3:34 P.M.

Concept review comments:

- Commissioner Jordan said he was pleased with the new project and the direction taken. Would like to see employee/staff housing onsite. Referenced Land Use Element Implementation Action LG15-4 and would like best practices developed for institutional uses in neighborhoods. Encouraged circulation improvements with the safe passage project, consistent with Circulation Element Implementation action C1-1. Would like to see more information on single high impact events and their impacts on the neighborhood. Would like a CUP that addresses the concerns from the neighborhood. Loved the idea of the elevated boardwalk and encouraged incorporation in more exhibit areas. Appreciated ADA considerations. Could support the creekside terrace, as the related offsets help balance needs and policies. Commissioners Lodge, Bartlett, and Campanella were supportive of the project and proposed annexation.
- Commissioner Pujó noted that the creekside terrace is highly unusual and unique and stated that documentation and analysis of the terrace will be important when the project returns for the Conditional Use Permit. Also stated that we can't apply a typical creek setback to this project. Looks forward to specifics on continued public access provided across the property from the San Roque neighborhood to the museum. Did not think that conservation easements were the only means of protection for the Woodland area and looked forward to assurances that something will be done to protect the sensitive habitat area.
- Commissioner Bartlett supports the Applicant's approach to address storm water management to the extent feasible. Suggested taking better advantage of spaces between buildings to address storm water runoff and

better enhance visitor experience. Suggested we need flexibility in City standards regarding creek setbacks and to look at unique conditions of creek setback area when looking at storm water management.

- Commissioners Bartlett, Campanella, and Schwartz did not support using a conservation easement to protect the environmentally sensitive habitat area with this project and encouraged staff and the applicant to use a different method for habitat protection with the Conditional Use Permit.
- Commissioner Campanella suggested additional raised boardwalk areas for greater visitor experience. Suggested looking at benefits of treating water on site before it runs into the creek instead of retaining on-site.
- Commissioner Schwartz stated that this is the best project for the site. Appreciates the elevated walkways and the pedestrian access they provide.

MOTION: Lodge/Bartlett

Assigned Resolution No. 014-14

Initiate Annexation of APNs 023-271-005 and -006 and APNs 023-250-039, 023-250-066, and 023-250-068 with a General Plan designation of Low Density Residential with a Maximum Density of Three Dwelling Units per Acre and a Zoning Designation of E-1, as outlined in Item V. of the Staff Report, dated May 29, 2014.

This motion carried by the following vote:

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

Chair Schwartz announced the ten calendar day appeal period.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:07 P.M.

E. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report

- a. Commissioner Jordan reported on the Staff Hearing Officer meeting of May 28, 2014.

2. Other Committee and Liaison Reports

- b. Commissioner Lodge reported on the Parks and Recreation Committee meeting of May 28, 2014.
- c. Commissioner Lodge reported on the Historic Landmarks Commission meeting of June 4, 2014.
- d. Commissioner Campanella reported on the Sustainable Committee Meeting of May 19, 2014.

- e. Commissioner Campanella and Renee Brook, Senior Planner, reported on the Land Development Committee Open House meeting on June 5, 2014.
- 3. Report from the Chair
 - a. Chair Schwartz reported on the Commission having met newly-hired Community Development Director George Buell.
 - b. Commission meetings of June 19, 2014 and July 3, 2014 will be cancelled.
 - c. Reminded the Community of the various activities taking place with First Thursday until 8 P.M.

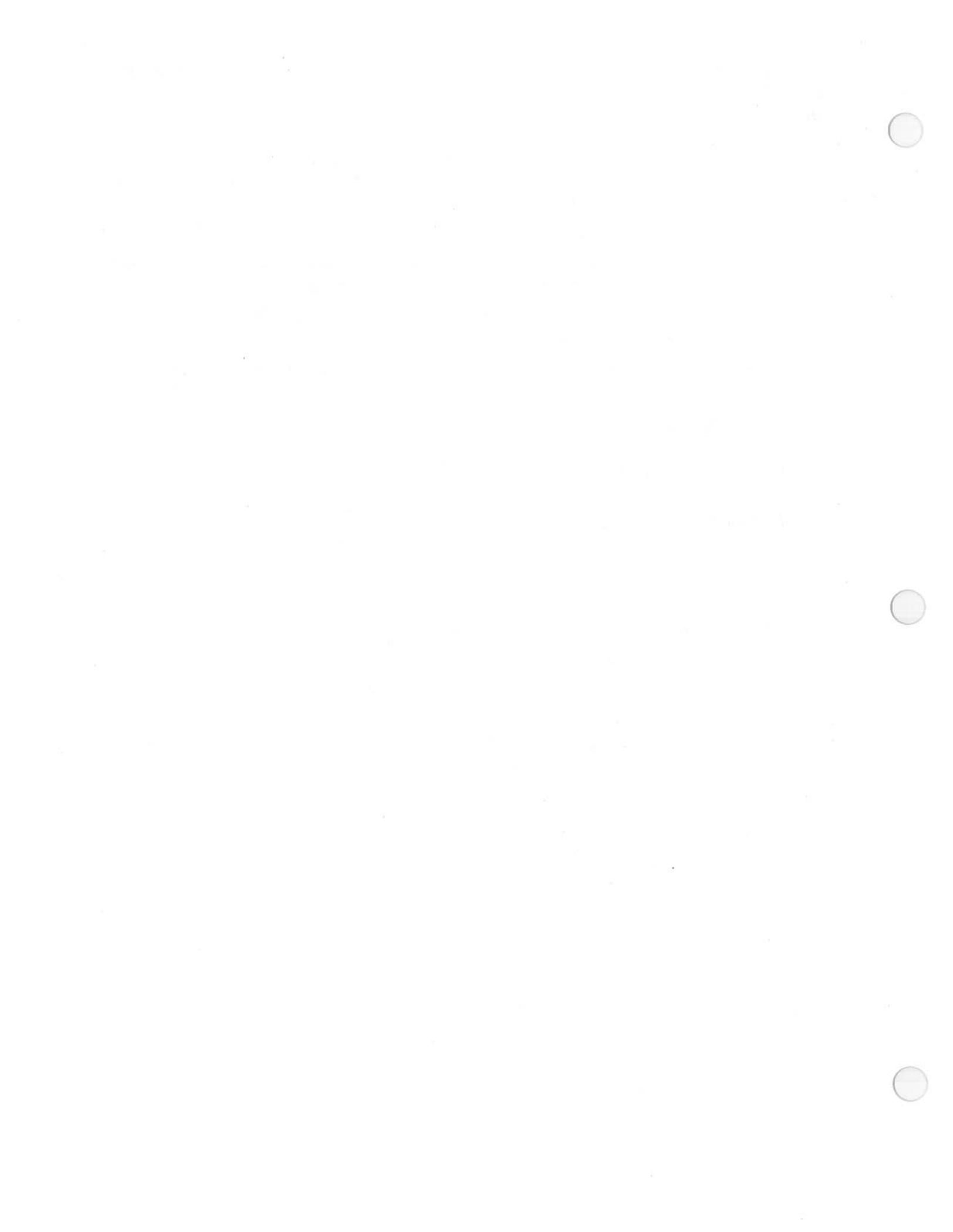
V. ADJOURNMENT

Chair Schwartz adjourned the meeting at 5:15 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT





City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 013-14

351, 361 & 371 SOUTH HITCHCOCK WAY AND
350 & 360 SOUTH HOPE AVENUE
MODIFICATION, CONDITION AMENDMENT
JUNE 5, 2014

APPLICATION OF MARK MANION, ATTORNEY FOR PLAZA DEL ORO LLC, 351, 361, AND 371 SOUTH HITCHCOCK WAY AND 350 AND 360 SOUTH HOPE AVENUE, APN 051-240-004, E-3/PD/SD-2, ONE FAMILY RESIDENTIAL/PLANNED DEVELOPMENT/SPECIAL DESIGN DISTRICT TWO, ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM-HIGH DENSITY RESIDENTIAL (MST2013-00339)

The Plaza Del Oro development is sited on a 2.96-acre lot known by the following addresses: 351, 361, and 371 South Hitchcock Way and 350 and 360 South Hope Avenue. The site is currently developed with three office buildings totaling 39,338 square feet (351 S. Hitchcock Way and 350 & 360 S. Hope Ave.), a 4,490 square foot restaurant with 80 seats (361 S. Hitchcock Way), a 8,162 square foot movie theater with 594 seats (371 S. Hitchcock Way), and a shared 147-space parking lot. The applicant is requesting to amend a 1976 condition that currently prohibits the theater from operating before 6:30 p.m. on weekdays or at any time when the offices are open.

The discretionary applications required for this project are

1. An Amendment to the Conditions of Approval for the site, required by the October 7, 1976 Board of Land Use Controls approval, related to the operating hours of the movie theater; and
2. A Modification to allow less than the required number of parking spaces on the site (SBMC §28.92.110.A.1).

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

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, May 29, 2014.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Barbara Schock, via email
 - b. John Pickerill, Ph.D, via email
 - c. Petition from Rancho Franciscan with 60 signatures
 - d. Petition from neighbors with 54 signatures

- e. Petition from theater customers with 534 signatures

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

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

PARKING MODIFICATION (SBMC §28.92.110.A.1)

The Planning Commission finds that the parking Modification is consistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area. As discussed in Section VI of the Staff Report, the parking lot provides sufficient parking for the existing uses on-site and the proposed operational change to the movie theater.

- 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 (30% of all planning fees, as calculated by staff) at time of building permit application.
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. **Use Limitations.** Due to potential parking impacts, the movie theater shall not show movies operate before ~~1:30~~ 12:00 Noon on non-holiday weekdays. The theater may operate on weekends and City holidays without restriction as to time. ~~without Planning Commission review and approval.~~ Prior to initiating a change in operation, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Owner.
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.
 6. **Recyclable Material Use and Collection for Restaurants.** Restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers. Recyclable material (and green waste) collection and pick-up areas shall be provided on-site for the restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
 7. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee by the property owner/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/unloading areas in order to keep debris from entering the storm water collection system.
- C. **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. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site as approved by the Architectural Board of Review, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
 2. **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.

3. **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.
 4. **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.
- 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. **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.
 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
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, 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 name, telephone number, 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 or six square feet if in a single family zone.
2. **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~~ **Final Inspection of Building Permits.** Prior to receiving issuance of the ~~Certificate of Occupancy~~ **Final Inspection of Building Permits**, 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 are in addition to the conditions identified in Planning Commission Resolution 016-12.
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, road ways, 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. **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 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 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 5th day of June, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 1 (Campanella) ABSTAIN: 0 ABSENT: 1 (Thompson)

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. 014-14

2559 PUESTA DEL SOL AND 609 MISSION CANYON ROAD

INITIATION OF ANNEXATION

JUNE 5, 2014

APPLICATION OF SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES FOR THE SANTA BARBARA MUSEUM OF NATURAL HISTORY, 2559 PUESTA DEL SOL, APNS 023-271-003 & -004; 023-250-039, -056, -066 & -068, COUNTY ZONING: 20-R-1 (SINGLE FAMILY RESIDENTIAL, 20,000 SQ.FT. MINIMUM LOT SIZE), CITY ZONING: E-1 (ONE FAMILY RESIDENCE), COUNTY GENERAL PLAN DESIGNATION: RES 1.8 (RESIDENTIAL, 1.8 DWELLING UNITS PER ACRE) CITY GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAXIMUM DENSITY THREE DWELLING UNITS PER ACRE) (MST2014-00116)

The City received a request from the Santa Barbara Museum of Natural History (Museum) to initiate annexation of three Museum-owned parcels to the City: APNs 023-250-039; -066; and -068, totaling approximately five acres. Those parcels would be included in the Museum's Master Plan and subject to an updated and consolidated Conditional Use Permit for the Museum. While the Museum institutional complex is within the City, the City-County boundary bisects the land area owned and used by the Museum.

In addition to annexation of the three Museum-owned parcels, staff requested that the Planning Commission initiate annexation of two additional privately-owned parcels, adjacent to the Museum property, located at 609 Mission Canyon Road (APNs 023-271-005 & -006), if the property owner consents.

Staff recommended a General Plan Designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) and a Zoning Designation of E-1 (One-Family Residence Zone) for the five parcels considered for annexation.

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

WHEREAS, 5 people appeared to speak in favor of Initiation of Annexation, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 29, 2014
2. Site Plans
3. Correspondence received in support of the project:
 - a. Mission Canyon Association, Santa Barbara, CA
 - b. Bob and Kris Muller, Santa Barbara, CA

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

- I. Held a concept review on the Museum's proposed Master Plan and initiated annexation of three Santa Barbara Museum of Natural History-owned parcels (APNs 023-250-039, 023-250-066, and 023-250-068) and two privately-owned parcels at 609 Mission Canyon Road (APNs 023-271-005 and -006), with a General Plan Designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) and a Zoning Designation of E-1 (One-Family Residence Zone).

This motion was passed and adopted on the 5th day of June, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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

PLANNING COMMISSION STAFF REPORT

REPORT DATE: July 10, 2014
AGENDA DATE: July 17, 2014
PROJECT ADDRESS: 500 Ninos Drive (MST2013-00465)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4531
 Renee Brooke, AICP, Senior Planner *RLB*
 Kelly Brodison, Assistant Planner *KAB*

I. PROJECT DESCRIPTION

The project consists of a new 1,300 square foot giraffe barn at the Santa Barbara Zoo. The structural steel and plaster enclosure will be 24'-8" tall with two sliding entry doors and sliding panels at the top of two walls for ventilation. The structure will be heated with gas-powered space heaters and illuminated by low impact security lighting. No grading will be required and the existing concrete pad adjacent to the existing giraffe barn will be reused in its current location. The project also includes an approximately 8,000 square foot bio-infiltration/filtration system to address on-site storm water management.

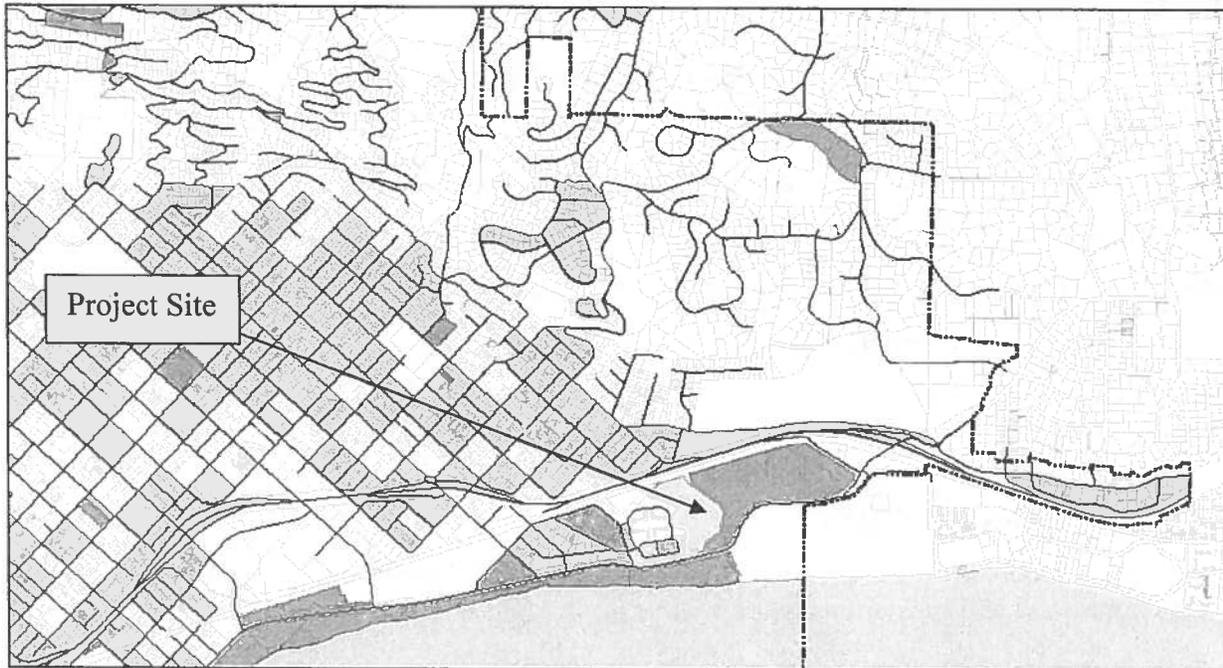
II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Coastal Development Permit (CDP2014-00007) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

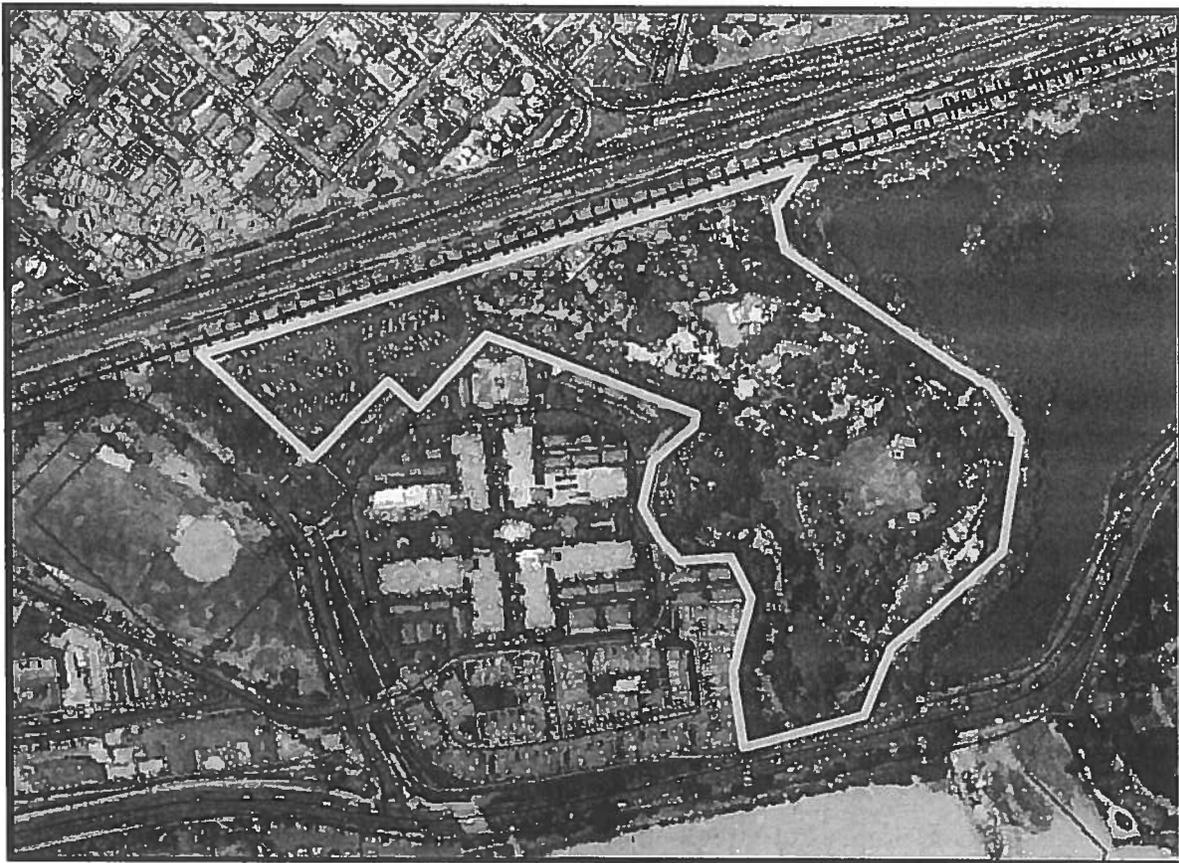
APPLICATION DEEMED COMPLETE: May 28, 2014
DATE ACTION REQUIRED: July 27, 2014

III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. In addition, the size and massing of the proposed giraffe barn are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section X of this report, and subject to the conditions of approval in Exhibit A.



500 Ninos Drive – Vicinity Map



Aerial Photo